AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

FEDERAL REGISTER

Vol. 91 Monday,
No. 118 June 22, 2026

Pages 36963–37306

OFFICE OF THE FEDERAL REGISTER

The **FEDERAL REGISTER** (ISSN 0097–6326) is published daily, Monday through Friday, except official holidays, by the Office of the Federal Register, National Archives and Records Administration, under the Federal Register Act (44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). The Superintendent of Documents, U.S. Government Publishing Office, is the exclusive distributor of the official edition. Periodicals postage is paid at Washington, DC.

The **FEDERAL REGISTER** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders, Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress, and other Federal agency documents of public interest.

Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless the issuing agency requests earlier filing. For a list of documents currently on file for public inspection, see *www.federalregister.gov.*

The seal of the National Archives and Records Administration authenticates the Federal Register as the official serial publication established under the Federal Register Act. Under 44 U.S.C. 1507, the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** is published in paper and on 24x microfiche. It is also available online at no charge at *www.govinfo.gov*, a service of the U.S. Government Publishing Office.

The online edition of the **Federal Register** is issued under the authority of the Administrative Committee of the Federal Register as the official legal equivalent of the paper and microfiche editions (44 U.S.C. 4101 and 1 CFR 5.10). It is updated by 6:00 a.m. each day the **Federal Register** is published and includes both text and graphics from Volume 1, 1 (March 14, 1936) forward. For more information, contact the GPO Customer Contact Center, U.S. Government Publishing Office. Phone 202-512-1800 or 866-512-1800 (toll free). E-mail, *gpocusthelp.com.*

The annual subscription price for the **Federal Register** paper edition is $860 plus postage, or $929, for a combined **Federal Register, Federal Register** Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the **Federal Register** Index and LSA is $330, plus postage. Six month subscriptions are available for one-half the annual rate. The prevailing postal rates will be applied to orders according to the delivery method requested. The price of a single copy of the daily **Federal Register,** including postage, is based on the number of pages: $11 for an issue containing less than 200 pages; $22 for an issue containing 200 to 400 pages; and $33 for an issue containing more than 400 pages. Single issues of the microfiche edition may be purchased for $3 per copy, including postage. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA, MasterCard, American Express, or Discover. Mail to: U.S. Government Publishing Office—New Orders, P.O. Box 979050, St. Louis, MO 63197-9000; or call toll free 1-866-512-1800, DC area 202-512-1800; or go to the U.S. Government Online Bookstore site, see *bookstore.gpo.gov.*

There are no restrictions on the republication of material appearing in the **Federal Register.**

How To Cite This Publication: Use the volume number and the page number. Example: 91 FR 12345.

Postmaster: Send address changes to the Superintendent of Documents, Federal Register, U.S. Government Publishing Office, Washington, DC 20402, along with the entire mailing label from the last issue received.

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

Paper or fiche	**202–512–1800**
Assistance with public subscriptions	**202–512–1806**
General online information	**202–512–1530; 1–888–293–6498**

Single copies/back copies:

Paper or fiche	**202–512–1800**
Assistance with public single copies	**1–866–512–1800 (Toll-Free)**

FEDERAL AGENCIES

Subscriptions:

Assistance with Federal agency subscriptions:

Email	*FRSubscriptions@nara.gov*
Phone	**202–741–6000**

The Federal Register Printing Savings Act of 2017 (Pub. L. 115–120) placed restrictions on distribution of official printed copies of the daily **Federal Register** to members of Congress and Federal offices. Under this Act, the Director of the Government Publishing Office may not provide printed copies of the daily **Federal Register** unless a Member or other Federal office requests a specific issue or a subscription to the print edition. For more information on how to subscribe use the following website link: *https://www.gpo.gov/frsubs.*

Printed on recycled paper.

Contents

Federal Register

Vol. 91, No. 118

Monday, June 22, 2026

Agriculture Department
See Animal and Plant Health Inspection Service
See Economic Research Service
See National Institute of Food and Agriculture

Alcohol, Tobacco, Firearms, and Explosives Bureau
NOTICES
Commerce in Explosives:
2026 Annual List of Explosive Materials, 37142–37145

Animal and Plant Health Inspection Service
NOTICES
Environmental Assessments; Availability, etc.:
Field Release of Aphalara itadori (Hemiptera: Psyllidae) from Murakami, Japan, for Classical Biological Control of Japanese, Giant, and Bohemian Knotweeds Fallopia japonica, F. sachalinedsis, and F. x bohemica (Polygonaceae), 37068–37069

Antitrust Division
NOTICES
Changes under the National Cooperative Research and Production Act:
1EdTech Consortium, Inc., 37148
ASTM International, 37148
Bytecode Alliance Foundation, 37146
Canton Foundation (F/K/A Global Synchronizer Foundation), 37145
Information Warfare Research Project Consortium, 37146
ODVA, Inc., 37147
Open Mobile Alliance, 37145–37146
PXI Systems Alliance, Inc., 37146–37147
Rust Foundation, 37147
The Institute of Electrical and Electronics Engineers, Inc., 37145
UHD Alliance, 37147–37148

Coast Guard
RULES
Safety Zone:
Delaware River, Philadelphia, PA, 36992–36993
Offshore, Ritidian Point, GU, 36993–36995
Toms River, Beachwood, NJ, 36991–36992
Safety Zones:
Annual Events in the Captain of the Port Eastern Great Lakes Zone, 36995

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

Comptroller of the Currency
NOTICES
Policy Statement:
Minority Depository Institutions, 37227–37228

Economic Research Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 37069–37070

Education Department
NOTICES
2026–2027 Award Year Deadline Dates for Reports and Other Records:
Free Application for Federal Student Aid Form, the Federal Supplemental Educational Opportunity Grant Program Program, the Federal Work-Study Program, etc., 37096–37100
Mutual Education and Cultural Exchange Program Competition, 37100–37101

Energy Department
See Federal Energy Regulatory Commission
RULES
Application for Authorization to Transmit Electric Energy to a Foreign Country, 36970–36975
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 37101

Environmental Protection Agency
RULES
Air Quality State Implementation Plans; Approvals and Promulgations:
Oregon; Update to Materials Incorporated by Reference, 36995–37022
Congressional Review Act Revocation:
National Emission Standards for Hazardous Air Pollutants: Rubber Tire Manufacturing, 37274–37306
EPCRA Hazardous Chemical Inventory Reporting Requirements:
Conformity with the 2024 OSHA Hazard Communication Standard, 37022–37043
PROPOSED RULES
National Emission Standards for Hazardous Air Pollutants:
Crude Oil and Natural Gas Production Facilities and Natural Gas Transmission and Storage Facilities; Technology Review and Reconsideration; Extension of Comment Period, 37065–37066
Pesticide Tolerance; Exemptions, Petitions, Revocations, etc.:
Petitions Filed for Residues of Pesticide Chemicals in or on Various Commodities—March 2026, 37066–37067
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Agricultural Worker Protection Standard Training, Notification and Recordkeeping, 37105
Clean School Bus Rebate Program, 37113
Microbial Rules, 37109–37110
NESHAP for Radionuclides, 37110
RCRA Expanded Public Participation, 37110–37111
Revisions to the RCRA Definition of Solid Waste, 37116–37117
State Program Adequacy Determination: Municipal Solid Waste Landfills and Non-Municipal, Non-Hazardous Waste Disposal Units that Receive Conditionally Exempt Small Quantity Generator Hazardous Waste, 37114
Trade Secret Claims for Community Right-to-Know and Emergency Planning, 37115–37116

Clean Air Act Operating Permit Program:
Petition for Objection to State Operating Permit for Lubrizol Corp., Harris County, TX, 37104–37105
Petition for Objection to State Operating Permit for ExxonMobil Corp., Harris County, TX, 37116
Petition for Objection to State Operating Permit for Intercontinental Terminals Co., LLC, Harris County, TX, 37114–37115
Petitions for Objection to State Operating Permit for TPC Group, LLC, Harris County, TX, 37116
Hearings, Meetings, Proceedings, etc.:
Science Advisory Committee on Chemicals Peer Review; 1,2-dichloropropane (1,2-DCP); 1,1,2-trichloroethane (1,1,2-TCA); trans-1,2-dichloroethylene (tDCE); etc., 37106–37109
Pesticide Product Registration:
Applications for New Active Ingredients (March 2026), 37111–37113

Federal Aviation Administration
RULES
Airspace Designations and Reporting Points:
Rosenberg, TX, 36975–36976
PROPOSED RULES
Airspace Designations and Reporting Points:
Belmont, MS, 37059–37061
Eastern United States, 37062–37065
Great Falls, MT, 37061–37062
Airworthiness Directives:
Bell Textron Canada Limited Helicopters, 37057–37059

Federal Communications Commission
RULES
Deletion of Obsolete Regulations, 37043–37047

Federal Emergency Management Agency
RULES
Rescinding Portions of DHS Title VI Regulations to Conform More Closely with the Statutory Text and to Implement Executive Order 14281, 36963–36970

Federal Energy Regulatory Commission
NOTICES
Application:
PacifiCorp, Reasonable Period of Time for Water Quality Certification, 37101–37102
Combined Filings, 37102–37104
Records Governing Off-the-Record Communications, 37104
Scoping Comment Sessions and Environmental Site Review:
City of Spokane, 37102

Federal Highway Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 37214–37216
Design Challenge for National Memorial to Fallen Highway Workers in Work Zones, 37211–37214

Federal Maritime Commission
NOTICES
Complaint:
Orleans International, Inc., Complainant v. Hapag Lloyd AG, Respondent, 37117

Federal Motor Carrier Safety Administration
RULES
Completed Inspection Report Disposition, 37053–37056
Removal of Self-Reporting Requirement, 37047–37050
Rescissions:
Requirement for Electronic Logging Device Operator's Manual Located in Commercial Motor Vehicles, 37050–37053
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Techniques for Preventing and Enforcing Controlled Substance and Alcohol Violations among Non-Commercial Driver's License Commercial Motor Vehicle Drivers, 37218–37220
Exemption Application:
Qualification of Drivers; Epilepsy and Seizure Disorders, 37216–37218, 37220–37224

Federal Reserve System
NOTICES
Formations of, Acquisitions by, and Mergers of Bank Holding Companies, 37118

Federal Trade Commission
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 37119–37120
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Voluntary Surveys for Studies Conducted by the Federal Trade Commission Bureau of Economics to Support the FTC's Missions to Protect Consumers and Competition, 37118–37119

Financial Crimes Enforcement Network
PROPOSED RULES
Permitted Payment Stablecoin Issuer Customer Identification Program, 37234–37272

Food and Drug Administration
RULES
Medical Devices:
Gastroenterology-Urology Devices; Classification of the Endoscopic Light-Projecting Measuring Device, 36980–36982
Gastroenterology-Urology Devices; Classification of the Endoscopic Traction Device, 36982–36984
Immunology and Microbiology Devices; Classification of the Simple In Vitro Diagnostic Device for the Detection of Secreted Proteins From Bacillus Species (spp.) in Human Clinical Samples, 36976–36980
NOTICES
Withdrawal of Approval of Drug Application:
Epizyme, Inc.; TAZVERIK (Tazemetostat) Tablet, 200 Milligrams, 37120–37121

Foreign-Trade Zones Board
NOTICES
Approval of Subzone Status:
Phillips 66 Co., Billings, MT, 37072
Authorization of Production Activity:
Lithionics Battery, LLC, Foreign-Trade Zone 193, Clearwater, FL, 37072–37073
Proposed Production Activity:
Super Micro Computer, Inc., Foreign-Trade Zone 18, San Jose, Fremont, and Milpitas, CA, 37072

Geological Survey
NOTICES
Hearings, Meetings, Proceedings, etc.:
Advisory Committee on Landslides, 37123

Health and Human Services Department
See Food and Drug Administration
See Health Resources and Services Administration

Health Resources and Services Administration
NOTICES
340B Rebate Model Pilot Program Application, Implementation, and Evaluation; Correction, 37121

Homeland Security Department
See Coast Guard
See Federal Emergency Management Agency
RULES
Rescinding Portions of DHS Title VI Regulations to Conform More Closely with the Statutory Text and to Implement Executive Order 14281, 36963–36970

Housing and Urban Development Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Restriction on Assistance to Noncitizens and Authorization to Release Information/Privacy Act, 37121–37123

Interior Department
See Geological Survey
See National Park Service
See Surface Mining Reclamation and Enforcement Office

Internal Revenue Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Escrow Funds and Other Similar Funds, 37229
Residence of Trusts and Estates, 37229–37230

International Trade Administration
NOTICES
Antidumping or Countervailing Duty Investigations, Orders, or Reviews:
1,1,1,2-Tetrafluoroethane (R–134a) from the People's Republic of China, 37073–37074
Carbazole Violet Pigment 23 from India, 37076–37077
Certain Activated Carbon from the People's Republic of China; Correction, 37085
Prestressed Concrete Steel Wire Strand from Spain, 37074–37076
User Fees for Export and Investment Promotion Services/Events, 37077–37085

International Trade Commission
NOTICES
Complaint, 37140–37142

Justice Department
See Alcohol, Tobacco, Firearms, and Explosives Bureau
See Antitrust Division
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Census of State and Local Law Enforcement Agencies, 37149–37150
Reporting Portal for Civil Rights Violations, 37148–37149

Labor Department
See Labor Statistics Bureau
See Workers Compensation Programs Office

Labor Statistics Bureau
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Data Sharing Program, 37150–37151

Maritime Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Capital Construction Fund and Exhibits, 37225

National Credit Union Administration
NOTICES
Meetings; Sunshine Act, 37152

National Highway Traffic Safety Administration
NOTICES
Petition for Decision of Inconsequential Noncompliance:
Ford Motor Co., 37225–37227

National Institute of Food and Agriculture
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 37070–37072

National Oceanic and Atmospheric Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Reporting Requirements for the Ocean Salmon Fishery Off the Coasts of Washington, Oregon, and California, 37095–37096
Comparability Findings for Suriname under the Import Provisions of the Marine Mammal Protection Act, 37086–37087
Taking or Importing of Marine Mammals:
Coeur Alaska, Inc.'s Kensington Dock Repair Project in Berners Bay, AK, 37085–37086
HEX Operating, LLC Natural Gas Activities in Cook Inlet, AK, 37088–37095
Marine Geophysical Survey in the Western Central Atlantic Ocean, 37087–37088

National Park Service
NOTICES
Inventory Completion:
Mississippi Department of Archives and History, Jackson, MS, 37123–37124
Murray State University Archaeology Laboratory, Murray, KY, 37129–37130, 37132–37135, 37137
School of Social Science and Global Studies, University of Southern Mississippi, Hattiesburg, MS, 37126
The Metropolitan Museum of Art, New York, NY, 37125–37126
U.S. Department of the Interior, Bureau of Land Management, Lakeview, OR, 37124–37125
U.S. Department of the Interior, Bureau of Land Management, Oregon/Washington State Office, Roseburg District Office, Roseburg, OR, 37130–37131
University of Pennsylvania Museum of Archaeology and Anthropology, Philadelphia, PA, 37133
Repatriation of Cultural Items:
American Museum of Natural History, New York, NY, 37131
Ball State University, Muncie, IN, 37133–37134
Diablo Valley College, Pleasant Hill, CA, 37131–37132
Fort Lewis College, Durango, CO, 37129

Hudson Museum, University of Maine, Orono, ME, 37128
Kalamazoo Valley Museum, Kalamazoo, MI, 37126–37127
Robert S. Peabody Institute of Archaeology, Andover, MA, 37135–37136
U.S. Department of the Interior, Bureau of Indian Affairs, Washington, DC, and the American Museum of Natural History, New York, NY, 37136
University of Alabama Museums, Tuscaloosa, AL, 37127–37128
Wesleyan University, Archaeology & Anthropology Collections, Middletown, CT, 37137–37138

Nuclear Regulatory Commission
NOTICES
Meetings; Sunshine Act, 37152
Regulatory Guide:
Acceptability of ASME OM–2 Code, Component Testing Requirements at Nuclear Facilities; Correction, 37152–37153

Pipeline and Hazardous Materials Safety Administration
NOTICES
Pipeline Safety:
Advisory Bulletin on Preventing Excavation Damage During National Safe Digging Month and Beyond; Correction, 37227

Postal Regulatory Commission
NOTICES
New Postal Products, 37153–37154

Railroad Retirement Board
NOTICES
Meetings; Sunshine Act, 37154

Securities and Exchange Commission
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 37154, 37169–37171, 37191
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Annual Statement of Beneficial Ownership, 37159
Application for EDGAR Access, 37172
Initial Statement of Beneficial Ownership of Securities, 37174
Notice of Proposed Sale of Securities Pursuant to Rule 144 under the Securities Act of 1933, 37173–37174
Statement of Changes in Beneficial Ownership of Securities, 37167–37168
Application:
Benjamin Partners LLC, 37168
Joint Industry Plan:
Establishing Procedures to Add Texas Stock Exchange LLC as a Participant, 37196–37197
Meetings; Sunshine Act, 37171–37172
Self-Regulatory Organizations; Proposed Rule Changes:
24X National Exchange LLC, 37179–37184
Cboe Exchange, Inc., 37189–37191
Nasdaq ISE, LLC, 37170–37173
Nasdaq MRX, LLC, 37164–37167
New York Stock Exchange LLC, 37160–37164
NYSE American LLC, 37174–37179, 37201–37208
NYSE Arca, Inc., 37184–37189, 37191–37196
NYSE National, Inc., 37155–37159
NYSE Texas, Inc., 37197–37201

Social Security Administration
NOTICES
Privacy Act; Matching Program; Correction, 37208–37209

Surface Mining Reclamation and Enforcement Office
RULES
Regulatory Program:
West Virginia, 36984–36991
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Special Permanent Program Performance Standards—Operations in Alluvial Valley Floors, 37139–37140
Technical Evaluation Surveys, 37139

Surface Transportation Board
NOTICES
Exemption:
Construction and Operation; Laredo Gateway Industrial Railway in Webb County, TX, 37209–37211
Quarterly Rail Cost Adjustment Factor, 37209

Transportation Department
See Federal Aviation Administration
See Federal Highway Administration
See Federal Motor Carrier Safety Administration
See Maritime Administration
See National Highway Traffic Safety Administration
See Pipeline and Hazardous Materials Safety Administration

Treasury Department
See Comptroller of the Currency
See Financial Crimes Enforcement Network
See Internal Revenue Service

Unified Carrier Registration Plan
NOTICES
Requests for Nominations:
Board of Directors, 37230

Veterans Affairs Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
IBM SkillsBuild Training Program Intake Application, 37231

Workers Compensation Programs Office
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Application for Continuation of Death Benefit for Student; Correction, 37152
Certification of Funeral Expenses (LS–265); Correction, 37151

Separate Parts In This Issue

Part II
Treasury Department, Financial Crimes Enforcement Network, 37234–37272

Part III
Environmental Protection Agency, 37274–37306

Reader Aids

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

To subscribe to the Federal Register Table of Contents electronic mailing list, go to https://public.govdelivery.com/accounts/USGPOOFR/subscriber/new, enter your e-mail address, then follow the instructions to join, leave, or manage your subscription.

CFR PARTS AFFECTED IN THIS ISSUE

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

6 CFR
21 36963

10 CFR
205 36970

14 CFR
71 36975

Proposed Rules:
39 37068
71 (3 documents) 37059, 37061, 37062

21 CFR
866 36976
876 (2 documents) 36980, 36982

30 CFR
948 36984

31 CFR

Proposed Rules:
1033 37234

33 CFR
165 (4 documents) 36991, 36992, 36993, 36995

40 CFR
52 36995
63 37274
370 37022

Proposed Rules:
63 37065
174 37066
180 37066

44 CFR
7 36963

47 CFR
1 37043
73 37043
90 37043
95 37043

49 CFR
383 37047
384 37047
395 37050
396 37053

Rules and Regulations

Federal Register
Vol. 91, No. 118
Monday, June 22, 2026

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

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

DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

6 CFR Part 21

Federal Emergency Management Agency

44 CFR Part 7

[Docket No. DHS–2025–1009]

RIN 1601–AB22

Rescinding Portions of DHS Title VI Regulations To Conform More Closely With the Statutory Text and To Implement Executive Order 14281

AGENCY: Office of the Secretary, Department of Homeland Security (DHS).

ACTION: Final rule.

SUMMARY: By this rule, DHS amends its regulations implementing Title VI of the Civil Rights Act of 1964 (Title VI) consistent with a recent rule issued by the Department of Justice (DOJ). Like the DOJ rule, this rule aligns the DHS regulations more closely with Title VI's original public meaning, avoids constitutional concerns, reduces compliance costs, and serves the public interest.

DATES: The rule is effective June 22, 2026.

FOR FURTHER INFORMATION CONTACT: Ron Sartini, Acting Officer for Civil Rights and Civil Liberties, Office for Civil Rights and Civil Liberties, U.S. Department of Homeland Security, *CRCLCompliance@hq.dhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

A. DHS and FEMA Title VI Regulations

The Homeland Security Act of 2002, Public Law 107–296, 116 Stat. 2135 (Nov. 25, 2002), codified as amended at 6 U.S.C. 101 *et seq.,* created DHS and transferred to it many functions related to homeland security, including the handling of natural and manmade crisis and emergency planning. *See, e.g.,* 6 U.S.C. 111, 311–323. Pursuant to the Homeland Security Act, the Federal Emergency Management Agency (FEMA) was merged into DHS effective March 1, 2003.[1] As part of the establishment of procedures, DHS issued an interim final rule on March 6, 2003, to effectuate Title VI, which prohibits discrimination on the basis of race, color, or national origin in any programs or activities receiving Federal financial assistance.[2] The DHS Title VI regulations (DHS rule) were included in a new Part 21 of Title 6 of the Code of Federal Regulations (CFR).

The DHS rule effectuated the provisions of Title VI by providing for the conduct of investigations and procedures for effecting compliance, among other requirements. The rule generally mirrored rules in effect at that time at other departments, including those applicable to the constituent components that were transferred to DHS. *See, e.g.,* 44 CFR part 7, subpart A. Because FEMA had previously issued a Title VI rule under its own preexisting authority,[3] that rule, at 44 CFR part 7, subpart A (FEMA rule), remained in effect for FEMA under the terms of the DHS rule.[4]

B. 2025 DOJ Rule

Pursuant to Executive Order 12250, ''[t]he Attorney General shall coordinate the implementation and enforcement by Executive agencies of . . . Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d *et seq.*).'' Accordingly, DOJ acts as the lead federal agency responsible for defining the nature and scope of Title VI's prohibition of discrimination on the basis of race, color, and national origin in programs or activities receiving Federal financial assistance. Executive Order 12250 directs DOJ, among other things, to ''develop standards and procedures for taking enforcement actions and for conducting investigations and compliance reviews.'' Further, as part of this responsibility, Executive Order 12250 provides that the Attorney General must approve other agencies' Federal regulations implementing Title VI.

On December 10, 2025, DOJ issued a final rule (DOJ rule) amending portions of its Title VI regulations to more closely align its regulations to the scope of intentionally discriminatory conduct that Congress prohibited in Title VI. 90 FR 57141 (Dec. 10, 2025). DOJ explained that there were serious statutory and constitutional concerns with the Title VI regulations, which went beyond intentional discrimination by prohibiting conduct that has an unintentional disparate impact. 90 FR at 57141. DOJ also explained that policy concerns independently supported amending its Title VI regulations to no longer cover conduct that has an unintentional disparate impact. 90 FR at 57143–57145. The DOJ rule accordingly rescinded those portions of the regulations that prohibited conduct having a disparate impact. *Id.*

DOJ also explained that its revised rule is consistent with Executive Order 14281 ''*Restoring Equality of Opportunity and Meritocracy*'' (90 FR 17537 (Apr. 28, 2025)). 90 FR at 57142–43. That Order stated that ''[i]t is the policy of the United States to eliminate the use of disparate-impact liability in all contexts to the maximum degree possible to avoid violating the Constitution, Federal civil rights laws, and basic American ideals.'' 90 FR 17537. The Order directed the Attorney General to, among other things, review Title VI regulations and ''initiate appropriate action to repeal or amend'' these regulations ''to the extent they contemplate disparate-impact liability.'' *Id.* at 17538. DOJ explained that although DOJ would have issued its rule independent of Executive Order 14281, the Order supports the DOJ rule. 90 FR 57141. Like DOJ, DHS would issue its rule independent of Executive Order 14281, but the Order also supports DHS's rule.

DOJ explained that the deletions make clear to DOJ Federal-funding recipients that DOJ's Title VI regulations prohibit intentional discrimination and do not

[1] Homeland Security Act of 2002, Public Law 107–296, 116 Stat. 2135 (Nov. 25, 2002).

[2] 68 FR 10905 (Mar. 6, 2003) (implementing Title VI of the Civil Rights Act of 1964); *see also* 42 U.S.C. 2000d.

[3] *See, e.g.,* 30 FR 321 (Jan. 9, 1965) (Office of Emergency Planning Rule); 68 FR 51334 (Aug. 26, 2003) (omnibus update to Title VI rules, including FEMA rules).

[4] *See* 6 CFR 21.1 (''The provisions established by this part shall be effective for all components of the Department, including all Department components that are transferred to the Department, except to the extent that a Department component already has existing title VI regulations.'').

prohibit conduct or activities that have an unintentional disparate impact, and DOJ thus will not pursue Title VI disparate-impact liability against its Federal-funding recipients. *Id.* at 57141.

DOJ also included a detailed discussion of the statutory and regulatory history surrounding Title VI and disparate-impact theories of discrimination, canvassed relevant Supreme Court precedent casting doubt on the lawfulness of existing regulations, and expressed serious policy concerns with the disparate-impact and affirmative-action aspects of then-existing DOJ regulations. *Id.* at 57141–45. DHS agrees with the substance of DOJ's final rule and adopts and incorporates DOJ's final rule preamble discussion in full, including the sections addressing: (1) statutory and regulatory history of Title VI; (2) relevant Supreme Court precedents; (3) serious legal and constitutional concerns; (4) serious policy concerns; (5) regulatory alternatives; and (6) reliance interests.

C. Need for Rulemaking

DHS's regulations at 6 CFR 21.5, entitled ''Discrimination prohibited,'' and FEMA's regulations at 44 CFR 7.5, entitled ''Specific discriminatory actions prohibited,'' contain several provisions that go beyond the statutory text and constitutional requirements by prohibiting facially neutral policies that have a disparate impact and in some instances encourage or even require unlawful discrimination labeled as ''affirmative action.'' There are serious statutory and constitutional concerns with the legality of DHS's and FEMA's Title VI disparate-impact regulations. DHS also has serious policy concerns with its current disparate-impact regulations because they create confusion, undermine public confidence in the nation's civil rights laws and the rule of law, and produce burdensome litigation and compliance costs.

1. Serious Legal Concerns

There are serious statutory concerns as to whether Title VI authorizes the disparate-impact provisions of the current regulations. As the Supreme Court has made clear, Title VI prohibits ''only intentional discrimination'' and ''permits'' facially neutral policies that result in disparate outcomes when there is no discriminatory intent. *Alexander* v. *Sandoval,* 532 U.S. 275, 280, 286 n.6 (2001). That is the ''single, best meaning'' of Title VI. *Loper Bright Enterprises* v. *Raimondo,* 603 U.S. 369, 400 (2024). *Sandoval* calls into serious doubt the legality of DHS's ''disparate-impact regulations.'' *Sandoval,* 532 U.S. at 281–82, 284–85 (noting that DOJ's regulations were in ''considerable tension'' with the Supreme Court's Title VI precedents); *see also id.* at 286 n.6 (''[Title VI] permits the very behavior that the regulations forbid.''). Although *Sandoval* resolved only the question of private enforceability, subsequent cases such as *Loper Bright* have made clear that DHS cannot extend Title VI beyond its original public meaning. *See* 603 U.S. at 412–13 (holding that ''courts must . . . ensur[e] that [an] agency acts within'' its statutory authority). And even in the absence of Supreme Court precedent, DHS would have concluded that the best reading of Title VI is that it prohibits only intentional discrimination.

Title VI authorizes agencies to promulgate regulations ''to effectuate'' the statute's prohibition of intentional discrimination. 42 U.S.C. 2000d–1. The current regulations' extension of prohibited conduct to include conduct with an unintentional disparate impact reaches a vastly broader scope than the statute itself. This scope is too broad to be considered a simple prophylactic measure aimed at preventing intentional discrimination. *See Sandoval,* 532 U.S. at 286 n.6 (''[Title VI] permits the very behavior that the regulations forbid.''). Thus, the disparate-impact regulations do not ''effectuate'' Title VI. 42 U.S.C. 2000d–1.

There are also serious concerns about whether DHS's Title VI regulations pass constitutional muster under the Equal Protection Clause. As the Supreme Court recently held in *Students for Fair Admissions, Inc.* v. *President & Fellows of Harvard College* (''*SFFA*''), ''the Equal Protection Clause . . . applies without regard to any differences of race, of color, or of nationality—it is universal in its application'' and the ''guarantee of equal protection cannot mean one thing when applied to one individual and something else when applied to a person of another color.'' 600 U.S. 181, 206 (2023) (internal quotation marks omitted) (first quoting *Yick Wo* v. *Hopkins,* 118 U.S. 356, 369 (1886) and then quoting *Regents of Univ. of Cal.* v. *Bakke,* 438 U.S. 265, 289–90 (1978) (Powell, J.)). Despite the promises of the Equal Protection Clause, a funding recipient's risk of disparate-impact liability under DHS's regulations is triggered by unintentional disparate outcomes, which the recipient may not even know about without investigation. To evaluate and avoid this risk, the funding recipient must incur investigatory costs, such as conducting an impact analysis, and is coerced to proactively consider race, color, and national origin, and potentially use it to change the unintended disparate outcomes. In short, disparate-impact liability encourages and, in some cases, requires covered entities to engage in the intentional use of race and racial balancing to eliminate those disparate outcomes by treating certain racial groups differently from others—the exact conduct the Equal Protection Clause forbids. *See id.* The serious constitutional concerns raised by these perverse incentives further confirm that the best reading of Title VI is that it prohibits only intentional discrimination and does not authorize DHS to impose disparate-impact liability. *See Edward J. DeBartolo Corp.* v. *Fla. Gulf Coast Bldg. & Constr. Trades Council,* 485 U.S. 568, 575 (1988) (''[W]here an otherwise acceptable construction of a statute would raise serious constitutional problems, the Court will construe the statute to avoid such problems unless such construction is plainly contrary to the intent of Congress.'' (citing *NLRB* v. *Catholic Bishop of Chi.,* 440 U.S. 490, 499–501, 504 (1979))).

This encouraged or coerced use of race, color, or national origin violates the Equal Protection Clause unless it survives review under the ''daunting'' strict-scrutiny standard. *SFFA,* 600 U.S. at 206; *see also Free Speech Coal., Inc.* v. *Paxton,* 145 S. Ct. 2291, 2310 (2025) (''Strict scrutiny—which requires a restriction to be the least restrictive means of achieving a compelling governmental interest—is 'the most demanding test known to constitutional law.''' (quoting *City of Boerne* v. *Flores,* 521 U.S. 507, 534 (1997))). The use of race, color, or national origin necessitated by the disparate-impact provisions runs into serious issues with the requirement of narrow tailoring to achieve a compelling interest. *SFFA,* 600 U.S. at 206–07.

Similarly, the ''affirmative action'' provision authorizes and sometimes requires the intentional use of race without requiring that this intentional use be narrowly tailored to serve a recognized compelling interest. Instead, it encourages intentional racial balancing ''to overcome the effects of'' unintended racial disparities. 6 CFR 21.5(b)(6). Thus, for substantially the same reasons as above, the ''affirmative action'' provision raises serious constitutional concerns.

As summarized above, there are serious statutory and constitutional concerns with DHS's disparate-impact regulations. But even if the regulations were consistent with the statute, DHS finds that eliminating the potential constitutional concerns addressed above

would independently justify the amendment of the regulations. *Cf. U.S. Tel. Ass'n* v. *FCC,* 188 F.3d 521, 528 (D.C. Cir. 1999) (concluding it was not ''arbitrary and capricious'' to adopt a certain policy in order to ''avoid[ ] raising a non-trivial constitutional question''). And even if the regulations did not raise serious constitutional concerns, DHS finds that eliminating the costs and confusion caused by the mismatch between the statute and the disparate-impact regulations would independently justify the repeal of the regulations.

2. Serious Policy Concerns

DHS also has serious policy concerns with the Title VI regulations' imposition of disparate-impact liability. While DHS expresses its policy concerns with disparate-impact liability independent of Executive Order 14281, that Order sets forth many valid policy concerns with disparate-impact liability. As noted in section 1 of the Order, ''On a practical level, disparate-impact liability has hindered businesses from making hiring and other employment decisions based on merit and skill, their needs, or the needs of their customers because of the specter that such a process might lead to disparate outcomes, and thus disparate-impact lawsuits. This has made it difficult, and in some cases impossible, for employers to use bona fide job-oriented evaluations when recruiting, which prevents job seekers from being paired with jobs to which their skills are most suited—in other words, it deprives them of opportunities for success.'' 90 FR at 17537. Moreover, the legal concerns identified above have caused uncertainty and confusion for Federal funding recipients as to whether and when they need to comply with the disparate-impact regulations and when they can or must consider race, color, and national origin. As explained above, *Sandoval* casts substantial doubt on the validity of the disparate-impact regulations that many Federal departments and agencies have promulgated pursuant to Title VI. 532 U.S. at 280–82.

Additionally, in practice, and as explained above, disparate-impact liability leads covered entities to engage in racial balancing even as Title VI forbids intentional racial discrimination. This tension tends to create confusion and undermine public confidence in the nation's civil rights laws and in the rule of law itself, as the law seems to both forbid and require the same conduct.

These problems are amplified by the arbitrary nature of the racial and ethnic categories typically used to measure disparate effects, which, by virtue of their arbitrariness, lack a meaningful connection to a compelling interest. *See, e.g., SFFA,* 600 U.S. at 216–17 (explaining that the ''[racial] categories'' utilized by Harvard and University of North Carolina were ''themselves imprecise in many ways'' and ''the use of these opaque racial categories undermine[d], instead of promote[d], [their] goals''). This confusion undermines the law's ability to teach principles of nondiscrimination and is evident in, among other things, many of the grant proposals that agencies awarded funds to in past years. Many of the past grant solicitations explicitly targeted certain racial groups. *See, e.g.,* DHS–23–CISA–127–CWDT–0001, Cybersecurity Workforce Development and Training for Underserved Communities, *https://www.grants.gov/search-results-detail/347949* (posted May 5, 2023).

DHS has considered the view that looking at disparate effects can sometimes be useful in uncovering or deterring subtle intentional discrimination or intentional indifference to unnecessary and arbitrary barriers. But that view's alleged benefits are outweighed by the other issues and factors DHS has considered. And in any event, the concern is mitigated by the fact that eliminating disparate-impact liability does not preclude the use of data on disparate outcomes to help prove intentional discrimination. Indeed, under DHS's Title VI regulations, which the current changes do not alter, ''recipients should have available for the Secretary racial and ethnic data showing the extent to which members of minority groups are beneficiaries of Federal financial assistance.'' 6 CFR 21.9(b). Both DHS and private litigants rely on such data as a potential indicator of intentional discrimination. This use of statistical disparity to help establish, as an evidentiary matter, liability for *intentional* discrimination materially differs from using it to impose liability for an unintentional disparate impact.

DHS has also considered the alternative of trying to adopt a modified version of disparate-impact liability, for example, by requiring covered entities to remedy unintentional discrimination for only certain types of cases in education, disaster assistance, or housing. But any version of imposing liability for unintentional discrimination is inconsistent with Title VI's original public meaning. Regardless, even a modified version of disparate-impact liability would not eliminate DHS's serious legal and policy concerns. DHS determines that any benefits from adopting alternative versions of disparate-impact liability are outweighed by DHS's legal and policy concerns. And even if possible, developing such a rule would not solve the confusion or rule-of-law concerns expressed above, nor reduce the compliance and litigation costs that covered entities face. DHS believes that the better course is to avoid the complexities, costs, and litigation associated with this alternative, even if eliminating disparate-impact liability would ultimately leave some parts of the problem unaddressed and others inadequately addressed.

DHS has additionally considered the potential reliance interests of funding recipients and others on the disparate-impact regulations. *Sandoval,* however, cast serious doubt on the continuing viability of the regulations more than 20 years ago. And Executive Order 14281 also directed all agencies to ''deprioritize enforcement of all statutes and regulations to the extent they include disparate-impact liability,'' including specifically DHS's Title VI disparate-impact regulations. 90 FR at 17538. DHS accordingly believes that any reliance interests should be minimal and do not outweigh DHS's legal and other policy concerns. Further, each of DHS's concerns, whether considered cumulatively or separately, outweighs any reliance interests.

DHS notes that *Sandoval* has also led to a divergence between Title VI enforcement by private plaintiffs and enforcement by Federal departments and agencies. After *Sandoval,* private plaintiffs can enforce only Title VI's statutory prohibition on intentional discrimination, while DHS can continue to pursue disparate-impact liability. Repealing the disparate-impact regulations would eliminate this incongruent enforcement.

Overall, after considering the relevant issues and factors and weighing the relevant considerations, DHS finds that, regardless of the legality of DHS's disparate-impact regulations, the above-summarized policy concerns, when viewed separately or cumulatively, independently justify the repeal of its disparate-impact regulations.

II. Description of Rule

DHS is revising its Title VI regulations at 6 CFR part 21 and FEMA's regulations at 44 CFR part 7 consistent with the DOJ rule, Title VI, Executive Order 14281, and related case law, as

described in the DOJ rule.[5] The changes collectively:

- Remove all disparate-impact language from DHS and FEMA Title VI regulations;
- Delete the affirmative-action provisions; and
- Ensure that DHS and FEMA regulations align with DOJ regulations, the statutory text of Title VI, Supreme Court precedent, and Executive Order 14281.

The practical effect of these changes is to make clear that DHS's Title VI regulations do not prohibit conduct or activities that have an unintentional disparate impact and prohibit only intentional discrimination, and that DHS will not pursue Title VI disparate-impact liability against DHS funding recipients.

A section-by-section analysis follows.

A. 6 CFR 21.5 (Discrimination Prohibited)

DHS is updating the authority citation for 6 CFR part 21 to correct an apparent typographical error (prior text erroneously referenced 5 U.S.C. 310, and this rule corrects it to 5 U.S.C. 301) and add a reference to the Homeland Security Act.

DHS is removing and reserving paragraph 21.5(b)(2), which prohibited recipients from utilizing policies that merely *have the effect* of subjecting persons to discrimination because of their race, color, or national origin or substantially impairing program objectives with respect to individuals of a particular race, color, or national origin. This paragraph expanded prohibited conduct from purposeful discrimination to impose liability on Federal funding recipients who ''utilize criteria or methods of administration which have the effect of subjecting individuals to discrimination.''

The removal makes clear that DHS will no longer pursue Title VI disparate-impact liability; only intentionally discriminatory conduct is prohibited. The paragraph is reserved to preserve numbering continuity. Note that nothing in this rule precludes DHS from considering statistical disparities as relevant evidence in determining whether discrimination was intentional. Consistent with DOJ's final rule, although disparate-impact liability is eliminated, data regarding disparate outcomes may still be probative of discriminatory purpose. Indeed, under DHS's Title VI regulations that the current changes do not alter, ''recipients should have available for the Secretary racial and ethnic data showing the extent to which members of minority groups are beneficiaries of programs receiving Federal financial assistance.'' 6 CFR 21.9(b); *cf. also* 44 CFR 7.10(b). This use of statistical disparity to help establish, as an evidentiary matter, liability for *intentional* discrimination materially differs from using it to impose liability for an unintentional disparate impact.

In paragraph (b)(3) (which relates to how recipients or applicants determine the site or location of facilities), DHS is removing both instances of the words ''or effect.'' The paragraph now bars selections made *with the purpose* of discrimination or defeating Title VI objectives, thereby limiting liability to intentional discrimination. This rule deletes both ''or effect'' references to conform paragraph (b)(3) more closely to the scope of liability Congress intended when it enacted Title VI and to address the legal and policy considerations and determinations described above.

DHS is removing paragraph (b)(6). This provision encourages, if not requires, recipients to take discriminatory actions to overcome *effects* of prior discrimination. It is deleted because it goes beyond the Equal Protection Clause, which permits in limited circumstances, but does not mandate, a government to take narrowly tailored action to remedy the effects of its identified past discrimination. *See, e.g., Bakke,* 438 U.S. at 307 (Powell, J.). Moreover, even putting aside the mandatory language, this provision does not expressly require narrow tailoring to counter the particular past discrimination, but rather simply ''affirmative action to overcome the effects of prior discrimination.'' This provision accordingly promotes potentially illegal race, color, and national origin discrimination. Moreover, in some instances, it may even coerce recipients to consider and use race, color, or national origin preferences when the recipient may not want to. This is contrary to DHS's goal of promoting and defending a culture of nondiscrimination and is destructive to the public's understanding of and faith in the nation's civil rights laws. DHS will no longer encourage or require this use of race, color, or national origin through its regulation.

DHS is revising paragraph (c) to clarify the scope of Title VI coverage for employment practices and is deleting paragraphs (c)(2) and (c)(3). Revised paragraph (c) affirms that whenever a primary objective of the Federal financial assistance is to provide employment, recipients may not intentionally discriminate on the basis of race, color, or national origin in employment practices under such programs. That prohibition also applies to programs in which a primary objective of the Federal financial assistance is (i) to assist individuals, through employment, to meet expenses incident to the commencement or continuation of their education or training, or (ii) to provide work experience that contributes to the education or training of the individuals involved. The applicable requirements for construction employment remain those specified in or pursuant to part III of Executive Order 11246, or any Executive Order that supersedes it. This revision conforms to 42 U.S.C. 2000d–3, removes the prior ''tends to'' extension beyond the statute, and removes the affirmative-action mandates currently contained in paragraphs (c)(1) and (c)(3). These changes amend the regulation so that it more closely adheres to the scope of conduct Congress prohibited with Title VI and the legal and policy considerations and determinations described in this document.

B. 44 CFR 7.5 (Specific Discriminatory Actions Prohibited—FEMA)

DHS is updating the authority citation for 44 CFR part 7 to align with the authority citation for 6 CFR part 21. The only edit to regulatory text is to remove and reserve paragraph 7.5(b), which is analogous to the removal of 6 CFR 21.5(b)(2).

DHS notes that the Stafford Act contains a nondiscrimination provision calling for ''such regulations as may be necessary for the guidance of personnel carrying out Federal assistance functions at the site of a major disaster or emergency.'' 42 U.S.C. 5151(a). The regulations must ''include provisions for insuring that the distribution of supplies, the processing of applications, and other relief and assistance activities shall be accomplished in an equitable and impartial manner, without discrimination on the grounds of race, color, religion, nationality, sex, age, disability, English proficiency, or economic status.'' *Id.* FEMA implements this provision at 44 CFR 206.11, which will continue to impose such requirements. *See* 44 CFR 206.11(b).

The Stafford Act provision and its implementing regulation identify multiple additional protected classes (beyond race, color, and national origin) and require the provision of disaster assistance in an equitable and impartial manner, but do not expressly prohibit or

[5] DHS notes that DOJ's role as the lead agency for Title VI implementation under Executive Order 12250 provides an additional reason to conform to DOJ's rule to ensure uniform, government-wide enforcement of Title VI obligations.

otherwise reference unintentional disparate-impact discrimination. Accordingly, FEMA has not made changes to 44 CFR 206.11 as part of this rulemaking. FEMA may in the future further interpret these Stafford Act-specific requirements as appropriate.

FEMA is also subject to 42 U.S.C. 5196f, a separate Stafford Act provision that directs FEMA to, among other things, (1) identify, in coordination with State and local governments, population groups with limited English proficiency and take into account such groups in planning for an emergency or major disaster; and (2) ensure that information made available to individuals affected by a major disaster or emergency is made available in formats that can be understood by certain populations. This rule does not change FEMA's implementation of those separate statutory requirements.

III. Severability

DHS's position is that each of the amendments serve a vital, related, but distinct purpose. DHS also confirms that each of the amendments is intended to operate independently of each other and that the potential invalidity of one amendment should not affect the other amendments. DHS would adopt any of the amendments independently of the invalidity of a separate amendment.

IV. Regulatory Requirements

A. Administrative Procedure Act

DHS is issuing this final rule without prior public notice and comment or a delayed effective date pursuant to the Administrative Procedure Act's exception for rules ''relating to agency management or personnel or to public property, loans, grants, benefits, or contracts.'' 5 U.S.C. 553(a)(2).

Title VI concerns non-discrimination conditions on the receipt of Federal financial assistance, and more particularly to the receipt of federal ''[g]rants and loans,'' ''property,'' ''personnel'' and ''[a]ny Federal agreement, arrangement, or other contract which has as one of its purposes the provision of assistance.'' *See* 6 CFR 21.4(c); 44 CFR 7.2(c); *see also* 6 CFR 21.7; 44 CFR 7.7 (requiring funding recipient sign contractual assurance of compliance with Title VI); *Cummings* v. *Premier Rehab Keller, P.L.L.C.,* 596 U.S. 212, 217–18 (2022) (observing that Congress enacted Title VI ''[p]ursuant to its authority to 'fix the terms on which it shall disburse federal money''' (citation omitted)). *Cf. Education Programs or Activities Receiving or Benefitting from Federal Financial Assistance,* 82 FR 46655–01 (Oct. 6, 2017) (invoking the section 553(a)(2) exception to amend Title IX regulations to ''promote consistency in the enforcement of Title IX for [the Department of Agriculture] financial assistance recipients''); *Preserving Community and Neighborhood Choice,* 85 FR 47899–01 (Aug. 7, 2020) (invoking the exception to repeal Housing and Urban Development rule regarding federal grantees); *Participation by Minority Business Enterprise in Department of Transportation Programs,* 53 FR 18285–02 (May 23, 1988) (invoking the exception to expand coverage of Department of Transportation regulation regarding Federal Aviation Administration's airport financial assistance program); *Nondiscrimination on the Basis of Handicap in Federally Assisted Programs: Suspension of Guidelines with Respect to Mass Transportation,* 46 FR 40687–01 (Aug. 11, 1981) (invoking the exception to suspend DOJ guidelines regarding prohibiting disability discrimination in transportation programs and activities receiving Federal financial assistance).

Indeed, invoking 5 U.S.C. 553(a)(2) is consistent with the Office for Management and Budget's (OMB) definition for ''Federal financial assistance'' under 2 CFR 200.1, which defines ''Federal financial assistance'' with the same categories as the Administrative Procedure Act's exception for rules ''relating to agency management or personnel or to public property, loans, grants, benefits, or contracts,'' 5 U.S.C. 553(a)(2). With potentially limited exceptions not applicable to the Department, all the forms of Federal financial assistance set forth under 2 CFR 200.1 that the Department administers would fall under the ''public property, loans, grants, benefits, or contracts'' exception. Thus, the Department issues this final rule without prior public notice and comment or a delayed effective date under 5 U.S.C. 553(a)(2).

Prompt alignment with DOJ's Title VI rule is necessary to ensure uniform, government-wide administration of Title VI, eliminate regulatory uncertainty for DHS funding recipients, and avoid inconsistent enforcement. Although FEMA's general policy at 44 CFR 1.3 encourages public participation, that policy does not create enforceable rights and permits FEMA to depart from it in its discretion. DHS departs here to promptly harmonize its rule with DOJ's rule and mitigate confusion and compliance costs for recipients.

B. Executive Orders 12866 (Regulatory Planning and Review), 13563 (Regulatory Review), and 14192 (Unleashing Prosperity Through Deregulation)

Executive Orders 12866 (Regulatory Planning and Review) and 13563 (Improving Regulation and Regulatory Review) direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. Executive Order 13563 also recognizes that some benefits and costs are difficult to quantify and provides that, where appropriate and permitted by law, agencies may consider and discuss qualitatively values that are difficult or impossible to quantify. *Id.* Executive Order 14192 (Unleashing Prosperity Through Deregulation) directs agencies to significantly reduce the private expenditures required to comply with Federal regulations and provides that ''any new incremental costs associated with new regulations shall, to the extent permitted by law, be offset by the elimination of existing costs associated with at least 10 prior regulations.''

The Office of Management and Budget (OMB) has designated this rule a ''significant regulatory action'' under section 3(f) of Executive Order 12866, although not economically significant under section 3(f)(1). Accordingly, the rule has been reviewed by the Office of Management and Budget.

This final rule is considered an Executive Order 14192 deregulatory action.

As explained in the preamble, the regulatory modifications this rule makes are necessary to conform DHS regulations to the corresponding DOJ regulations, Title VI, Executive Order 14281, and related case law. The practical effect of these changes is to make clear that DHS's Title VI regulations do not prohibit conduct or activities that have a disparate impact but prohibit only intentional discrimination and that DHS will not pursue Title VI disparate-impact liability against DHS funding recipients.

As with the DOJ rule, data limitations make the costs and benefits of this rule difficult to quantify. This rule affects DHS funding recipients. DHS issued approximately 274,000 separate awards totaling approximately $140 billion

from FY2022–FY2024.[6] In FY2024 alone, DHS issued approximately 35,000 separate awards totaling $43.4 billion. Table 1 shows the number of grants and grant awards for DHS for FY2024.

TABLE 1—DHS GRANTS BY COMPONENT FY2024

DHS Component	Grants	Grant awards ($ million)
FEMA Total	34,738	$43,143
Disaster Assistance Grants	28,436	35,892
Fire Safety Grants	2,264	809
Non-Disaster Grants	1,103	3,896
Fire Management Assistance Grants	172	161
Hazard Mitigation Assistance Grants	2,763	2,385
Coast Guard	105	125
Other DHS Components*	151	170
Total DHS (FEMA + USCG + DHS Other)	34,994	43,438

* Includes: Countering Weapons of Mass Destruction, Cybersecurity and Infrastructure Security Agency, Office of Procurement Operations, Office of the Under Secretary for Science and Technology, U.S. Citizenship and Immigration Services, U.S. Secret Service, and U.S. Immigration and Customs Enforcement.

DHS does not have ready access to comprehensive information regarding which of its Title VI-related investigations and compliance reviews involve solely allegations of disparate-impact discrimination. For enforcement actions that relate to both intentional discrimination and unintentional disparate impact, DHS cannot reliably quantify the costs attributable to the varying disparate-impact portions of enforcement actions. Further impeding monetizing costs and benefits is that disparate impact is sometimes a factor that is considered in determining whether discrimination is intentional. Therefore, the overall cost effect on DHS is difficult to quantify. However, this deregulatory action should decrease DHS's enforcement costs. In addition, a benefit of this rule is to align DHS's regulations with DOJ regulations, statutory text, and Supreme Court precedent, as well as to address DHS's serious policy concerns with the existing regulations.

DHS is similarly unable to quantify how funding recipients will respond to the regulatory changes. But the deregulatory action should result in greater flexibility and lower compliance costs. DHS recognizes that a funding recipient may receive additional federal funds from sources other than DHS. DOJ noted in its rule that DOJ expected its rule to cause other federal departments and agencies to consider similarly revising their Title VI regulations. Like DOJ, DHS does not envision that this rule will appreciably increase administrative costs or compliance costs for funding recipients who must also adhere to the regulations of another department or agency. This deregulatory action does not create any new obligations for funding recipients. On the contrary, by eliminating disparate-impact liability from the regulation, this rule eliminates a source of regulatory confusion, as discussed in section I.C.2 of this preamble, and narrows the conduct prohibited. This rule therefore reduces the costs of compliance and potential liability. Moreover, recipients who receive funds for the same program or activity from more than one Federal entity already enter into separate contractual assurances with each funding entity, *see, e.g.,* 6 CFR 21.7. These contractual assurances already impose varying requirements that each Federal funding source deems necessary. Funding recipients will continue to be held to the most stringent contractual assurance and regulation.

Based on the analysis of the practical qualitative costs and benefits noted above, DHS believes that this rule is consistent with the principles of Executive Orders 12866 and 13563, including the requirements that, to the extent permitted by law, DHS adopt a regulation only upon a reasoned determination that its benefits justify its costs and choose a regulatory approach that maximizes net benefits.

C. Executive Order 12250

Pursuant to Executive Order 12250, the Department of Justice has the responsibility to ''review . . . proposed rules . . . of the Executive agencies'' implementing nondiscrimination statutes such as Title VI in order to identify those which are inadequate, unclear or unnecessarily inconsistent.'' Additionally, Executive Order 12250 delegated the President's responsibility to approve Title VI regulations to the Attorney General. *See* 42 U.S.C. 2000d–1. The Department of Justice has reviewed and approved this rule.

D. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA), as amended by the Small Business Regulatory Enforcement and Fairness Act of 1996, requires an agency to prepare and make available to the public a final regulatory flexibility analysis that describes the effect of a rule on small entities (*i.e.,* small businesses, small organizations, and small governmental jurisdictions) only if the agency was required ''to publish a general notice of proposed rulemaking'' prior to issuing the final rule. *See* 5 U.S.C. 604(a). However, even if these regulations were subject to general notice requirements, DHS, in accordance with 5 U.S.C. 605(b), has reviewed these regulations and certifies that the rule's changes will not have a significant economic impact on a substantial number of small entities, in large part because these regulatory changes do not impose any new substantive obligations on Federal funding recipients. The rule amends and clarifies existing regulations that are required by Title VI. The rule merely brings DHS into compliance with the Equal Protection Clause and harmonizes the scope of its regulations with the scope of Title VI, which does not prohibit conduct having an unintentional disparate impact. All Federal funding recipients have been bound by the existing standards that

[6] DHS used FY2022–2024 data to capture the most recent complete fiscal years. DHS did not include earlier data since FY2020–21 include substantial grant funding in response to the Covid-19 pandemic that is not representative of expected future grant funding. Data from *usaspending.gov.* Grant award amounts determined from fiscal year total obligations, adjusted for 2024 dollars using GDP Deflator. (Accessed September 3, 2025).

will remain in place after this rule since their initial promulgation.

E. Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number issued by the OMB. This rule does not propose any new, nor any revisions to existing, ''collection[s] of information'' as that term is defined under the Paperwork Reduction Act of 1995 and its implementing regulations, 5 CFR part 1320.

F. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (''UMRA'') is intended, among other things, to curb the practice of imposing unfunded Federal mandates on State, local, and Tribal governments. Title II of the UMRA requires each Federal agency to prepare a written statement assessing the effects of any Federal mandate in a proposed rule (or final rule for which the agency published a proposed rule) that includes any Federal mandate that may result in an expenditure of $100 million or more (adjusted annually for inflation) in any one year by State, local, and Tribal governments, in the aggregate, or by the private sector. The term ''Federal mandate'' means a Federal intergovernmental mandate or a Federal private sector mandate. *See* 2 U.S.C. 658(6), 1502(1). A ''Federal intergovernmental mandate,'' in turn, is a provision that would impose an enforceable duty upon State, local, or Tribal governments (except as a condition of Federal assistance or a duty arising from participation in a voluntary Federal program). *See* 2 U.S.C. 658(5). And the term ''Federal private sector mandate'' refers to a provision that would impose an enforceable duty upon the private sector (except as a condition of Federal assistance or a duty arising from participation in a voluntary Federal program). *See* 2 U.S.C. 658(7).

This rule is not subject to the UMRA because DHS did not publish a proposed rule prior to this action. In addition, the UMRA's requirements do not apply to any provision in a proposed or final Federal regulation that establishes or enforces any statutory rights that prohibit discrimination on the basis of race, color, religion, sex, national origin, age, handicap, or disability. 2 U.S.C. 1503(2). This rule is exempted from the UMRA on that basis. In addition, DHS has determined that this rulemaking will not result in the expenditure by state, local, and tribal governments, in the aggregate, nor by the private sector, of $100 million or more in any one year as a result of a Federal mandate, and it will not significantly or uniquely affect small governments. Therefore, no actions are deemed necessary under the UMRA.

G. Congressional Review Act

The Office of Information and Regulatory Affairs has determined that this rule is not a major rule as defined by Subtitle E of the Small Business Regulatory Enforcement Fairness Act of 1996. 5 U.S.C. 804(2).

H. National Environmental Policy Act

DHS and its components analyze final actions to determine whether the National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.,* applies to them and, if so, what degree of analysis is required. DHS Directive 023–01 Rev. 01 and Instruction Manual 023–01–001–01 Rev. 01 (Instruction Manual) establish the policies and procedures that DHS and its components use to comply with NEPA, 42 U.S.C. 4321 *et seq.*

NEPA allows Federal agencies to establish categories of actions that experience has shown do not, individually or cumulatively, have a significant effect on the human environment and, therefore, do not require an environmental assessment (EA) or environmental impact statement (EIS). *See* 42 U.S.C. 4336(a)(2), 4336e(1). The Instruction Manual, Appendix A lists the DHS Categorical Exclusions.

Under DHS NEPA implementing procedures, for an action to be categorically excluded, it must satisfy each of the following three conditions: (1) The entire action clearly fits within one or more of the categorical exclusions; (2) the action is not a piece of a larger action; and (3) no extraordinary circumstances exist that create the potential for a significant environmental effect. *See* Instruction Manual 023–01 at V.B(2)(a)–(c).

This rule aligns the conduct prohibited by DHS regulations more closely to the conduct Congress prohibited when enacting Title VI, consistent with Executive Order 14281. DHS has reviewed the rule and finds that the rule is of a strictly administrative or procedural nature; implements, without substantive change, statutory requirements; and amends an existing regulation without changing its environmental effect.

Accordingly, DHS finds that the rule clearly fits within categorical exclusion A3(a), (b), and (d) established in DHS's NEPA implementing procedures, and no further NEPA analysis is required.

I. Federalism

A rule has implications for federalism under Executive Order 13132 (Federalism) if it has 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. DHS has analyzed this rule under this order and determined it does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

J. Civil Justice Reform

This rule meets applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988 (Civil Justice Reform) to minimize litigation, eliminate ambiguity, and reduce burden.

List of Subjects

6 CFR Part 21

Civil rights, Reporting and recordkeeping requirements.

44 CFR Part 7

Administrative practice and procedure, Aged, Civil rights, Reporting and recordkeeping requirements.

Regulatory Amendments

For the reasons set forth in the preamble, under the authority of 6 U.S.C. 112, the Secretary of Homeland Security amends 6 CFR part 21 and 44 CFR part 7, as follows:

Title 6—Domestic Security

PART 21—NONDISCRIMINATION ON THE BASIS OF RACE, COLOR, OR NATIONAL ORIGIN IN PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE FROM THE DEPARTMENT OF HOMELAND SECURITY

■ 1. The authority citation for part 21 is revised to read as follows:

Authority: 5 U.S.C. 301; 6 U.S.C. 112; 42 U.S.C. 2000d–2000d–7.

■ 2. In § 21.5:
■ a. Remove and reserve paragraph (b)(2);
■ b. In paragraph (b)(3), remove the words ''or effect'' wherever they appear;
■ c. Remove paragraph (b)(6); and
■ d. Revise paragraph (c).

The revision reads as follows:

§ 21.5 Discrimination prohibited.

* * * * *

(c) *Employment practices.* Whenever a primary objective of the Federal financial assistance to a program to which this part applies is to provide

employment, a recipient of such assistance may not (directly or through contractual or other arrangements) subject any individual to discrimination on the ground of race, color, or national origin in its employment practices under such program (including recruitment or recruitment advertising, employment, layoff, or termination, upgrading, demotion, or transfer, rates of pay or other forms of compensation, and use of facilities). That prohibition also applies to programs as to which a primary objective of the Federal financial assistance is to assist individuals, through employment, to meet expenses incident to the commencement or continuation of their education or training, or to provide work experience which contributes to the education or training of the individuals involved. The requirements applicable to construction employment under any such program shall be those specified in or pursuant to part III of Executive Order 11246 or any Executive Order which supersedes it.

* * * * *

Title 44—Emergency Management and Assistance

PART 7—NONDISCRIMINATION IN FEDERALLY-ASSISTED PROGRAMS (FEMA REG. 5)

■ 3. The authority citation for part 7 is revised to read as follows:

Authority: 5 U.S.C. 301; 6 U.S.C. 112; 42 U.S.C. 2000d–2000d–7.

§ 7.5 [Amended]

■ 4. In § 7.5, remove and reserve paragraph (b).

Markwayne Mullin,

Secretary, Department of Homeland Security.

[FR Doc. 2026–12399 Filed 6–18–26; 8:45 am]

BILLING CODE 9112–FH–P

DEPARTMENT OF ENERGY

10 CFR Part 205

[DOE–HQ–2025–0019]

RIN 1901–AB69

Application for Authorization To Transmit Electric Energy to a Foreign Country

AGENCY: Office of Electricity, Department of Energy.

ACTION: Final rule.

SUMMARY: The Department of Energy (DOE or the Department) is publishing this document to finalize the proposed rule and respond to comments received on the notice of proposed rulemaking (NOPR) entitled, ''Application for Authorization to Transmit Electric Energy to a Foreign Country,'' published on May 16, 2025. This final rule will simplify the application process for authorizations to transmit electric energy to a foreign country, as required by the Federal Power Act (FPA).

DATES: The effective date of the final rule is July 22, 2026.

ADDRESSES: The docket for this rule, which includes the **Federal Register** notices, comments, and other supporting documents and materials, is available for review at *www.regulations.gov.* All documents in the docket are listed in the *www.regulations.gov* index. The docket web page can be found at *www.regulations.gov/docket/DOE–HQ–2025–0019.* The docket web page contains instructions on how to access all documents, including public comments, in the docket, as well as a summary.

FOR FURTHER INFORMATION CONTACT: Marina Fennel, U.S. Department of Energy, Director, Federal Permitting Programs, Office of Electricity; 1000 Independence Avenue SW, Washington, DC 20585; Telephone: (240) 702–6156; Email: *electricity.exports@hq.doe.gov.*

SUPPLEMENTARY INFORMATION:

I. General Discussion

On May 16, 2025, DOE published a NOPR (90 FR 20826) to amend the application process codified at 10 CFR 205.300 through 10 CFR 205.309 concerning authorization to transmit electric energy to a foreign country pursuant to section 202(e) of the FPA. 16 U.S.C. 824a(e).[1] Section 202(e) requires that DOE ''shall issue such order [authorizing the export of electricity to a foreign country] upon application unless, after opportunity for hearing, it finds that the proposed transmission would impair the sufficiency of electric supply within the United States or would impede or tend to impede the coordination in the public interest of facilities subject to the jurisdiction of [DOE].''

DOE proposed to amend the application process by removing §§ 205.301 through 205.309 and modifying the language of § 205.300. DOE sought comment on all aspects of the proposal, including but not limited to the prior rule's consistency with statutory authority and the Constitution, national security, its contemporary relevance, its costs and benefits, and its effect on small business, entrepreneurship, and private enterprise. 90 FR 20826, 20826. Public comments were requested by July 15, 2025.

II. Responses to Comments

DOE received four comments in response to the NOPR: one in support and three opposing. Below is a summary of the comments received and DOE's responses.

TABLE II—1 LIST OF COMMENTERS FROM THE MAY 16, 2025 NOPR

Commenter	Reference in this rule	Comment No. in the docket	Commenter type
T P	T P	DOE–HQ–2025–0019–0002	Individual.
Public Citizen, Inc	Public Citizen	DOE–HQ–2025–0019–0003	Non-Profit Consumer Advocacy Organization.
Center for Biological Diversity	CBD	DOE–HQ–2025–0019–0004	Non-Profit Conservation Organization.
International Energy Credit Association.	IECA	DOE–HQ–2025–0019–0005	501(c)(6) Non-Profit Industry Association.

IECA commented in support of the proposed amendment, stating it will ''[excise] unnecessary and burdensome information requirements''; strictly adhere to Congress' intent under section 202(e) of the FPA; and remove

[1] Note, the NOPR was issued by DOE's legacy Grid Deployment Office; the Department has recently undergone a reorganization, and the rulemaking is now being issued by DOE's Office of Electricity. The NOPR mistakenly cited 16 U.S.C. 824(e). However, the correct citation is 16 U.S.C. 824a(e).

compliance risks for applicants seeking renewal. (DOE HQ–2025–0019–0005 at 2–4). IECA stated the proposed amendment will ''aid in improving economic efficiency, competition in the electric energy markets, lower electric energy prices, and drive the least-cost dispatch of electric energy across the grid.'' (DOE HQ–2025–0019–0005 at 2). DOE acknowledges IECA's feedback and support for the proposed amendments.

Additionally, IECA recommended that the DOE ''issue guidelines for applicants setting forth examples of the various types of information that would enable DOE to find that the proposed transmission will not impair the sufficiency of the electric supply within the United States and will not impede or tend to impede the coordination in the public interest of facilities subject to the FPA.'' (*Id.* at 4). IECA also recommended including ''that a timely application for renewal effectuates an extension of existing authorization until such time as DOE issues an order on the renewal application.'' (*Id.*) DOE recognizes IECA feedback and intends to publish supplemental materials outside of the Code of Federal Regulations to assist prospective applicants with preparing applications. DOE will consider incorporating IECA's recommendation regarding the effect of renewal submissions at a later time, but at this point DOE is obliged to abide by authorization expiration date.

Three comments opposed the proposed amendments. Collectively, the commenters asserted that such amendments violate the Administrative Procedure Act (APA), the FPA, and the National Environmental Policy Act (NEPA). DOE acknowledges these comments and addresses them in the following three parts: rulemaking, statutory authority, and environmental compliance. Lastly, this final rule discusses several editorial edits being adopted.

Rulemaking

Two commenters, CBD and T P, expressed opposition to the process by which DOE is undertaking a rulemaking. CBD asserted that DOE's action violates the APA, stating that the NOPR is arbitrary and capricious, and that DOE failed to provide a rational basis for the policy change by not offering justification grounded in data or analysis. (DOE HQ–2025–0019–0004 at 2–3). T P contended that the proposed rulemaking contradicts Executive Order (E.O.) 14192 because T P contends that increased export of electricity would raise the cost of electricity for American consumers, and DOE's NOPR failed to detail actual costs of implementing the proposed rule. (DOE HQ–2025–0019–0002).

DOE acknowledges that the APA prohibits agency actions from being ''arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.'' *See* 5 U.S.C. 706(2)(A). However, the proposed amendment intends to align agency procedures to current policy by removing economic, administrative, and procedural burdens on applicants tied to outdated application requirements. *See* 90 FR 20826; E.O. 14154 and 14192.

The existing regulations regarding authorization to transmit electric energy to a foreign country, as amended, were last updated in 1981. The regulations that were in place prior to this final rule did not contemplate the existence of Regional Transmission Organizations, Independent System Operators, balancing authorities or other such entities that ensure that regional transmission systems are operated reliably. The 1981 regulations were crafted at a time when exports of electricity were conducted only by vertically-integrated utilities that owned international transmission facilities. Since the time those regulations were promulgated, many significant developments have transformed the electric power industry and regulatory framework. For example, the Federal Energy Regulatory Commission (FERC) has issued several open access orders, including Order Nos. 888 and 889, which led to the rise of electric power marketers. Power marketers have no franchised service area and no physical transmission or generation assets because they do not produce electricity. Instead, they purchase and sell electricity on the open market and thereby improve the efficiency of electric power markets. Since the mid-1990's power marketers have been the main applicants for electricity Export Authorizations that are subject to the regulations at issue in this final rule. These entities vary greatly from the traditional vertically integrated utility model where a single utility generated, transmitted, and sold all electricity in a franchised service area. On the contrary, power marketers do not produce the power they sell. They increase efficiency by facilitating the use and purchase of electricity that might otherwise go unsold or unutilized to a customer in an area that has a need for it.

In response to major changes in the electric power industry, the Department has intended to amend the regulations to modernize the 1981 regulations at 10 CFR part 205. For example, a proposal appeared in the Office of Information and Regulatory Affairs' Unified Agenda and Regulatory Plan in Fall 2023.[2] This final rule modernizes the regulations to reflect the realities of the current electric transmission sector, as discussed previously. The FPA authorizes DOE, as an expert agency, to establish such implementing regulations as it deems necessary. FPA section 391; 16 U.S.C. 825h. Accordingly, the amendments adopted in the final rule are a logical exercise of that statutory authority and are not arbitrary, capricious, an abuse of discretion, or otherwise contrary to law.

This final rule establishes simplified procedures under which persons may apply for authorization to transmit electric energy to a foreign country. This simplified process is appropriate because Congress provided only limited decision-making authority to the Department for considering export authorization applications. FPA section 202(e); 16 U.S.C. 824a(e). As noted above, the statute provides that DOE ''shall'' authorize energy export unless it finds that the proposed transmission would either impair the sufficiency of electric supply within the United States or impede or tend to impede the coordination in the public interest of facilities subject to DOE's jurisdiction. Finally, the revisions adopted in this final rule ease the existing regulatory burden on both applicants and the DOE by reducing the amount of information and the number of documents required in an application. It also reduces the financial burden placed on applicants by eliminating the $500 application filing fee, which is estimated to reduce the annual application burden by $10,000.

DOE further recognizes that section 202(e) of the FPA requires that DOE provide ''opportunity for hearing.'' The FPA does not indicate that an ''opportunity for hearing'' requires a formal process, nor does it define ''hearing.'' Historically, DOE's regulations applicable to the consideration of authorization applications to transmit electric energy to a foreign country at 10 CFR 205.300–309 have not specified a process by which DOE hears or considers opposing views about the applications. DOE's practice has been to use the **Federal Register** for noticing applications and receiving public comments. In soliciting public comments, DOE's practice has been to use FERC's Rule 211 process (18 CFR 385.211) for receiving protests, and FERC's Rule 214 process (18 CFR

[2] *See www.reginfo.gov/public/do/eAgendaViewRule?pubId=202310&RIN=1901-AB35.*

385.214) for receiving motions to intervene.

However, there is no legal requirement for DOE to adopt the mentioned FERC procedures for the consideration of energy export authorization applications, and DOE does not consider the voluntary use of FERC's procedures has added value to the Department's consideration process. In fact, the use of these procedures unnecessarily delays and complicates the process, especially given that Congress only granted limited authority to the Department to deny applications. Therefore, DOE will discontinue the practice of voluntarily inviting protests and motions via FERC procedural rules.

DOE intends to satisfy its obligation to offer opportunity for hearing by continuing to publish notice of applications, either on its applicable Departmental website or in the **Federal Register**, and placing any timely public comments or feedback received to *electricity.exports@hq.doe.gov* in the public file associated with the application. DOE will consider all comments relevant to its decision-making authority for considering export authorization applications.

DOE expects that this amendment will reduce the burden for applicants and DOE. These effects of the rule are not expected to exceed $100 million annually or otherwise be adverse to any group.

Statutory Authority

CBD and Public Citizen further assert that the amendment violates section 202(e) of the FPA. Both CBD and Public Citizen assert that the FPA's purpose is to assure the abundant supply of domestic electricity (DOE HQ–2025–0019–0004 at 4; DOE–HQ–2025–0019–0003 at 2). Public Citizen further states that the DOE's rationalization for the NOPR is unsupported by the statutory language of the FPA and contradicts E.O. 14156, ''Declaring A National Energy Emergency'' (DOE–HQ–2025–0019–0003 at 2–3).

Under FPA section 202(e), DOE ''shall issue such order upon application unless, after opportunity for hearing, it finds that the proposed transmission would impair the sufficiency of electric supply within the United States or would impede or tend to impede the coordination in the public interest of facilities subject to the jurisdiction of [DOE].'' 16 U.S.C. 824a(e).

DOE interprets the first criterion to mean that sufficient generating capacity and electric energy must first exist such that the export could be made without compromising the energy needs of the exporting region, including serving all load obligations in the region while maintaining appropriate reserve levels. DOE interprets the second criterion primarily as an issue of the operational reliability of the domestic electric transmission system. Accordingly, the export must not compromise transmission system security and reliability. For these reasons, each Export Authorization Order that DOE issues asserts this interpretation; each Export Authorization requires that ''sufficient generating capacity and electric energy must exist such that the export could be made without compromising the energy needs of the exporting region, including serving all load obligations in the region while maintaining appropriate reserve levels'' and that ''the export must not compromise transmission system security and reliability.'' See, *e.g.,* BP Energy Co., Order No. EA–314, at 1–2 (Feb. 22, 2007), renewed, Order No. EA–314–A, at 2 (May 3, 2012), Order No. EA–314–B, at 2 (Feb. 28, 2017), renewed, Order No. EA–314–C, at 4 (Dec. 20, 2021).

To determine whether such a proposed export would impair domestic sufficiency of supply or impede the coordinated use of the U.S. power supply, DOE relies on market mechanisms and reliability oversight. FERC, influenced by the Energy Policy Acts (EPAct) of 1992 and 2005, has fostered competitive wholesale energy markets across the United States.[3] These markets, characterized by open access to transmission facilities and the presence of regional transmission organizations and independent system operators, allow market participants, including exporters, to access available supplies efficiently. Furthermore, entities such as power marketers operate within these markets. As these marketers do not have an obligation to serve a franchised territory or native load, their exports allow for the transfer of electricity that might not otherwise be utilized to a willing customer. Thus, exports are not drawn from resources earmarked for specific domestic customer obligations. DOE finds that absent demonstrable flaws in these markets, exports authorizations do not impair the sufficiency of electric supply within the United States.

The Energy Policy Act of 2005 empowered FERC to certify an electric reliability organization, leading to the establishment of the North American Electric Reliability Corporation (NERC). 16 U.S.C. 824o; FERC issued Order No. 672. NERC, in conjunction with FERC and regional entities, develops and enforces mandatory reliability standards for the bulk-power system across North America. These standards encompass various operational aspects, from resource balancing to emergency preparedness, and apply to all bulk-power system owners, operators, and users. Critically, reliability coordinators and balancing authorities have the authority and responsibility to manage power generation and transmission, ensuring adequate reserves and, when necessary, curtailing or denying scheduled flows, including exports, to maintain regional reliability and prevent system disturbances. This multi-layered enforcement mechanism provides assurance that approved exports will not lead to operational reliability issues on the domestic transmission system.

Environmental Compliance

Two commenters, CBD and T P, voiced opposition to the DOE's interpretation of NEPA compliance and one commenter, IECA, voiced support. Both CBD and T P disagreed with the DOE's Categorical Exclusion determination, arguing that the NOPR's intended results of facilitating electricity exports, including that of fossil fuel-generated electricity, would result in direct and indirect environmental impacts and risks. (DOE HQ–2025–0019–0004 at 5; DOE HQ–2025–0019–0002). ICEA expressed support for the Categorical Exclusion. (DOE HQ–2025–0019–0005 at 2).

As outlined in section II of May 2025 NOPR, DOE conducted a review of the potentially applicable categorical exclusions to this proposed action in accordance with the NEPA and DOE's Implementing Regulations at 10 CFR part 1021 (part 1021), as in effect at the time of the NOPR's publication. In May 2025, DOE had determined that the NOPR was excluded from further NEPA review pursuant to a categorical exclusion (CX) that appeared in ''appendix A to subpart D of part 1021—Categorical Exclusions Applicable to General Agency Actions.'' The relevant CX was entitled, ''A6 Procedural Rulemakings.'' In July 2025, DOE revised part 1021 with the publication of the ''U.S. Department of Energy

[3] EPAct of 1992 amended sections 211 and 212 of the FPA to authorize the FERC to order utilities to provide transmission services to unaffiliated wholesale generators on a case-by-case basis. This process, known as ''wheeling,'' which fostered growth in independent generation by allowing independent power producers to transmit electricity over utility-owned transmission lines, thereby increasing competition in the wholesale electricity market. 16 U.S.C. 824j and 16 U.S.C. 824k. EPAct of 2005 strengthened the transmission network by authorizing FERC to develop reliability standards and to prohibit market manipulation to ensure fair competition, which could be enforced by Electric Reliability Organizations (EROs). 16 U.S.C. 824o and 16 U.S.C. 824p.

National Environmental Policy Act (NEPA) Implementing Procedures'' (DOE NEPA Implementing Procedures). The DOE NEPA Implementing Procedures retitled appendix A, including ''A6 Procedural rulemakings,'' as ''Administrative and Routine Actions Excepted from NEPA Review.'' This change in title was based on the Fiscal Responsibility Act of 2023 and its amendment to the definition of ''major Federal action'' in NEPA section 111(10). 42 U.S.C. 4336e. Therefore, DOE has no obligation to review the final rule pursuant to NEPA because this action is within the scope of the now retitled appendix A.

Regarding the NEPA applicability to applications for electricity export authorization, DOE's NEPA Implementing Procedures maintains the longstanding ''Appendix B Categorical Exclusions Applicable to Specific Agency Actions.'' Both the prior and current versions of appendix B identify ''B4.2 Export of Electric Energy'' (CX B4.2). CX B4.2 applies to the export of electric energy as provided by section 202(e) of the FPA over existing transmission systems or using transmission system changes that are themselves categorically excluded as a category of actions which do not normally have a significant effect on the human environment. DOE's NEPA review of proposed export authorizations will continue unchanged pursuant to this updated procedural regulation.

Editorial Changes in Final Rule

In this final rule, DOE has decided to include two editorial revisions to the text of 10 CFR 205.300 to more clearly implement the Department's goal of burden reduction and align with the FPA.

In the NOPR, DOE referred to an ''*entity subject to DOE jurisdiction under part II of the Federal Power Act.*'' However, FPA section 202(e) refers to ''a person'' applying to transmit electric energy from the United States. Therefore, this final rule adopts the language ''a person'' rather than ''an entity subject to DOE.'' This updated text does not alter the scope of the rule or the requirements for export applicants and appropriately aligns with statutory language.

Additionally, the NOPR included the following sentence in the proposed regulatory text of 10 CFR 205.300, ''DOE has a strong policy in favor of approving applications, and doing so quickly and expeditiously.'' In this final rule, DOE is removing the proposed sentence because it is a policy statement and not necessarily helpful or relevant in regulatory text. Furthermore, the statement could be misleading, as the FPA requires that DOE ''shall issue'' export authorizations unless the export would impair the sufficiency of electric supply or impede the coordination of facilities subject to DOE.

III. Conclusion

For the reasons discussed in the preceding sections of this document, DOE is not withdrawing the May 2025 NOPR and is adopting the amendments as proposed in the May 2025 NOPR, with minor editorial revisions. The regulatory text at §§ 205.301 through 205.309 is hereby removed, and § 205.300 is hereby modified.

IV. Procedural Issues and Regulatory Review

A. Review Under Executive Order 12866

Section 6(a) of Executive Order (''E.O.'') 12866, ''Regulatory Planning and Review,'' 58 FR 51735 (Oct. 4, 1993), requires agencies to submit ''significant regulatory actions'' to the Office of Information and Regulatory Affairs (''OIRA'') in the Office of Management and Budget (''OMB'') for review. OIRA has determined that this regulatory action does not constitute a ''significant regulatory action'' under section 3(f) of E.O. 12866. Accordingly, this action was not submitted to OIRA for review under E.O. 12866.

B. Review Under Additional Executive Orders and Presidential Memoranda

DOE has examined this final rule and has determined that it is consistent with the policies and directives outlined in E.O. 14154 ''Unleashing American Energy,'' E.O. 14192, ''Unleashing Prosperity Through Deregulation,'' and Presidential Memorandum, ''Delivering Emergency Price Relief for American Families and Defeating the Cost-of-Living Crisis.'' This final rule is an E.O. 14192 deregulatory action because it reduces cost by reducing hours applicants will spend preparing export authorization applications for submission to DOE. DOE further estimates that on average, the Department. receives about 20 applications per year and by eliminating the $500 application fee, this action will result in a burden reduction of approximately $10,000 per year.

C. Review Under Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of an initial regulatory flexibility analysis (''IRFA'') and a final regulatory flexibility analysis (''FRFA'') for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. As required by E.O. 13272, ''Proper Consideration of Small Entities in Agency Rulemaking,'' 67 FR 53461 (Aug. 16, 2002), DOE published procedures and policies on February 19, 2003, to ensure that the potential impacts of its rules on small entities are properly considered during the rulemaking process. 68 FR 7990. DOE has made its procedures and policies available on the Office of the General Counsel's website (*www.energy.gov/gc/office-general-counsel).*

DOE reviewed this final rule under the provisions of the Regulatory Flexibility Act and the policies and procedures published on February 19, 2003. This final rule reduces regulatory requirements for export authorization order applications so that less time is needed to prepare applications. This final rule will reduce time needed to prepare applications, meaning that applicant exporters will have additional time to devote to other matters. This time savings will provide a minor economic benefit to all applicants. Therefore, DOE concludes that the impacts of the rule would not have a ''significant economic impact on a substantial number of small entities,'' and that the preparation of an FRFA is not warranted. DOE will transmit this certification and supporting statement of factual basis to the Chief Counsel for Advocacy of the Small Business Administration for review under 5 U.S.C. 605(b).

D. Review Under Paperwork Reduction Act

This final rule imposes no new information collection requirements subject to the Paperwork Reduction Act and OMB clearance is not required. (44 U.S.C. 3501 *et seq.*).

E. Review Under National Environmental Policy Act of 1969

Pursuant to the National Environmental Policy Act of 1969 (''NEPA''), DOE has analyzed this final rule in accordance with NEPA and DOE's NEPA implementing regulations (10 CFR part 1021). As discussed in section II, the final rule is a procedural rule and is exempted from NEPA review, per the DOE NEPA Implementing Procedures, appendix A, specifically ''A6 Procedural rulemakings.''

F. Review Under Executive Order 13132

Executive Order 13132, ''Federalism,'' 64 FR 43255 (August 10, 1999), imposes

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

DOE has examined this final rule and has determined that it would not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, no further action is required by Executive Order 13132.

G. Review Under Executive Order 12988

With respect to the review of existing regulations and the promulgation of new regulations, section 3(a) of Executive Order 12988, ''Civil Justice Reform,'' 61 FR 4729 (February 7, 1996), imposes on Executive agencies the general duty to adhere to the following requirements: (1) eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; and (3) provide a clear legal standard for affected conduct rather than a general standard and promote simplification and burden reduction. With regard to the review required by section 3(a), section 3(b) of Executive Order 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) clearly specifies the preemptive effect, if any; (2) clearly specifies any effect on existing Federal law or regulation; (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction; (4) specifies the retroactive effect, if any; (5) adequately defines key terms; and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General. Section 3(c) of Executive Order 12988 requires Executive agencies to review regulations in light of applicable standards in section 3(a) and section 3(b) to determine whether they are met or it is unreasonable to meet one or more of them. DOE has completed the required review and determined that, to the extent permitted by law, this final rule meets the relevant standards of Executive Order 12988.

H. Review Under Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (''UMRA'') requires each Federal agency to assess the effects of Federal regulatory actions on State, local, and Tribal governments and the private sector. Public Law 104–4, sec. 201 (codified at 2 U.S.C. 1531). For a regulatory action likely to result in a rule that may cause the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector of $100 million or more in any one year (adjusted annually for inflation), section 202 of UMRA requires a Federal agency to publish a written statement that estimates the resulting costs, benefits, and other effects on the national economy. (2 U.S.C. 1532(a), (b)) The UMRA also requires a Federal agency to develop an effective process to permit timely input by elected officers of State, local, and Tribal governments on a ''significant intergovernmental mandate,'' and requires an agency plan for giving notice and opportunity for timely input to potentially affected small governments before establishing any requirements that might significantly or uniquely affect them. On March 18, 1997, DOE published a statement of policy on its process for intergovernmental consultation under UMRA. 62 FR 12820. DOE's policy statement is also available at *www.energy.gov/sites/prod/files/gcprod/documents/umra_97.pdf.*

DOE examined this final rule according to UMRA and its statement of policy and determined that the final rule does not contain a Federal intergovernmental mandate, nor is it expected to require expenditures of $100 million or more in any one year by State, local, and Tribal governments, in the aggregate, or by the private sector. As a result, the analytical requirements of UMRA do not apply.

I. Review Under Treasury and General Government Appropriations Act, 1999

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

J. Review Under Executive Order 12630

Pursuant to E.O. 12630, ''Governmental Actions and Interference with Constitutionally Protected Property Rights,'' 53 FR 8859 (March 18, 1988), DOE has determined that this final rule would not result in any takings that might require compensation under the Fifth Amendment to the U.S. Constitution.

K. Review Under Treasury and General Government Appropriations Act, 2001

Section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516 note) provides for Federal agencies to review most disseminations of information to the public under information quality guidelines established by each agency pursuant to general guidelines issued by OMB. OMB's guidelines were published at 67 FR 8452 (Feb. 22, 2002), and DOE's guidelines were published at 67 FR 62446 (Oct. 7, 2002). Pursuant to OMB Memorandum M–19–15, Improving Implementation of the Information Quality Act (April 24, 2019), DOE published updated guidelines which are available at: *www.energy.gov/cio/department-energy-information-quality-guidelines.* DOE has reviewed this final rule under the OMB and DOE guidelines and has concluded that it is consistent with applicable policies in those guidelines.

L. Review Under Executive Order 13211

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

The final rule amends specific sections of 10 CFR 205.300 to reduce regulatory burden and remove out of date requirements. By amending the regulations, the final rule allows applicants to include the information the applicant deems relevant to DOE's consideration for making any authorizations under the Federal Power Act. This final rule is a non-significant regulatory action under E.O. 12866 and will not have a significant adverse effect on the supply, distribution, or use of energy, nor has it been designated as such by the Administrator at OIRA. Therefore, it is not a significant energy action, and, accordingly, DOE has not prepared a Statement of Energy Effects.

M. Congressional Notification

As required by 5 U.S.C. 801, DOE will submit to Congress a report regarding the issuance of this final rule prior to the effective date set forth at the outset of this rule. The report will state that it has been determined that the rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

V. Approval of the Office of the Secretary

The Secretary of Energy has approved publication of final rule.

List of Subjects in 10 CFR Part 205

Administrative practice and procedure, Electric power, Electric utilities, Energy, Environmental protection, Exports, Foreign relations.

Signing Authority

This document of the Department of Energy was signed on June 16, 2026, by Catherine Jereza, Assistant Secretary, Office of Electricity, 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 17, 2026.

Treena V. Garrett,

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

For the reasons set forth in the preamble, DOE amends part 205 of Chapter II of title 10, Code of Federal Regulations, as set forth below:

PART 205—ADMINISTRATIVE PROCEDURES AND SANCTIONS

■ 1. The authority for part 205 continues to read as follows:

Authority: Department of Energy Organization Act, Pub. L. 95–91, 91 Stat. 565 (42 U.S.C. 7101 *et seq.*); Federal Power Act, Pub. L. 66–280, 41 Stat. 1063 (16 U.S.C. 792 *et seq.*); E.O. 10485, 18 FR 5397, 3 CFR, 1949–1953, Comp., p. 970 as amended by E.O. 12038, 43 FR 4957, 3 CFR 1978 Comp., p. 136; E.O. 14154, 90 FR 8353. Pub. L. 95–91, 91 Stat. 565 (42 U.S.C. 7101); Pub. L. 66–280, 41 Stat. 1063 (16 U.S.C. 792 *et seq.*); E.O. 10485, 18 FR 5397, 3 CFR, 1949–1953, Comp., p. 970 as amended by E.O. 12038, 43 FR 4957, 3 CFR 1978 Comp., p. 136; Department of Energy Delegation Order No. 00–002.00Q (Nov. 1, 2018).

■ 2. Revise § 205.300 to read as follows:

§ 205.300 Who shall apply.

To obtain authorization to transmit any electric energy from the United States to a foreign country, an electric utility or any other person seeking to transmit any electricity from the U.S. to a foreign country must submit an application or be a party to an application submitted by another entity. The application shall include information the applicant deems relevant to DOE's determination under section 202(e) in the Federal Power Act.

§§ 205.301 through 205.309 [Removed and Reserved]

■ 3. Remove and reserve §§ 205.301 through 205.309.

[FR Doc. 2026–12475 Filed 6–18–26; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2026–4093; Airspace Docket No. 26–ASW–8]

RIN 2120–AA66

Establishment of Class E Airspace; Rosenberg, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace at Lane Airpark, Rosenberg, TX. This action supports new instrument procedures and instrument flight rule (IFR) operations.

DATES: Effective 0901 UTC, October 29, 2026. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order JO 7400.11 and publication of conforming amendments.

ADDRESSES: A copy of the notice of proposed rulemaking (NPRM), all comments received, this final rule, and all background material may be viewed online at *www.regulations.gov* using the FAA Docket number. Electronic retrieval help and guidelines are available on the website. It is available 24 hours each day, 365 days each year. An electronic copy of this document may also be downloaded from *www.federalregister.gov.*

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: Raul Garza Jr., Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5874.

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 establishes Class E airspace extending upward from 700 feet above the surface at Lane Airpark, Rosenberg, TX, to support IFR operations at this airport.

History

The FAA published an NPRM for Docket No. FAA–2026–4093 in the **Federal Register** (91 FR 20598; April 17, 2026) proposing to establish Class E airspace at Lane Airpark, Rosenberg, TX. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. Three comments

were received. Two comments were duplicates supporting the proposal based on its safety benefits. Last, one anonymous comment was received opposing the proposal, claiming that it is unnecessary and increases costs and burdens for regulated parties. Pursuant to FAA Order JO 7400.2R, Section 18–2–3, the airspace designation is necessary to contain instrument flight procedures (IFPs) that have been developed for the affected airport, which are not protected by other controlled airspace. Although the designation of Class E airspace could result in costs or burdens for regulated parties, these have been determined to be de minimis.

Incorporation by Reference

Class E airspace designations 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 amends the current version of that order, FAA Order JO 7400.11K, dated August 4, 2025, and effective September 15, 2025. These amendments will 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 Rule

This action modifies 14 CFR part 71 by establishing Class E airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Lane Airpark, Rosenberg, TX. This action is the result of instrument procedures being developed for this airport to support IFR operations.

Regulatory Notices and Analyses

The FAA has determined that this 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, ''Rulemaking and Guidance Procedure'' (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 amendments are routine and the expected impact to operators is de minimis, the FAA certifies that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1G, ''FAA National Environmental Policy Act Implementing Procedures,'' paragraph B–2.5(a), which categorically excludes from further environmental impact review rulemaking actions that designate or modify classes of airspace areas, airways, routes, and reporting points (see 14 CFR part 71, Designation of Class A, B, C, D, and E Airspace Areas; Air Traffic Service Routes; and Reporting Points); and paragraph B–2.5(k), which categorically excludes from further environmental impact review the publication of existing air traffic control procedures that do not essentially change existing tracks, create new tracks, change altitude, or change concentration of aircraft on these tracks. As such, this action is not expected to result in any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 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

* * * * *

ASW TX E5 Rosenberg, TX [Establish]

Lane Airpark, TX
(Lat. 29°31′24″ N, long. 95°46′47″ W)
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Lane Airpark.

* * * * *

Issued in Fort Worth, Texas, on June 17, 2026.

Jerry J. Creecy,

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

[FR Doc. 2026–12496 Filed 6–18–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 866

[Docket No. FDA–2026–N–6239]

Medical Devices; Immunology and Microbiology Devices; Classification of the Simple In Vitro Diagnostic Device for the Detection of Secreted Proteins From Bacillus Species (spp.) in Human Clinical Samples

AGENCY: Food and Drug Administration, HHS.

ACTION: Final amendment; final order.

SUMMARY: The Food and Drug Administration (FDA) is classifying the simple in vitro diagnostic device for the detection of secreted proteins from *Bacillus* species (spp.) in human clinical samples into class II (special controls). The special controls that apply to the device type are identified in this order and will be part of the codified language for classification of the simple in vitro diagnostic device for the detection of secreted proteins from *Bacillus* species (spp.) in human clinical samples. We are taking this action because we have determined that classifying the device into class II will provide a reasonable assurance of safety and effectiveness of the device. We believe this action will also enhance patients' access to beneficial innovative devices, in part by reducing regulatory burdens.

DATES: This order is effective June 22, 2026. The classification was applicable on February 3, 2023.

FOR FURTHER INFORMATION CONTACT: Malik Raynor, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 3654, Silver Spring, MD 20993–0002, 301–796–1693, *Malik.Raynor@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Upon request, FDA (the Agency or we) has classified the simple in vitro diagnostic device for the detection of secreted proteins from *Bacillus* species (spp.) in human clinical samples into class II (special controls), which we have determined will provide a reasonable assurance of safety and effectiveness of the device. In addition, we believe this action will enhance patients' access to beneficial innovation, in part by reducing regulatory burdens by placing the device into a lower device class than the automatic class III assignment.

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

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

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

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

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

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

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

II. De Novo Classification

On July 8, 2022, FDA received InBios International, Inc.'s request for De Novo classification of the Active Anthrax Detect Plus Rapid Test. FDA reviewed the request in order to classify the device under the criteria for classification set forth in section 513(a)(1) of the FD&C Act.

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

Therefore, on February 3, 2023, FDA issued an order to the requester classifying the device into class II. In this final order, FDA is codifying the classification of the device by adding 21 CFR 866.3046.[1] We have named the generic type of device ''simple in vitro diagnostic device for the detection of secreted proteins from *Bacillus* species (spp.) in human clinical samples,'' and it is identified as a prescription in vitro diagnostic device used to detect and presumptively identify *B. anthracis* and other *Bacillus* spp. in human clinical samples as an aid in the diagnosis of anthrax and other diseases caused by *Bacillus* spp. This device is simple to use and does not involve sample manipulation or measurement of an analyte that could be affected by conditions such as sample turbidity or cell lysis. This device may be used to aid in the presumptive diagnosis of anthrax in individuals who have signs and symptoms consistent with anthrax and a likelihood of exposure. *Bacillus* infections include anthrax (cutaneous, inhalational, or gastrointestinal) caused by *B. anthracis,* gastrointestinal disease, non-gastrointestinal infections, and an anthrax-like illness caused by *B. cereus.*

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

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

TABLE 1—RISKS TO HEALTH AND MITIGATION MEASURES FOR SIMPLE IN VITRO DIAGNOSTIC DEVICE FOR THE DETECTION OF SECRETED PROTEINS FROM *Bacillus* SPECIES (SPP.) IN HUMAN CLINICAL SAMPLES

Identified risks to health	Mitigation measures
False positive/negative result	Certain limitations on distribution and sample collection. Certain labeling information, including limitations, device descriptions, explanation of procedures and risk mitigations, and performance information. Certain design verification and validation, including certain device description information and documentation of certain analytical studies and clinical studies.
Exposure to test samples	Certain limitations on distribution and sample collection. Certain labeling information, including device descriptions, explanation of procedures and risk mitigations, and performance information. Certain design verification and validation, including certain device description information and documentation of certain analytical studies and clinical studies.
Exposure to hazardous ingredients: • Hydrochloric acid ≤2.5% • Sodium azide 0.2%	Certain limitations on distribution and sample collection. Certain labeling information, including device descriptions, explanation of procedures and risk mitigations, and performance information. Certain design verification and validation, including certain device description information and documentation of certain analytical studies and clinical studies.

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

At the time of classification, simple in vitro diagnostic devices for the detection of secreted proteins from *Bacillus* species (spp.) in human clinical samples are for prescription use only. Therefore, these devices are subject to the prescription labeling requirements for in vitro diagnostic (IVD) products (see 21 CFR 809.10(a)(4) and (b)(5)(ii)).

Under the FD&C Act, submission of a premarket notification under section 510(k) is required to reasonably assure the safety and effectiveness of class II devices unless FDA determines that the device type should be exempt under section 510(m) of the FD&C Act. At this time FDA has not made this determination for simple IVD devices for the detection of secreted proteins from *Bacillus* species (spp.) in human clinical samples. This device is therefore subject to premarket notification requirements under section 510(k) of the FD&C Act.

III. Analysis of Environmental Impact

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

IV. Paperwork Reduction Act of 1995

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

List of Subjects in 21 CFR Part 866

Biologics, Laboratories, Medical devices.

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

PART 866—IMMUNOLOGY AND MICROBIOLOGY DEVICES

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

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

■ 2. Add § 866.3046 to subpart D to read as follows:

§ 866.3046 Simple in vitro diagnostic device for the detection of secreted proteins from *Bacillus* species (spp.) in human clinical samples.

(a) *Identification.* A simple *in vitro* diagnostic device for the detection of secreted proteins from *Bacillus* species (spp.) is a prescription *in vitro* diagnostic device used to detect and presumptively identify *B. anthracis* and other *Bacillus* spp. in human clinical samples as an aid in the diagnosis of anthrax and other diseases caused by *Bacillus* spp. This device is simple to use and does not involve sample manipulation or measurement of an analyte that could be affected by conditions such as sample turbidity or cell lysis. This device may be used to aid in the presumptive diagnosis of anthrax in individuals who have signs and symptoms consistent with anthrax and a likelihood of exposure. *Bacillus* infections include anthrax (cutaneous, inhalational, or gastrointestinal) caused by *B. anthracis,* gastrointestinal disease, non-gastrointestinal infections, and an anthrax-like illness caused by *B. cereus.*

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

(1) The distribution of these devices is limited to laboratories that follow public health guidelines that address

appropriate biosafety conditions, interpretation of test results, and coordination of findings with public health authorities.

(2) Any sample collection device used must be FDA-cleared, -approved, or -classified as 510(k) exempt (standalone or as part of a test system) for the collection of the sample types with which this device is intended to be used; alternatively, the sample collection device must be cleared in a premarket submission as a part of this device.

(3) The labeling required under 21 CFR 809.10(b) of this chapter must include:

(i) An intended use statement that includes the following:

(A) A detailed description of targets the device detects and measures;

(B) The results provided to the user (*i.e.,* whether the measurement is qualitative, semi-quantitative, or quantitative);

(C) The clinical indications appropriate for test use (*e.g.,* in conjunction with patient history, epidemiological information, clinical observations, and other laboratory evidence to make patient management decisions);

(D) Sample types with which it is intended for use;

(E) The specific population(s) with which the device is intended to be used;

(F) The testing location(s) where the device is to be used (if not intended for all locations);

(G) A statement that the device results are for the presumptive identification of *Bacillus* spp., and definitive identification requires additional testing and confirmation procedures in consultation with the appropriate public health authorities;

(H) A statement that negative results do not preclude infection with *Bacillus* spp. and should not be used as the sole basis for diagnosis, treatment, or other patient management decisions; and

(I) A statement that testing is to be performed and reported in accordance with current guidelines provided by the appropriate public health authorities.

(ii) Detailed instructions for minimizing the risk of user exposure to *Bacillus* spp. that may be present in test samples and those used as control materials.

(iii) Detailed instructions for minimizing the risk of generating false positive test results due to contamination from positive test samples and/or positive control materials.

(iv) A prominent and conspicuous precaution that interpretation of test results is intended to be performed by experienced healthcare professionals who have training in principles and use of infectious disease diagnostics and the expertise to report results.

(v) A prominent and conspicuous warning statement that the test results alone do not conclusively establish infection and that additional testing and confirmation procedures may be necessary in consultation with the appropriate public health or other authorities to whom reporting is required.

(vi) A detailed device description, including reagents, instruments, ancillary materials, all control elements, and a detailed explanation of the methodology, including all pre-analytical methods for processing of samples.

(vii) Detailed descriptions of the performance characteristics of the device for all claimed sample types as shown by the analytical and clinical studies required under paragraphs (b)(4)(ii) and (b)(4)(iii) of this section, except sample stability performance characteristics.

(viii) For any devices intended for use in a near-patient setting, a brief reference sheet for healthcare professionals that accompanies the device and that includes the name and intended use of the test, step-by-step instructions of all control and sample testing procedures for the claimed sample types, the result(s) interpretation, warning and limitation statements, and information for troubleshooting or technical assistance with the device.

(ix) A statement that a nationally notifiable disease caused by a biothreat microbial agent must be reported to public health authorities in accordance with local, state, and federal law.

(x) Limiting statements indicating, as applicable:

(A) Situations where the device has been demonstrated to fail or may not perform at its expected performance level (*e.g.,* any disease specific circumstances or circumstances identified by human factors or robustness studies);

(B) Any specific circumstances that pose significant risk to public health, and for which the device has not been validated. For example:

(1) Testing of matrices and patient populations that are not identified in the intended use; or

(2) Testing individuals without signs and symptoms of infection, including mass infection screening (such as airport or border screening) that is not limited to individuals who have signs and symptoms and a risk of exposure to biothreat microbial agents.

(4) Design verification and validation must include:

(i) A detailed device description, including all device parts, control elements incorporated into the test procedure, reagents required but not provided, the principle of device operation and test methodology, and the computational path from collected raw data to reported result (*e.g.,* how collected raw signals are converted into a reported result).

(ii) Detailed documentation of analytical studies, as applicable, including those demonstrating limit of detection, inclusivity, cross-reactivity, microbial interference, interfering substances, carryover/cross contamination, sample stability, within lab precision, hook effect, reproducibility, and other studies relevant to the technology (*e.g.,* linearity), as determined to be appropriate by FDA.

(iii) Detailed documentation and results from either a clinical study or, when determined to be acceptable by FDA, a study with an equivalent data set. Documentation from this study must include study reports, testing results, and results of all statistical analyses, including line data of all test samples, and an appropriate justification describing how the sample set is representative of the intended use population. This study must compare the device performance to results obtained from a reference or comparator method that FDA has determined to be appropriate. This study must include prospective (sequentially collected) samples for each intended sample type that are representative of the intended use populations and may, when determined to be acceptable by FDA, include additional characterized clinical samples; or, as an alternative, when determined to be acceptable by FDA, an equivalent sample set. This study must include samples spanning all relevant analyte concentrations for all of the indicated sample type(s) and the targeted analyte(s).

(iv) A detailed description of the impact of any software, including software applications and hardware-based devices that incorporate software, on the device's functions, as applicable.

(v) For any devices that detect the presence of an analyte directly from sample, detailed documentation and results from a shelf-life assessment that includes samples formulated in the most complex clinical matrix identified in the device's intended use.

(vi) As part of the risk management activities, if the labeling includes hyperlinks to documents from public health authorities regarding sampling,

sample shipment, sample testing, or clinical management of patients suspected of being infected; or if the labeling includes direct contact information for any such public health authority, then the hyperlinks and contact information must be reviewed at least annually and updated to reflect any changes to those hyperlinks or contact information.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–12443 Filed 6–18–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 876

[Docket No. FDA–2026–N–5198]

Medical Devices; Gastroenterology-Urology Devices; Classification of the Endoscopic Light-Projecting Measuring Device

AGENCY: Food and Drug Administration, HHS.

ACTION: Final amendment; final order.

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

DATES: This order is effective June 22, 2026. The classification was applicable on July 26, 2022.

FOR FURTHER INFORMATION CONTACT: Stephanie Cole, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 2536, Silver Spring, MD 20993–0002, 301–796–8587, *Stephanie.Cole@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

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

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

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

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

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

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

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

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

II. De Novo Classification

On August 9, 2021, FDA received RQMIS Inc.'s request for De Novo classification of the AccuMeasure System. FDA reviewed the request in order to classify the device under the criteria for classification set forth in section 513(a)(1) of the FD&C Act.

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

Therefore, on July 26, 2022, FDA issued an order to the requester classifying the device into class II. In this final order, FDA is codifying the classification of the device by adding 21

CFR 876.1530.[1] We have named the generic type of device ''endoscopic light-projecting measuring device,'' and it is identified as a device that projects light on a mucosal surface and uses software to determine the dimensions of observable features of interest.

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

TABLE 1—RISKS TO HEALTH AND MITIGATION MEASURES FOR ENDOSCOPIC LIGHT-PROJECTING MEASURING DEVICES

Identified risks to health	Mitigation measures
Ineffective treatment due to the device providing inaccurate measurements.	Non-clinical performance testing, and Labeling.
Device failure/malfunction leading to injury	Non-clinical performance testing; Electrical, thermal, and mechanical safety testing; Software validation, verification, and hazard analysis; and Labeling.
Device failure due to interference with other devices	Electromagnetic compatibility testing.
Adverse tissue reaction	Biocompatibility evaluation.
Extended procedure time leading to increased adverse events	In vivo performance testing.

FDA has determined that special controls, in combination with the general controls, address these risks to health and provide reasonable assurance of safety and effectiveness of the device. For a device to fall within this classification, and thus avoid automatic classification in class III, it would have to comply with the special controls named in this final order. The necessary special controls appear in the regulation codified by this final order. FDA supports the principles of the ''3Rs,'' to replace, reduce, and/or refine animal use in testing when feasible. We encourage sponsors to consult with us if they wish to use a non-animal testing method they believe is suitable, adequate, validated, and feasible. We will consider if such an alternative method could be assessed for equivalency to an animal test method.

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

III. Analysis of Environmental Impact

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

IV. Paperwork Reduction Act of 1995

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

List of Subjects in 21 CFR Part 876

Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 876 is amended as follows:

PART 876—GASTROENTEROLOGY-UROLOGY DEVICES

■ 1. The authority citation for part 876 continues to read as follows:

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

■ 2. Add § 876.1530 to subpart B to read as follows:

§ 876.1530 Endoscopic light-projecting measuring device.

(a) *Identification.* An endoscopic light-projecting measuring device projects light on a mucosal surface and uses software to determine the dimensions of observable features of interest.

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

(1) In vivo performance testing must demonstrate that the device performs as intended under anticipated conditions of use. Testing must evaluate:

(i) Visualization during the procedure;

(ii) Ease of procedure as reported by the intended user; and

(iii) User acceptability of imaging time.

(2) Non-clinical performance testing must demonstrate that the device performs as intended under anticipated conditions of use. The following performance characteristics must be tested:

(i) Accuracy validation;

(ii) Endoscope compatibility testing;

(iii) Battery life testing;

(iv) Durability testing; and

(v) Light safety testing.

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

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

(5) Electrical, thermal, and mechanical safety testing must be performed.

(6) Performance testing must demonstrate electromagnetic

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

compatibility of the device in the intended use environment.

(7) Methods and instructions for reprocessing reusable components must be validated.

(8) Labeling must include:

(i) Device technical parameters, including a description of the accuracy of the device;

(ii) Information regarding endoscope compatibility;

(iii) Warning for light hazards and protection for patient and operator; and

(iv) Validated reprocessing instructions.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–12444 Filed 6–18–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 876

[Docket No. FDA–2026–N–5149]

Medical Devices; Gastroenterology-Urology Devices; Classification of the Endoscopic Traction Device

AGENCY: Food and Drug Administration, HHS.

ACTION: Final amendment; final order.

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

DATES: This order is effective June 22, 2026. The classification was applicable on June 13, 2022.

FOR FURTHER INFORMATION CONTACT: Sivakami Venkatachalam, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 2676, Silver Spring, MD 20993–0002, 301–796–9103, *Sivakami.Venkatachalam@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

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

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

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

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

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

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

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

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

II. De Novo Classification

On January 14, 2022, FDA received Covidien LLC's request for De Novo classification of the ProdiGI device. FDA reviewed the request in order to classify the device under the criteria for classification set forth in section 513(a)(1) of the FD&C Act.

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

reasonable assurance of the safety and effectiveness of the device.

Therefore, on June 13, 2022, FDA issued an order to the requester classifying the device into class II. In this final order, FDA is codifying the classification of the device by adding 21 CFR 876.4410.[1] We have named the generic type of device ''endoscopic traction device,'' and it is identified as a prescription device that is endoscopically applied to retract tissue in the gastrointestinal tract during dissection procedures to increase visualization of the dissection plane and assist in tissue resection, exposure, and removal.

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

TABLE 1—RISKS TO HEALTH AND MITIGATION MEASURES FOR ENDOSCOPIC TRACTION DEVICES

Identified risks to health	Mitigation measures
Adverse tissue reaction	Biocompatibility evaluation.
Tissue trauma including bleeding, perforation, or laceration due to use error or improper device use.	In vivo performance testing; Non-clinical performance testing; Usability assessment; and Labeling.
Infection	Sterilization validation; Shelf life testing; and Labeling.
Device failure/malfunction leading to patient injury	Non-clinical performance testing.
Increased procedure time and sedation time due to time needed to deploy device.	In vivo performance testing; and Usability assessment.

FDA has determined that special controls, in combination with the general controls, address these risks to health and provide reasonable assurance of safety and effectiveness of the device. For a device to fall within this classification, and thus avoid automatic classification in class III, it would have to comply with the special controls named in this final order. The necessary special controls appear in the regulation codified by this final order. FDA supports the principles of the ''3Rs,'' to replace, reduce, and/or refine animal use in testing when feasible. We encourage sponsors to consult with us if they wish to use a non-animal testing method they believe is suitable, adequate, validated, and feasible. We will consider if such an alternative method could be assessed for equivalency to an animal test method.

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

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

III. Analysis of Environmental Impact

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

IV. Paperwork Reduction Act of 1995

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

List of Subjects in 21 CFR Part 876

Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 876 is amended as follows:

PART 876—GASTROENTEROLOGY–UROLOGY DEVICES

■ 1. The authority citation for part 876 continues to read as follows:

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

■ 2. Add § 876.4410 to subpart E to read as follows:

§ 876.4410 Endoscopic traction device.

(a) *Identification.* An endoscopic traction device is a prescription device that is endoscopically applied to retract tissue in the gastrointestinal tract during dissection procedures to increase visualization of the dissection plane and assist in tissue resection, exposure, and removal.

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

(1) In vivo performance testing must demonstrate that the device performs as intended under anticipated conditions of use. Testing must evaluate:

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

(i) Perforation, bleeding, and mucosal injury;

(ii) Ease of insertion and removal of the device;

(iii) Visualization during the procedure; and

(iv) Ease of procedure as reported by the intended user.

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

(i) Device deployment and detachment;

(ii) Ability to retract tissue;

(iii) Tensile strength;

(iv) Potential for laceration caused by the device or procedure using the device;

(v) Dimensional verification; and

(vi) For devices that contain a magnet, magnet strength verification and safety assessment.

(3) Usability assessment must demonstrate that the intended user(s) can safely and correctly use the device.

(4) Performance data must demonstrate the sterility of the patient-contacting components of the device.

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

(6) Performance data must support the shelf life of the device by demonstrating continued sterility, package integrity, and device functionality over the intended shelf life.

(7) Labeling must include:

(i) The recommended training for safe use of the device;

(ii) Anatomical locations and lesion sizes that have been demonstrated to be safe to use with the device; and

(iii) A shelf life.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–12445 Filed 6–18–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 948

[SATS No. WV–118–FOR; OSM–2011–0009; and WV–117–FOR; OSM–2011–0006; S1D1S SS08011000 SX064A000 267S180110; S2D2S SS08011000 SX064A000 26XS501520]

West Virginia Regulatory Program

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

ACTION: Final rule; approval of amendment with two provisions receiving qualified approval.

SUMMARY: We, the Office of Surface Mining Reclamation and Enforcement (OSM), are approving two amendments to the West Virginia regulatory program (the West Virginia program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). West Virginia proposed revisions to the West Virginia Surface Coal Mining and Reclamation Act (WVSCMRA), codified at Title 22, Article 3, of the West Virginia Code (W. Va. Code), along with revisions to its administrative regulations promulgated in the West Virginia Code of State Rules (CSR) that relate to electronic permit filing, pre-subsidence surveys, and issuance of show cause orders, certain fees for surface mining permits and related authorizations, and other miscellaneous topics. We tentatively approved the provisions relating to permitting fees through an interim rule we promulgated on June 29, 2011, which became effective on July 14, 2011. With this rule, our approval of those provisions is now final.

DATES: This rule is effective July 22, 2026.

FOR FURTHER INFORMATION CONTACT: Mr. Justin Adams, Director, Charleston Field Office, Telephone: (304)-977–7450. Email: *osm-chfo@osmre.gov.*

SUPPLEMENTARY INFORMATION:

I. Background on the West Virginia Program
II. Submission of the Amendment
III. OSM's Findings
IV. Summary and Disposition of Comments
V. OSM's Decision
VI. Statutory and Executive Order Reviews

I. Background on the West Virginia Program

Subject to OSM's oversight, section 503(a) of SMCRA permits a State to assume primacy for the regulation of surface coal mining and reclamation operations on non-Federal and non-Indian lands within its borders by demonstrating that its program includes, among other things, State laws and regulations that govern surface coal mining and reclamation operations in accordance with the Act and consistent with the Federal regulations. 30 U.S.C. 1253(a)(1) and (7). On the basis of these criteria, the Secretary of the Interior conditionally approved the West Virginia program on January 21, 1981. You can find additional background information on the West Virginia program, including the Secretary's findings, the disposition of comments, and conditions of approval of the West Virginia program in the January 21, 1981, **Federal Register** (46 FR 5915). You can also find later actions concerning West Virginia's program and program amendments at 30 CFR 948.10, 948.12, 948.13, 948.15, and 948.16.

II. Submission of the Amendment

In 2011, the West Virginia Legislature passed revisions to WVSCMRA and the state regulations through Senate Bill 121 (SB 121) (March 11, 2011) and House Bill 2955 (HB 2955) (approved March 18, 2011). *See* 2011 W. Va. Acts Chs. 109 and 166. SB 121 codified several revisions to the CSR, establishing an incremental bonding rate that we approved on an interim basis in 2011, *see* 76 FR 37996 (June 29, 2011), revising provisions to accommodate electronic permit filing, establishing trust funds and annuities as an alternative to traditional performance bond for long-term water treatment, and making other miscellaneous revisions discussed below. HB 2955 established or revised several permit-related fees that we approved in our 2011 interim rule.

A. WV–117–FOR

By letter dated April 21, 2011 (Administrative Record Number WV–1557), the West Virginia Department of Environmental Protection (WVDEP) submitted to us a program amendment, which we docketed at SATS No. WV–117–FOR, that included the permit fee revisions from HB 2955, along with the revisions to the CSR from SB 121 that established the incremental bonding rate. HB 2955 increased the filing fee for the State's surface mining permit to $3,500, increased the permit renewal fee to $3,000, and established various fees for other permit-related actions like significant permit revisions and notices of intent to prospect. We approved the increase in permit fees on an interim basis. In our interim approval on June 29, 2011, we requested public comments and provided an opportunity for a public hearing on the permit fees and incremental bonding rate revisions (Administrative Record No. 1560).[1] West Virginia subsequently submitted, and we approved, significant revisions to its incremental bonding provisions in a program amendment, which we docketed at SATS No. WV–126–FOR. WV–129–FOR rendered the incremental bonding revision from WV–117–FOR moot. *See* 89 FR 19262, 19266 (Mar. 18, 2024). Therefore, we will not further

[1] In our June 29, 2011, notice (76 FR 37996), we erroneously omitted the rule's effective date. We published a correction on July 14, 2011 (76 FR 41411), stating that the effective date was July 14, 2011.

address our interim approval of that revision here.

B. WV–118–FOR

By letter dated April 25, 2011, (Administrative Record Number WV–1561), WVDEP submitted to us a program amendment, which we docketed at SATS No. WV–118–FOR, that included the remaining regulatory revisions to West Virginia's CSR authorized by SB 121. We announced receipt of the proposed amendment on November 2, 2011. 76 FR 67637. In the same notice, we opened a public comment period and provided an opportunity for a public hearing on these provisions (Administrative Record Number WV–1573). The public comment period closed on December 2, 2011. We received comments from three Federal agencies, which we address in detail below. We also approved West Virginia's new rule at CSR 38–2–11.3.f (regarding trust funds and annuities for long-term postmining pollutional discharges) in our 2024 decision on WV–126–FOR, referenced above. *See* 89 FR 19265–66. Therefore, we will not further address that rule here.

III. OSM's Findings

We are making the following findings concerning these amendments, as required by SMCRA and the Federal regulations at 30 CFR 732.15 and 732.17. We are approving the amendment as described below. Any revisions not specifically discussed, such as replacing the term ''Director'' with the term ''Secretary'' to reflect an earlier agency reorganization, are non-substantive editorial changes that do not render the West Virginia program any less effective at meeting the requirements of SMCRA and the Federal regulations. We also subsequently clarified with WVDEP that several of the revisions use the word ''proscribed'' when they should have used ''prescribed,'' and that WVDEP implements them accordingly. We found that the intended terms are clear enough from their context that we consider them typographical errors that do not compromise WVDEP's implementation of the regulations as intended. As described in more detail below, we approve the provisions we initially approved in our 2011 interim rule (76 FR 37996), as well as other miscellaneous revisions. The amendment can be viewed in its entirety at *www.regulations.gov.*

A. WV–117–FOR

1. W. Va. Code § 22–3–7. Notice of Intent To Prospect

West Virginia revised subsection (b)(2) by adding new language establishing a fee of $2000 for filing of a notice of intent to prospect and renumbering the existing provision as subsection (b)(3). Under West Virginia law, any person who intends to prospect for coal must first file a notice of intent to prospect with WVDEP. Before this amendment, the statute required the submission of a notice of intent to prospect but did not require a filing fee for that notice.

OSM's Finding: Section 512 of SMCRA, 30 U.S.C. 1262, governs coal exploration activities and requires States with approved regulatory programs to establish certain minimum requirements for coal exploration operations that substantially disturb the natural land surface. The Federal regulations at 30 CFR part 772 implement section 512, elaborating on section 512's minimum requirements and providing necessary procedural controls. Neither section 512 of SMCRA nor the Federal regulations address fees related to coal exploration activities. However, they do not prohibit States from establishing reasonable filing fees associated with the notice of intent to explore. Section 512(a) of SMCRA specifically requires that each regulatory authority include certain enumerated minimum requirements for their coal exploration programs, indicating that each State retains the discretion to include additional requirements above the minimum. West Virginia's proposed fee to cover the cost of administering and enforcing coal exploration activities related to a particular notice of intent is an additional requirement within its discretion to impose.

West Virginia's revision to W. Va. Code § 22–3–7(b) does not alter the substantive requirements governing coal exploration activities and does not reduce the State's authority to regulate coal exploration activities. Accordingly, we approve the revision because we find that it is in accordance with SMCRA and does not render W. Va. Code § 22–3–7 less effective than the Federal regulations at meeting SMCRA's requirements.

2. W. Va. Code § 22–3–8. New Permits

West Virginia revised subsection (a)(4) to increase the fee for a new surface mining permit application from $1,000 to $3,500.

OSM's Finding: Section 507(a) of SMCRA, 30 U.S.C. 1257(a), and 30 CFR 777.17, require that an application for a surface coal mining and reclamation permit must be accompanied by a fee determined by the regulatory authority that must not exceed the cost of reviewing, administering, and enforcing the permit. The Federal regulations set fees for permit applications under the Federal program, see 30 CFR 736.25, but do not prescribe fees in primacy States.

West Virginia increased its permit application fee from $1,000 to $3,500, which we find to be an amount that does not exceed West Virginia's cost of reviewing, administering, and enforcing the permits. The amendment neither alters the substantive requirements for obtaining a permit nor limits the State's authority to adjust the fees later to ensure they are sufficient to cover the cost of reviewing, administering, and enforcing the permits without exceeding that amount.

We find that West Virginia's revision to subsection (a)(4) is in accordance with SMCRA and as effective as the Federal regulations at meeting the requirements of SMCRA, and we therefore approve it.

3. W. Va. Code § 22–3–19. Permit Actions

West Virginia revised subsection (a)(4) to increase the filing fee for a permit renewal application from $2,000 to $3,000; revised subsection (b)(2) to establish a $500 filing fee for applications for significant permit revisions; revised subsection (b)(3) to establish a $500 filing fee for applications to extend an area covered by an existing permit; revised subsection (d) to establish a $1,500 filing fee for applications for the transfer, assignment or sale of the rights granted under an existing permit; and added a new subsection (e) to establish a $2,000 filing fee for each request for inactive status.

OSM's Finding: As discussed above, section 507(a) of SMCRA, 30 U.S.C. 1257(a), and the implementing regulations at 30 CFR 777.17, require that permit applications must be accompanied by a fee determined by the regulatory authority that does not exceed the cost of reviewing, administering, and enforcing the permit. The Federal regulation at 30 CFR 777.17 specifies that the costs used by the regulatory authority to set the fee may be actual or anticipated costs, and that the regulatory authority may develop procedures to allow the fee to be paid over the term of the permit.

We find that the permit-related fees that West Virginia revised or established in W. Va. Code § 22–3–19 are derivative of, and supported by, the requirement under section 507(a) of SMCRA. The

new or revised fees account for costs from additional review, administration, and enforcement made necessary by subsequent requests by the permittee and constitute a procedure for paying over the term of the permit potential fees that the regulatory authority could otherwise estimate and account for in the initial permit application fee.

We therefore find that the revisions are in accordance with SMCRA and do not render W. Va. Code § 22–3–19 less effective than the Federal regulations at meeting the requirements of SMCRA, and therefore we approve them.

B. WV–118–FOR

We are making the following findings about West Virginia's amendment under SMCRA and the Federal regulations at 30 CFR 732.15 and 732.17. We are approving WV–118–FOR with certain understandings as described below. The full text of the program amendment is available for review at *https://www.regulations.gov.*

1. CSR 38–2–3.1 Permit Application Requirements and Contents—Applicant Information

West Virginia revised CSR 38–2–3.1.c.4., which requires applicants to provide the Federal or State permit number and an identification number issued by the Federal Mine Safety and Health Administration (MSHA), with the date of its issuance, under which each owner or controller of the applicant owned or controlled any other surface coal mining operation in the United States within five years preceding the date of application. West Virginia added language to specify that the MSHA identification number with date of issuance is required if it is available. West Virginia revised CSR 38–2–3.1.d to allow applicants to submit ownership or control information either in the permit application or in an electronic database accessible to the agency that has been updated within three months of submittal. Similarly, West Virginia revised CSR 38–2–3.1.k to allow applicants to submit violation information either in the permit application or in an electronic database accessible to the agency that has been updated within three months of submittal.

OSM's Finding: The Federal regulations at 30 CFR 778.12(a) require that permit applicants include all names under which the applicant, the operator, and any partners or principal shareholders of either, operate or previously operated a surface coal mining operation five years preceding the application. This provision does not require anything more than the names. Subsection (c)(4) of that rule requires the Federal or State permit number and corresponding MSHA number for those operations. Subsection (c)(4) formerly required the date of issuance of the MSHA number, but we deleted that part of the Federal requirement in 2000 after finding that it had no practical value in implementing SMCRA. *See* 65 FR 79582, 79644 (Dec. 19, 2000).

West Virginia's rule, as revised, does not distinguish between the availability of the MSHA number and the date of its issuance. We understand that the date of issuance may not always be available to the applicant but that is not the case for the MSHA number. Nonetheless, we approve West Virginia's revision because it does not render the requirement to provide the MSHA number optional, it only acknowledges that the ''MSHA number with date of issuance'' may not be available, and in those cases where the date of issuance is not available, the applicant must submit the MSHA number. Accordingly, we approve the revision to CSR 38–2–3.1.c.4.

West Virginia's revisions to paragraphs d and k, section 507(b) of SMCRA (30 U.S.C. 1257(b)), and the Federal implementing regulations at 30 CFR 778.12 require that permit applications include information about ownership or control of the applicant, and section 510 of SMCRA (30 U.S.C. 1260) and the Federal implementing regulations at 30 CFR 778.14 require that an applicant include relevant violation history. These provisions ensure that the regulatory authority has sufficient information to evaluate the applicant's compliance history and eligibility for a permit. Relatedly, the Federal regulations at 30 CFR 773.6(d) require that, with some limited exceptions, all applications for permits, revisions, renewals, and transfers, assignments, or sales of permit rights on file with the regulatory authority must be available at reasonable times for public inspection and copying.

West Virginia's proposed amendment allows ownership or control information to be submitted in an electronic database accessible to the agency, rather than solely within the permit application itself. OSM sought clarification from WVDEP about how ownership or control information and violation history submitted in an electronic database would be made available for public review, and WVDEP confirmed that such information is considered part of the permit application and is made available during the public comment period. It is our understanding that by ''electronic database accessible to the agency,'' West Virginia's regulation refers to an electronic version of the centralized ownership and control files that are maintained by related permittees, which we approved in 1996. *See* 61 FR 6511 (Feb. 21, 1996). We also understand that WVDEP can run reports of the information upon request. Therefore, we approve these revisions based on the understanding that WVDEP considers the information submitted in an electronic database part of the permit application and will make that information available to the public both during the public comment period and afterward in compliance with 30 CFR 773.6. With this condition, West Virginia's proposal to have an applicant separately submit the required information through an electronic database accessible to WVDEP does not make the State program less effective than the Federal regulations and meets the requirements of SMCRA. Therefore, we approve the revisions to CSR 38–2–3.1.d and 3.1.k with the understanding described above.

2. CSR 38–2–3.2 Permit Application Requirements and Contents—Advertisement

West Virginia revised CSR 38–2–3.2.a to replace the phrase ''administratively complete'' with ''technically complete'' in describing a complete permit application that then require advertisement and public comment.

OSM's Finding: West Virginia submitted this proposed change to us as part of its original program amendment package that we docketed as WV–118–FOR, but West Virginia later withdrew it. Based on comments received during the State's public comment period, WVDEP determined that this revision should not be included in the final rule, as indicated in a letter dated September 7, 2011, to the West Virginia Secretary of State (Administrative Record Number WV–1569). Accordingly, we do not consider this revision as part of the amendment under consideration, and we do not make any determination on it. However, WVDEP also noted that the version it had filed as final nonetheless contained the revision, but that WVDEP intends to correct it. The most recent version of West Virginia's regulations publicly available on its website contains this revision, referencing that the applicant ''shall submit a technically complete surface mining permit application.'' This creates a minor incongruity with the separate provision about technical completeness at CSR 38–2–3.2.g, which should be corrected, but we have not, through the course of our regular oversight,

identified any issues with WVDEP implementing these distinct provisions as intended.

3. CSR 38–2–3.4 Permit Application Requirements and Contents—Maps

West Virginia revised CSR 38–2–3.4.b to allow maps to be submitted in either paper or electronic format and to specify that such maps must be in a format prescribed by the Secretary.

OSM's Finding: Sections 507 and 508 of SMCRA, 30 U.S.C. 1257 and 1258, and the Federal implementing regulations at 30 CFR 777.14, 779.24, and 783.24, require that permit applications include maps and plans sufficient to describe the proposed mining operations and related manmade and environmental features. These provisions do not prescribe the format of the maps beyond their scale and specific contents, leaving discretion with the regulatory authority to establish requirements for the format of such materials. Because West Virginia's revisions simply authorize WVDEP to prescribe the format of the maps and allow applicants to submit electronic versions so long as they are capable of being printed on appropriately sized paper, which are both well within the State's discretion, we find that the revisions do not render CSR 38–2–3.4 less effective than the Federal regulations at meeting the requirements of the Act, and we approve them.

4. CSR 38–2–3.12 Permit Application Requirements and Contents—Subsidence Control Plan

West Virginia revised CSR 38–2–3.12.a.2.B to provide that pre-subsidence surveys of non-commercial buildings or residential dwellings and associated structures will be confidential and used only to evaluate damage related to subsidence. The revision also requires that WVDEP develop a procedure for assuring that surveys remain confidential.

OSM's Finding: Sections 507, 508, and 515 of SMCRA, 30 U.S.C. 1257, 1258, and 1265, and the Federal implementing regulations at 30 CFR 784.20 (Subsidence control plan), require that permit applications include certain information to evaluate the potential impacts of subsidence, including to structures and water supplies. In 1995, we added a requirement at 30 CFR 784.20(c) that permit applicants submit a survey of the condition of all non-commercial buildings or occupied residential dwellings within the area encompassed by the ''applicable angle of draw'' that may be materially damaged or for which the reasonably foreseeable use may be diminished by subsidence. This provision was later vacated in *National Mining Association* v. *Babbitt,* 172 F.3d 906 (D.C. Cir. 1999). As a result, we suspended 30 CFR 784.20(a)(3) relating to such surveys, while the rule remained in effect for water supplies and technical assessments or engineering evaluations necessarily related thereto. *See* 64 FR 71652, 71653 (Dec. 22, 1999) (OSM's final rule suspending regulations in part).

West Virginia, however, maintains the requirement for a survey of the condition of non-commercial buildings and residential dwellings and related structures under CSR 3.12.a.2., subject to the exemptions in subparagraphs A and B and the conditions specified therein. Due to the suspension of the Federal rule, West Virginia's inclusion of the rule and the conditions West Virginia subjects it to are at West Virginia's discretion as a more stringent State rule, which section 505 of SMCRA, 30 U.S.C. 1255, expressly allows. Therefore, West Virginia's revision to limit the availability and use of this State-required pre-subsidence survey of the condition of non-commercial buildings and residential dwellings is likewise within its discretion and does not make the State program less stringent than SMCRA nor less effective than the Federal regulations at meeting SMCRA's requirements. Accordingly, we approve the revision to CSR 38–2–3.12.a.2.B.

5. CSR 38–2–3.15. Approved Persons (Electronic Submission of Technical Data)

West Virginia revised CSR 38–2–3.15.b.3 to require that persons approved by WVDEP as authorized to prepare, sign, or certify permit applications, maps, plans, and design specifications or other similar materials necessary to complete an application, must be capable of submitting maps, plans, and all other technical data electronically in a format prescribed by the WVDEP.

OSM's Finding: West Virginia made earlier revisions to this and other paragraphs of this rule about approved persons, which we docketed at SATS No. WV–116–FOR and recently approved. *See* 90 FR 55658, 55659–60 (Dec. 3, 2025). As we explained in that decision, no direct Federal counterpart law or regulation creates a category of ''approved persons'' authorized to submit permit application materials. However, the Federal regulations at 30 CFR 777.11 explicitly give the regulatory authority broad discretion to prescribe the format of permit applications and related materials. We find that, by necessary extension of that rule, West Virginia is acting within its discretion to require that approved persons must be capable of submitting such materials in the required format. Accordingly, we approve the revision to CSR 38–2–3.15.b.3.

6. CSR 38–2–14.11 Procedures To Obtain Inactive Status

West Virginia revised CSR 38–2–14.11.h to allow WVDEP to grant inactive status for coal refuse sites for periods exceeding the 10-year maximum that is set under paragraph g of the rule, provided that that the permittee furnish and maintain a bond equal to the estimated actual reclamation cost, as determined by WVDEP, which remains in effect for the life of the operation. The regulation also required WVDEP to review the estimated actual reclamation cost at least every two and a half years.

OSM's Finding: West Virginia subsequently made additional revisions to this and other paragraphs of this rule about operations in an inactive status, which we docketed at SATS No. WV–124–FOR and recently approved. *See* 90 FR 55649, 55651–52 (Dec. 3, 2025). As we explained in that decision, the Federal regulations at 30 CFR 816.131 and 817.131 require that a permittee who is seeking inactive status must submit to the regulatory authority a notice of its intention to cease or abandon mining and reclamation operations, include a statement of the exact number of acres that will have been affected in the permit area, the extent and kind of reclamation of those areas that will have been accomplished, and identify the backfilling, regrading, revegetation, environmental monitoring, and water treatment activities that will continue during the temporary cessation. The Federal regulations do not impose a particular maximum duration on temporary cessation, but we note that they require each permittee to effectively secure the facilities and they explain that temporary cessation does not relieve a person of their obligation to comply with any provisions of the permit. Like our decision in WV–124–FOR, West Virginia's revision here does not alter the other requirements for inactive status, particularly those in CSR 14.11.a.1 through .a.9, including that the site remain in full compliance with all standards of the approved West Virginia program and permit. Accordingly, we approve the revision to CSR 38–2–14.11.h.

7. CSR 38–2–20.4 Show Cause Orders

West Virginia revised CSR 38–2–20.4.a, relating to orders requiring a permittee to show cause why a permit

should not be suspended or revoked, to require that WVDEP provide email notification of the issuance of show cause orders to members of the public who have subscribed to the WVDEP's email notification service, and to notify persons whose citizen complaints resulted in enforcement actions leading to the issuance of a show cause order.

OSM's Finding: Section 521 of SMCRA, 30 U.S.C. 1271, and the implementing regulations at 30 CFR 843.14, govern how OSM serves notices of violation and related enforcement actions, including show cause orders. Subsection (c) of the Federal rule provides that OSM must furnish copies of the orders to the State regulatory authority promptly after their issuance and may furnish copies to persons having an interest in the operation or permit area. Because West Virginia's revision requires notification to two groups of people who West Virginia believes may have an interest—those who have subscribed to WVDEP email notification service and those who filed complaints that led to the show cause order—West Virginia's provision is more stringent than its Federal counterpart at 30 CFR 843.14(c), which permits OSM to notify interested persons, but does not require it. Section 505 of SMCRA, 30 U.S.C., 1255, expressly allows States to provide more stringent requirements. Further, should a permittee file an answer to the show cause order, West Virginia's regulation at CSR 38–2–20.4.e. still requires public notice of the subsequent public hearing and notification to any interested parties who request intervenor status, in conformance with the Federal requirements at 30 CFR 843.13(b). Accordingly, we approve the revision to CSR 38–2–20.4.a.

8. Certifications by Professional Surveyors CSR 38–2–3.15; 4.2; 4.10; 4.12; 5.4; 7.5

The State amended multiple provisions throughout its regulations to replace the phrase ''licensed land surveyor'' with ''professional surveyor'' to clarify that surveyors must be certified and licensed in the State of West Virginia.

OSM's Finding: In 1983, Congress amended section 507of SMCRA, 30 U.S.C. 1257, to authorize qualified registered professional land surveyors to prepare and certify maps, plans, and cross sections for surface mining and reclamation permits in any State which authorizes land surveyors to prepare and certify such maps or plans. *See* 79 FR 16194 (Apr. 24, 1985).

Neither SMCRA nor the Federal regulations define ''qualified registered professional'' or elaborate on the relationship between those adjectives. However, in a 1988 rulemaking related to impoundments, we explained that we ''consider it important to apply the minimum safety factor requirement and the requirement that the individuals certifying impoundment design and construction be licensed as professionally qualified.'' 53 FR 43584, 43593 (Oct. 27, 1988). We also explained that we ''must rely on State licensing authorities to ensure that land surveyors are authorized to perform only those design certifications that they are qualified to perform in consideration of their background, training and experience.'' *Id.* at 43600. For its part, West Virginia rewrote its statute about the professional licensing of land surveyors in 2010, and at W. Va. Code 30–13A–3(gg) defined ''surveyor'', ''professional surveyor'', or ''land surveyor'' to mean a person licensed to practice surveying under the provisions of that statute. Moreover, WVDEP then ensured that the professional surveyor is qualified to perform the functions authorized under SMCRA through its ''approved person'' regulations at CSR 38–2–3.15. Therefore, we find that West Virginia's revisions have no effect on its approved program, which remains no less stringent than SMCRA and no less effective as the Federal regulations at meeting the requirements of the Act. Accordingly, we approve the amendments to CSR 38–2–3.15.a; 3.15.b.1; 4.2.a.7; 4.10.a.1; 4.12; 5.4.d.2; 5.4.d.3; 5.4.e.1; 5.4.e.3; 7.5.b.11; 7.5.g.1.A; and 7.5.g.2.A.

IV. Summary and Disposition of Comments

A. WV–117–FOR

Public Comments

We asked for public comments on the amendment but received no comments in response to our request.

Federal Agency Comments

On June 30, 2011, under 30 CFR 732.17(h)(11)(i) and section 503(b) of SMCRA, we requested comments on the amendment from various Federal agencies with an actual or potential interest in the West Virginia Program (Administrative Record No. WV–1563). We attached to our letters copies of our 2011 interim rule (76 FR 37996).

OSM received responses from the Natural Resources Conservation Service of the U.S. Department of Agriculture (NRCS), and the U.S. Army Corp of Engineers, Pittsburgh District (USACE), each stating they had no comments. *See* Administrative Record No. WV–1564 (NRCS), and Administrative Record No. WV–1568 (USACE).

On July 7, 2011, the Department of Energy (DOE) responded with two comments (Administrative Record No. 1565). The first comment addressed the proposed fee structure. DOE stated that the increase in the new fee structure for large coal operators is very small on a per-ton expense because of the large volume of coal produced. However, DOE felt that the smaller coal operators would be disadvantaged by the larger increase in cost per ton. DOE also expressed concerns like those voiced by the coal industry about the length of time it takes for the WVDEP to issue permitting actions. DOE feels that regulators should expedite the permit process for review and approval to the extent practicable and that a predictable timeframe for response from WVDEP would alleviate this concern. However, the revisions included in this amendment do not pertain to the permitting process timeline, and therefore we will not address that comment further.

We provided DOE's comments to WVDEP for consideration. However, we note that nothing in SMCRA requires that the permit fee rates reflect the coal production of the applicant, as suggested by DOE. Furthermore, West Virginia's fee revisions are only the second time that the State has increased its permit fees since we conditionally approved its program in 1981, and we find that the proposed permit fees are reasonable based on the amount of time that is required to review and approve such permit applications.

Environmental Protection Agency (EPA) Comments and Concurrence

Under Federal regulations at 30 CFR 732.17(h)(11)(ii), we are required to get written concurrence from EPA for those provisions of the program amendment that relate to air or water quality standards issued under the authority of the Clean Water Act (33 U.S.C. 1251 *et seq.*) or the Clean Air Act (42 U.S.C. 7401 *et seq.*). We determined that none of the proposed State revisions in WV–117 pertain to air or water quality standards. Therefore, we did not ask EPA to concur on this amendment. However, on June 30, 2011, under 30 CFR 732.17(h)(11)(i), we requested comments from EPA on the amendment (Administrative Record No. WV–1563).

On August 2, 2011, EPA responded with comments (Administrative Record No. WV–1567). EPA submitted comments concerning sufficient bonding to cover land reclamation, including protection of the hydrologic balance and water quality. EPA noted

that the State's increased amount for incremental bonding appeared limited to land reclamation and was unable to affirm that the increased bond amount would be sufficient to ensure reclamation of the hydrologic balance and water quality at all sites.

As we explain in Part II.A, above, West Virginia subsequently submitted, and we approved, significant revisions to its incremental bonding provisions in a program amendment we docketed at SATS No. WV–126–FOR that rendered the incremental bonding revision from WV–117–FOR moot. *See* 89 FR at 19266. Therefore, we will not further address EPA's comment on that revision other than to reiterate that the State's existing alternative bonding requirements are intended to provide sufficient funds to comply with all applicable provisions of SMCRA and the CWA.

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

Under Federal regulations at 30 CFR 732.17(h)(4), we are required to request comments from the SHPO and ACHP on amendments that may have an effect on historic properties. On June 30, 2011, we requested comments on West Virginia's amendment (Administrative Record No. WV1563), but we did not receive any comments from the SHPO or ACHP.

B. WV–118–FOR

Public Comments

We asked for public comments on the amendment but received no comments in response to our request.

Federal Agency Comments

On September 22, 2011, under 30 CFR 732.17(h)(11)(i) and section 503(b) of SMCRA, we requested comments on the amendment from various Federal agencies with an actual or potential interest in the West Virginia Program (Administrative Record No. WV–1570).

OSM received responses from the Natural Resources Conservation Service of the U.S. Department of Agriculture (NRCS), the U.S. Army Corp of Engineers, Pittsburgh District (USACE), and the Mine Safety and Health Administration (MSHA), each stating they had no comments. *See* Administrative Record No. WV–1572 (NRCS), Administrative Record No. WV–1571 (USACE), and Administrative Record No. WV–1575) (MSHA).

Environmental Protection Agency (EPA) Comments and Concurrence

Under Federal regulations at 30 CFR 732.17(h)(11)(ii), we are required to get written concurrence from EPA for those provisions of the program amendment that relate to air or water quality standards issued under the authority of the Clean Water Act (33 U.S.C. 1251 *et seq.*) or the Clean Air Act (42 U.S.C. 7401 *et seq.*). We determined that none of the proposed State revisions in WV–118 pertain to air or water quality standards. Therefore, we did not ask EPA to concur on this amendment, and EPA provided no comments.

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

Under Federal regulations at 30 CFR 732.17(h)(4), we are required to request comments from the SHPO and ACHP on amendments that may have an effect on historic properties. On September 22, 2011, we requested comments on West Virginia's amendment (Administrative Record Number WV–1570), but we did not receive any comments from the SHPO or ACHP.

V. OSM's Decision

Based on the above findings, we are approving the amendments sent to us by WVDEP on April 21 and April 25, 2011 (Administrative Record Numbers WV–1557 and WV–1561). However, as discussed in Finding 1 above, we are approving CSR 38–2–3.1.d and CSR 38–2–3.1.k with the understanding that ownership or control information and violation information submitted electronically will be considered part of the permit application, and such information will be made available to the public for review during the public comment period. If, in future oversight reviews, we should determine that the State is applying these provisions inconsistently with these findings, other amendments may be required.

As we discussed above, we are taking no action on West Virginia's original proposal about administratively complete applications because West Virginia withdrew it. Further, we reiterate that we are approving on a permanent basis, revisions to the State's permitting statutory fees at WVSCMRA §§ 22–3–7(b), 8(a)(4) and 19(a)(4), (b)(2), (b)(3), (d) and (e). To implement these decisions, we are amending the Federal regulations at 30 CFR part 948 which codify decisions concerning the West Virginia program. In accordance with the Administrative Procedure Act, this rule will take effect 30 days after the date of publication.

VI. Statutory and Executive Order Reviews

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

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

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

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

Executive Order 12988—Civil Justice Reform

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

Executive Order 13132—Federalism

This rule has potential federalism implications as defined under section 1(a) of Executive Order 13132. Executive Order 13132 directs agencies to ''grant the States the maximum administrative discretion possible'' with

respect to Federal statutes and regulations administered by the States. West Virginia, through its approved regulatory program, implements and administers SMCRA and its implementing regulations at the State level. This rule approves an amendment to the West Virginia program submitted and drafted by the State and thus is consistent with the direction to provide maximum administrative discretion to States.

Executive Order 13175—Consultation and Coordination With Indian Tribal Governments

The Department of the Interior strives to strengthen its government-to-government relationship with Tribes through a commitment to consultation with Tribes and recognition of their right to self-governance and sovereignty. We have evaluated this rule under the Department's consultation policy and under the criteria in Executive Order 13175 and have determined that it has no substantial direct effects on the distribution of power and responsibilities between the Federal Government and Tribes.

The basis for this determination is that our decision on the West Virginia program does not include Indian lands as defined by SMCRA or other Tribal lands, and it does not affect the regulation of activities on Indian lands or other Tribal lands. Indian lands under SMCRA are regulated independently under the applicable Federal Indian program. The Department's consultation policy also acknowledges that our rules may have Tribal implications where the State proposing the amendment encompasses ancestral lands in areas with mineable coal. We are currently working to identify and engage appropriate Tribal stakeholders to devise a constructive approach for consulting on these amendments.

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

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

National Environmental Policy Act

Consistent with sections 501(a) and 702(d) of SMCRA (30 U.S.C. 1251(a) and 1292(d), respectively) and the U.S. Department of the Interior Departmental Manual, part 516, section 13.5(A), State program amendments are not major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

Paperwork Reduction Act

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

Regulatory Flexibility Act

This rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The rule approves revisions to the West Virginia regulatory program under SMCRA, including revisions to certain permit-related fees. The Department of Energy commented that smaller operators will be disadvantaged by a larger fee increase on cost per ton basis compared to larger operators. However, the approved revisions primarily concern fixed administrative fees associated with discrete permitting actions under the approved State program, rather than ongoing production-based operational costs. As we note above, West Virginia's amendment is only the second time it had updated its fees since 1981, and we have not seen a significant economic impact on small operators since we approved these fees on an interim basis in 2011. Therefore, the Department has determined that this rule will not have a significant economic impact on a substantial number of small entities. To the extent some disparate economic impact exists between large and small operators, SMCRA itself authorizes the regulatory authorities to charge these fees so long as they do not to exceed the cost of reviewing, administering, and enforcing the permits.

Congressional Review Act

This rule is not a major rule under 5 U.S.C. 804(2). This rule: (a) does not have an annual effect on the economy of $100 million; (b) will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and (c) does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises. This determination is based on an analysis of the corresponding Federal regulations, which were determined not to constitute a major rule.

Unfunded Mandates Reform Act

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

List of Subjects in 30 CFR Part 948

Intergovernmental relations, Surface mining, Underground mining.

Ben H. Owens,

Acting Regional Director, North Atlantic—Appalachian Region.

For the reasons set out in the preamble, 30 CFR part 948 is amended as set forth below:

PART 948–WEST VIRGINIA

■ 1. The authority citation for part 948 continues to read as follows:

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

■ 2. Amend § 948.15 by adding an entry for ''April 21, 2011 and April 25, 2011'' at the end of the table to read as follows:

§ 948.15 Approval of West Virginia regulatory program amendments.

* * * * *

Original amendment submission date	Date of publication of final rule	Citation/description of approved provisions
* * *	* * *	* * *
April 21, 2011 and April 25, 2011	6/22/2026	W.Va. Code 22–3–7; 8; 19. CSR 38–2–3.1.c.4; 3.1.d (qualified approval); 3.1.k (qualified approval); 3.4; 3.12; 3.15; 4.2; 4.10; 4.12; 5.4; 7.5; 14.11; 20.4.

[FR Doc. 2026–12482 Filed 6–18–26; 8:45 am]
BILLING CODE 4310–05–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2026–0699]

RIN 1625–AA00

Safety Zone; Toms River, Beachwood, NJ

AGENCY: Coast Guard, Department of Homeland Security.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for waters of the Toms River, near Mayo Park, in Beachwood, NJ, for a land-based fireworks display. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards created by a fireworks display. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port, Sector Delaware Bay (COTP).

DATES: This rule is effective from 9 p.m. on July 4, 2026, to 10 p.m. on July 5, 2026. It will only be enforced, however, from 9 p.m. to 10 p.m. on July 4, 2026, or during those hours on a rain date of July 5, 2026.

ADDRESSES: To view available documents go to *https://www.regulations.gov* and search for USCG–2026–0699.

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

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background and Authority

On March 17, 2026, the Coast Guard received notification that fireworks will be launched from land, over the Toms River near Beachwood, NJ. On July 4 or 5, 2026. The Captain of the Port (COTP) Delaware Bay has determined that potential hazards associated with fireworks, such as being hit by falling debris or unexploded live fireworks, are a safety concern for anyone within 250 yards of the fireworks display. Under authority in 46 U.S.C. 70034, the COTP is issuing this rule to create a safety zone to protect personnel, vessels, and the marine environment in the navigable waters within 250 yards of the display.

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 time between when the Coast Guard received notification of the event and the date the fireworks display will occur is insufficient to provide notice of a proposed rule, take comments, finalize the rule, and publish it in the **Federal Register**

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

III. Discussion of the Rule

This rule establishes a safety zone which will be subject to enforcement from 9 p.m. to 10 p.m. on July 4, 2026, or on a rain date of July 5, 2026. The safety zone will cover all navigable waters of the Toms River within 250 yards of the fireworks launch location, in Mayo Park, in Beachwood, NJ in approximate position 39°56′29.25″ N, 74°10′57.78″ W. Vessels and persons will not be allowed to enter the zone during this time, unless authorized by the COTP.

IV. Regulatory Analyses

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

A. Impact on Small Entities

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

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

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

B. Collection of Information

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

C. Federalism and Indian Tribal Governments

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

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

direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

D. Unfunded Mandates Reform Act

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

E. Environment

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

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T05–0699 to read as follows:

§ 165.T05–0699 Safety Zone; Toms River, Beachwood, NJ.

(a) *Location.* The following area is a safety zone: All navigable waters of the Toms River within 250 yards of the fireworks launch location, in Mayo Park, in Beachwood, NJ in approximate position 39°56′29.25″ N, 74°10′57.78″ W.

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

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

(2) To seek permission to enter, contact the COTP or the COTP's representative on VHF–FM channel 16 or by telephone at (206) 815–6688. Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(d) *Enforcement period[s].* This section will be enforced from 9 p.m. to 10 p.m. on July 4, 2026, or (if it is postponed due to weather) on a rain date of July 5, 2026.

Dated: June 16, 2026.

Kate Higgins-Bloom,

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

[FR Doc. 2026–12488 Filed 6–18–26; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2026–0751]

RIN 1625–AA00

Safety Zone; Delaware River, Philadelphia, PA

AGENCY: Coast Guard, Department of Homeland Security.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for navigable waters of the Delaware River, near Pleasant Hill Park, in Philadelphia, PA for a barge based fireworks display. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards associated with an over water fireworks display. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port, Sector Delaware Bay, or their designated representative.

DATES: This rule is effective from 9 p.m. to 9:30 p.m. on July 4, 2026.

ADDRESSES: To view available documents go to *https://www.regulations.gov* and search for USCG–2026–0751.

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

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background and Authority

On April 11, 2026, the Coast Guard received notification that fireworks will be launched from a barge on the Delaware River near Pleasant Hill Park in Philadelphia, PA. The Captain of the Port (COTP) Delaware Bay has determined that potential hazards associated with fireworks are a safety concern for anyone within 300 yards of the fireworks display. Therefore, under authority in 46 U.S.C. 70034, the COTP is creating a safety zone to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone.

The Coast Guard is issuing this rule without prior notice and comment. As is authorized by 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is impracticable to do so. The Coast Guard does not have enough time to solicit and respond to comments and publish a final rule by July 4, the date of the event.

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

III. Discussion of the Rule

This rule establishes a safety zone 9 p.m. to 9:30 p.m. on July 4, 2026. The safety zone will cover all navigable waters within 300 yards of a barge on the Delaware River located near Pleasant Hill Park, in Philadelphia, PA., in approximate position latitude 40°2′22″ N longitude 074°59′22.67″ W.

Vessels and persons will not be allowed to enter the zone during this time, unless authorized by the Captain of the Port.

IV. Regulatory Analyses

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

A. Impact on Small Entities

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

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

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

B. Collection of Information

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

C. Federalism and Indian Tribal Governments

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

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

D. Unfunded Mandates Reform Act

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

E. Environment

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

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T05–0751 to read as follows:

§ 165.T05–0751 Safety Zone; Delaware River, Philadelphia, PA.

(a) *Location.* The following area is a safety zone: All navigable waters within 300 yards of a barge in the Delaware River, located in approximate position latitude 40°2′22″ N longitude 074°59′22.67″ W.

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

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

(2) To seek permission to enter, contact the COTP or the COTP's representative on VHF–FM channel 16 or by telephone at (206) 815–6688. Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(d) *Enforcement period.* This section will be enforced from 9 p.m. to 9:30 p.m. on July 4, 2026.

Kate F. Higgins-Bloom,

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

[FR Doc. 2026–12490 Filed 6–18–26; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2026–0670]

RIN 1625–AA00

Safety Zone; Offshore, Ritidian Point, GU

AGENCY: Coast Guard, Department of Homeland Security.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for navigable waters offshore of Ritidian Point, Guam. This safety zone is in support of Valiant Shield 2026 Integrated Air Missile Defense Live Fire Exercise (IAMD LFX VS26), impacting the navigable waterways within the predetermined PAC–2 Interceptor (Patriot) flight path. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port, U.S. Coast Guard Forces Micronesia/Sector Guam, or a designated representative.

DATES: This rule is effective from 10 a.m. on June 30, 2026 to 6 p.m. on July 1, 2026.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2026–0670 in the search box and click

''Search.'' Next, in the Document Type column, select ''Supporting & Related Material.''

FOR FURTHER INFORMATION CONTACT: If you have questions about this rule, call or email MSTC Laurel Siegrist, Waterways Management Division, U.S. Coast Guard Forces Micronesia/Sector Guam; telephone 671–686–0092, email *WWMGuam@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
IAMD Integrated Air Missile Defense
LFX Live Fire Exercise
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code
USMC United States Marine Corps

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule under the authority in 5 U.S.C. 553(b)(B). This statutory provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' The Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because publishing an NPRM is impracticable. Prompt action is needed to ensure public safety from potential hazards associated with the launch. It is impracticable to publish an NPRM because we must establish this safety zone by the start of the IAMD LFX VS26 launch window that begins on June 30, 2026.

Also, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be impracticable because prompt action is needed to respond to the potential safety hazards associated with Operation Vigilant Sentry 26 live fire exercise, which has a launch window of June 30 through July 01, 2026.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034. The Captain of the Port (COTP), U.S Coast Guard Forces Micronesia/Sector Guam has determined that potential hazards associated with the VS26 LFX will be a safety concern for anyone beneath the designated flight path within U.S. territorial seas. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone during launch operations.

IV. Discussion of the Rule

This rule establishes a safety zone for the hours of 10 a.m. to 6 p.m., daily, on June 30, 2026, through July 1, 2026, to align with the VS26 LFX launch window. The safety zone will correspond with the intercept missile flight path and cover all navigable waters above and below the surface bounded by the following coordinates: 13°40′1.704″ N, 144°50′36.672″ E to 13°37′52.86″ N, 144°54′26.244″ E extending along the boundary of U.S. territorial seas until 13°51′52.332″ N, 144°57′28.618″ E and 13°49′24.06″ N 145°01′17.22″ E.

The duration of the zone is intended to protect personnel, vessels, and the marine environment in these navigable waters during the launch window. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or their designated representative.

V. 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 involves a safety zone lasting only eight hours, daily, June 30 through July 1, 2026, that will prohibit entry within the designated boundary lines. It is categorically excluded from further review under paragraph L60a of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration supporting this determination is available in the docket.

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T14–0670 to read as follows:

§ 165.T14–0670 Safety Zone; VS26 Live Fire Exercise, Offshore Ritidian Point, GU.

(a) *Location.* The following area is a safety zone: All navigable waters within the U.S. Coast Guard Forces Micronesia/Sector Guam COTP Zone, as described in 33 CFR 3.70–15, from the surface of the water to the ocean floor; 13°40′1.704″ N, 144°50′36.672″ E to 13°37′52.86″ N, 144°54′26.244″ E extending along the boundary of U.S. territorial seas until 13°51′52.332″ N, 144°57′28.618″ E and 13°49′24.06″ N 145°01′17.22″ E.

(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, or local officer designated by or assisting the COTP in the enforcement of the safety zone.

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

(2) To seek permission to enter or transit through the zone, contact the COTP or their designated representative via VHF Channel 16 or by phone at 671–355–4800. Those within the safety zone must comply with all lawful orders or directions given to them by the COTP or their designated representative.

(d) *Enforcement period.* This section will be enforced from 10 a.m. to 6 p.m., daily, on June 30 through July 1, 2026.

Jessica S. Worst,

Captain, U.S. Coast Guard, Captain of the Port, U.S. Coast Guard Forces Micronesia/Sector Guam.

[FR Doc. 2026–12432 Filed 6–18–26; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2026–0682]

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

AGENCY: Coast Guard, DHS.

ACTION: Notification of enforcement of regulation.

SUMMARY: The Coast Guard will enforce certain safety zones located in the federal regulations for Annual Events in the Captain of the Port Eastern Great Lakes Zone. This action is necessary and intended to protect the safety of life and property on navigable waters prior to, during, and immediately after these events. During each enforcement period, no person or vessel may enter the respective safety zone without the permission of the Captain of the Port Eastern Great Lakes or their designated representative.

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

- *Item (F)(9):* NYSOPRHP Patriotic-Themed Fireworks Display—from 9:45 p.m. through 11:15 p.m. on June 27, 2026, in Hamlin, NY.
- *Item (G)(24):* North Tonawanda Fireworks—from 9:45 p.m. through 10:45 p.m. on July 4, 2026, in North Tonawanda, NY.

FOR FURTHER INFORMATION CONTACT: If you have questions about this Notification of Enforcement, call or email Ensign Sarah Eacho, Chief of Waterways Management, Sector Eastern Great Lakes, U.S. Coast Guard; telephone 716–931–4680, email *D09-SMB-SECBuffalo-WWM@uscg.mil.*

SUPPLEMENTARY INFORMATION: Pursuant to 33 CFR 165.23, entry into, transiting, or anchoring within these safety zones during an enforcement period is prohibited unless authorized by the Captain of the Port Eastern Great Lakes or their designated representative. Those seeking permission to enter these safety zones may request permission from the Captain of the Port Eastern Great Lakes via channel 16, VHF–FM. Vessels and persons granted permission to enter the safety zone must obey the directions of the Captain of the Port Eastern Great Lakes or their designated representative. While within a safety zone, all vessels must operate at the minimum speed necessary to maintain a safe course.

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

Matthew J. Walter,

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

[FR Doc. 2026–12420 Filed 6–18–26; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R10–OAR–2026–1222; FRL–13248–01–R10]

Air Plan Approval; OR; Update to Materials Incorporated by Reference

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; administrative change.

SUMMARY: The Environmental Protection Agency (EPA) is updating the materials that are incorporated by reference (IBR) into the Oregon State Implementation Plan (SIP). The regulations affected by this update have been previously submitted by Oregon and approved by the EPA. This update affects the materials that are available for public inspection at the EPA Regional Office and the National Archives and Records Administration (NARA). In this action, the EPA is also notifying the public that we are correcting two typographical errors.

DATES: This action is effective June 22, 2026.

ADDRESSES: The SIP materials for which incorporation by reference into 40 CFR part 52 is finalized through this action are available for inspection at the following locations: Environmental Protection Agency, Region 10, 1200 Sixth Avenue, Suite 155, Seattle, WA 98101; and *www.regulations.gov.* To view the materials at the Region 10 Office, the EPA requests that you email the contact listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Jeff Hunt, EPA Region 10, 1200 Sixth Avenue—Suite 155, Seattle, WA 98101, at (206) 553–0256, or *hunt.jeff@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Each State has a SIP containing the control measures and strategies used to attain and maintain the national ambient air quality standards (NAAQS). The SIP is extensive, containing such elements as air pollution control regulations, emission inventories, monitoring networks, attainment demonstrations, and enforcement mechanisms.

Each State must formally adopt the control measures and strategies in the SIP after the public has had an opportunity to comment on them and then submit the proposed SIP revisions to the EPA. Once these control measures and strategies are approved by EPA, and after notice and comment, they are incorporated into the federally approved SIP and are identified in part 52, ''Approval and Promulgation of Implementation Plans,'' of Title 40 of the Code of Federal Regulations (40 CFR part 52). The full text of the State regulation approved by the EPA is not reproduced in its entirety in 40 CFR part 52 but is ''incorporated by reference.'' This means that the EPA has approved a given State regulation or specified changes to the given regulation with a specific effective date. The public is referred to the location of the full text version should they want to know which measures are contained in a given SIP. The information provided allows the EPA and the public to monitor the extent to which a State implements a SIP to attain and maintain the NAAQS and to take enforcement action for violations of the SIP.

The SIP is a living document which the State can revise as necessary to address the unique air pollution problems in the State. Therefore, the EPA from time to time must take action on proposed revisions containing new or revised State regulations. A submission from a State can revise one or more rules in their entirety, or portions of rules. The State indicates the changes in the submission (such as by using redline/strikethrough text) and the EPA then takes action on the requested changes. The EPA establishes a docket for its actions using a unique Docket Identification Number, which is listed in each action. These dockets and the complete submission are available for viewing on *www.regulations.gov.*

On May 22, 1997 (62 FR 27968), the EPA revised the procedures for incorporating by reference, into the Code of Federal Regulations, materials approved by the EPA into each SIP. These changes revised the format for the identification of the SIP in 40 CFR part 52, streamlined the mechanisms for announcing the EPA approval of revisions to a SIP, and streamlined the mechanisms for the EPA's updating of the IBR information contained for each SIP in 40 CFR part 52. The revised procedures also called for the EPA to maintain ''SIP Compilations'' that contain the federally approved regulations and source-specific permits submitted by each State agency.

The EPA generally updates these SIP Compilations every few years. Under the revised procedures, the EPA must periodically publish an informational document in the rules section of the **Federal Register** notifying the public that updates have been made to a SIP Compilation for a particular State. The EPA began applying the 1997 revised procedures to the Oregon SIP on December 10, 2013 (78 FR 74012). The EPA subsequently published updates to the Oregon SIP IBR materials on April 10, 2019 (84 FR 14272), December 20, 2022 (87 FR 77720), and August 7, 2025 (90 FR 38009).

II. EPA Action

In this action, the EPA is providing notification of an update to the materials incorporated by reference into the Oregon SIP as of February 1, 2026, and identified in 40 CFR 52.1970(c) and (d). This update includes SIP materials submitted by Oregon and approved by the EPA since the last IBR update. *See* 90 FR 38009 (August 7, 2025). This action also corrects two typographical errors. In a previous EPA approval for the Intel Corporation, we inadvertently cited ''page 11'' instead of the correct citation ''Permit Condition 14.'' *See* 61 FR 37393 (July 18, 1996). In an approval of the Lane Regional Air Protection Agency (LRAPA) regulations, we inadvertently titled entry 13–005 ''General Duties and Powers of Board and Director'' instead of the correct title ''Authority of the Agency.'' *See* 91 FR 3821 (January 29, 2026). We are therefore correcting these typographical errors.

III. Good Cause Exemption

The EPA has determined that this action falls under the ''good cause'' exemption in section 553(b)(3)(B) of the Administrative Procedure Act (APA) which, upon finding ''good cause,'' authorizes agencies to dispense with public participation and section 553(d)(3) which allows an agency to make an action effective immediately (thereby avoiding the 30-day delayed effective date otherwise provided for in the APA). This administrative action simply codifies provisions which are already in effect as a matter of law in Federal and approved state programs and makes minor corrections to the CFR. Under section 553 of the APA, an agency may find good cause where procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Public comment for this administrative action is ''unnecessary'' and ''contrary to the public interest'' since the codification (and corrections) only reflect existing law. Immediate notice of this action in the **Federal Register** benefits the public by providing the public notification of the updated Oregon SIP Compilation and notification of corrections to the Oregon ''Identification of Plan'' portion of the CFR. Further, pursuant to section 553(d)(3), making this action immediately effective benefits the public by immediately updating both the SIP Compilation and the CFR ''Identification of plan'' section (which includes table entry corrections).

IV. Incorporation by Reference

In this document, The EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, The EPA is finalizing the incorporation by reference of regulations promulgated by Oregon previously approved by the EPA and federally effective before February 1, 2026, contained in 40 CFR 52.1970(c) and (d) as described in section I of this preamble. The EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and at the EPA Region 10 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

V. Statutory and Executive Order Reviews

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

- Is not a significant regulatory action subject to review by the Office of

Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);

- Is not an Executive Order 14192 (90 FR 9065, February 6, 2025) regulatory action because this action is not significant under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it approves a State program;
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act.

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

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

The EPA also believes that the provisions of section 307(b)(1) of the Clean Air Act pertaining to petitions for judicial review are not applicable to this action. This is because prior EPA rulemaking actions for each individual component of the Oregon SIP Compilation previously afforded interested parties the opportunity to file a petition for judicial review in the United States Court of Appeals for the appropriate circuit within 60 days of such rulemaking action. Thus, the EPA believes judicial review of this action under section 307(b)(1) is not available.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: June 4, 2026.

Emma Pokon,

Regional Administrator, Region 10.

For the reasons set forth in the preamble, 40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart MM—Oregon

■ 2. Amend § 52.1970 by revising paragraphs (b), (c) and (d) to read as follows:

§ 52.1970 Identification of plan.

* * * * *

(b) *Incorporation by reference.* (1) Material listed in paragraphs (c) and (d) of this section with an EPA approval date prior to February 1, 2026, was approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material is incorporated as it exists on the date of the approval and notification of any change in the material will be published in the **Federal Register**. Entries in paragraphs (c) and (d) of this section with EPA approval dates after February 1, 2026, will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region 10 certifies that the rules/regulations provided by the EPA in the SIP compilation at the addresses in paragraph (b)(3) of this section are an exact duplicate of the officially promulgated State rules/regulations which have been approved as part of the State Implementation Plan as of the dates referenced in paragraph (b)(1) of this section.

(3) Copies of the materials incorporated by reference may be inspected at the Region 10 EPA Office at 1200 Sixth Avenue, Suite 155, Seattle, WA 98101. To obtain the material, please call (206) 553–0256. You may inspect the material with an EPA approval date prior to February 1, 2026, for Oregon at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA email *fedreg.legal@nara.gov* or go to *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

(c) *EPA approved regulations and statutes.*

TABLE 1—EPA APPROVED OREGON STATE STATUTES

State citation	Title/subject	State effective date	EPA approval date	Explanations
ORS 477.515	Permits	1971	11/1/2001, 66 FR 55105	Permits required for fires on forestlands; waiver, permit conditions, smoke management plan; restricted areas, rules and excepted areas.

TABLE 2—EPA APPROVED OREGON ADMINISTRATIVE RULES (OAR) [1]

State citation	Title/subject	State effective date	EPA approval date	Explanations
Chapter 340—Department of Environmental Quality				
Division 200—General Air Pollution Procedures and Definitions				
200–0010	Purpose and Application	4/16/2015	10/11/2017, 82 FR 47122.	
200–0020	General Air Quality Definitions	3/1/2023	7/23/2024, 89 FR 59610.	
200–0025	Abbreviations and Acronyms	3/1/2023	7/23/2024, 89 FR 59610.	
200–0030	Exceptions	4/16/2015	10/11/2017, 82 FR 47122.	
200–0035	Reference Materials	3/1/2023	7/23/2024, 89 FR 59610.	
Division 202—Ambient Air Quality Standards and PSD Increments				
202–0010	Definitions	4/16/2015	10/11/2017, 82 FR 47122.	
202–0020	Applicability and Jurisdiction	4/16/2015	10/11/2017, 82 FR 47122.	
Ambient Air Quality Standards				
202–0050	Purpose and Scope of Ambient Air Quality Standards.	4/16/2015	10/11/2017, 82 FR 47122.	
202–0060	Suspended Particulate Matter	10/16/2015	5/24/2018, 83 FR 24034.	
202–0070	Sulfur Dioxide	4/16/2015	10/11/2017, 82 FR 47122.	
202–0080	Carbon Monoxide	7/1/2011	1/22/2003, 68 FR 2891.	
202–0090	Ozone	7/13/2017	5/24/2018, 83 FR 24034.	
202–0100	Nitrogen Dioxide	4/16/2015	10/11/2017, 82 FR 47122.	
202–0130	Lead	4/16/2015	10/11/2017, 82 FR 47122.	
Prevention of Significant Deterioration Increments				
202–0200	General	4/16/2015	10/11/2017, 82 FR 47122.	
202–0210	Ambient Air PSD Increments	4/16/2015	10/11/2017, 82 FR 47122.	
202–0220	Ambient Air Ceilings	4/16/2015	10/11/2017, 82 FR 47122.	
202–0225	Ambient Air Quality Impact Levels for Maintenance Areas.	4/16/2015	10/11/2017, 82 FR 47122.	
Division 204—Designation of Air Quality Areas				
204–0010	Definitions	4/16/2015	10/11/2017, 82 FR 47122.	
204–0020	Designation of Air Quality Control Regions	4/16/2015	10/11/2017, 82 FR 47122.	
204–0030	Designation of Nonattainment Areas	4/16/2015	10/11/2017, 82 FR 47122.	
204–0040	Designation of Maintenance Areas	4/16/2015	10/11/2017, 82 FR 47122.	
204–0050	Designation of Prevention of Significant Deterioration Areas.	4/16/2015	10/11/2017, 82 FR 47122.	
204–0060	Redesignation of Prevention of Significant Deterioration Areas.	4/16/2015	10/11/2017, 82 FR 47122.	
204–0070	Special Control Areas	4/16/2015	10/11/2017, 82 FR 47122.	
204–0080	Motor Vehicle Inspection Boundary Designations	4/16/2015	10/11/2017, 82 FR 47122.	
204–0090	Oxygenated Gasoline Control Areas	4/16/2015	10/11/2017, 82 FR 47122.	
Designation of Areas				
204–0300	Designation of Sustainment Areas	3/1/2023	7/23/2024, 89 FR 59610.	
204–0310	Designation of Reattainment Areas	3/1/2023	7/23/2024, 89 FR 59610.	
204–0320	Priority Sources	4/16/2015	10/11/2017, 82 FR 47122.	

TABLE 2—EPA APPROVED OREGON ADMINISTRATIVE RULES (OAR) [1]—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanations
Division 206—Air Pollution Emergencies				
206–0010	Introduction	3/1/2023	7/23/2024, 89 FR 59610.	
206–0020	Definitions	4/16/2015	10/11/2017, 82 FR 47122.	
206–0030	Episode State Criteria for Air Pollution Emergencies.	4/16/2015	10/11/2017, 82 FR 47122.	
206–0040	Special Conditions	4/16/2015	10/11/2017, 82 FR 47122.	
206–0050	Source Emission Reduction Plans	4/16/2015	10/11/2017, 82 FR 47122.	
206–0060	Regional Air Pollution Authorities	4/16/2015	10/11/2017, 82 FR 47122.	
206–0070	Operations Manual	4/16/2015	10/11/2017, 82 FR 47122.	
206–8010	Air Pollution Episode ALERT Conditions Source Emission Reduction Plan Emissions Control Actions to be Taken as Appropriate in Alert Episode Area.	4/16/2015	10/11/2017, 82 FR 47122.	
206–8020	Air Pollution Episode WARNING Conditions Emission Reduction Plan.	4/16/2015	10/11/2017, 82 FR 47122.	
206–8030	Air Pollution Episode EMERGENCY Conditions Emission Reduction Plan.	4/16/2015	10/11/2017, 82 FR 47122.	
206–8040	Air Pollution Episode Conditions Due to Particulate Which is Primarily Fallout from Volcanic Activity or Windblown Dust.	4/16/2015	10/11/2017, 82 FR 47122.	
Division 208—Visible Emissions and Nuisance Requirements				
208–0005	Applicability and Jurisdiction	4/16/2015	10/11/2017, 82 FR 47122.	
208–0010	Definitions	4/16/2015	10/11/2017, 82 FR 47122.	
Visible Emissions				
208–0110	Visible Air Contaminant Limitations	3/1/2023	7/23/2024, 89 FR 59610.	
Fugitive Emission Requirements				
208–0210	Requirements for Fugitive Emissions	4/16/2015	10/11/2017, 82 FR 47122.	
Division 209—Public Participation				
209–0010	Purpose	4/16/2015	10/11/2017, 82 FR 47122.	
209–0020	Applicability	11/16/2018	10/31/2019, 84 FR 58324.	
209–0030	Public Notice Categories and Timing	11/16/2018	10/31/2019, 84 FR 58324.	
209–0040	Public Notice Information	11/16/2018	10/31/2019, 84 FR 58324.	
209–0050	Public Notice Procedures	11/16/2018	10/31/2019, 84 FR 58324.	
209–0060	Persons Required to be Notified	4/16/2018	10/11/2017, 82 FR 47122.	
209–0080	Issuance or Denial of a Permit	3/1/2023	7/23/2024, 89 FR 59610.	
Division 210—Stationary Source Notification Requirements				
210–0010	Applicability and Jurisdiction	4/16/2015	10/11/2017, 82 FR 47122.	
210–0020	Definitions	4/16/2015	10/11/2017, 82 FR 47122.	
Registration				
210–0100	Registration in General	3/1/2023	7/23/2024, 89 FR 59610.	
210–0110	Registration Requirements	4/16/2015	10/11/2017, 82 FR 47122.	

TABLE 2—EPA APPROVED OREGON ADMINISTRATIVE RULES (OAR) [1]—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanations
210–0120	Re-Registration and Maintaining Registration	4/16/2015	10/11/2017, 82 FR 47122.	
Notice of Construction and Approval of Plans				
210–0205	Applicability	3/1/2023	7/23/2024, 89 FR 59610	Except paragraph (3).
210–0225	Types of Construction/Modification Changes	3/1/2023	7/23/2024, 89 FR 59610.	
210–0230	Notice to Construct	3/1/2023	7/23/2024, 89 FR 59610.	
210–0240	Construction Approval	3/1/2023	7/23/2024, 89 FR 59610.	
210–0250	Approval to Operate	3/1/2023	7/23/2024, 89 FR 59610.	
Division 212—Stationary Source Testing and Monitoring				
212–0005	Applicability and Jurisdiction	4/16/2015	10/11/2017, 82 FR 47122.	
212–0010	Definitions	4/16/2015	10/11/2017, 82 FR 47122.	
Sampling, Testing and Measurement				
212–0110	Applicability	4/16/2015	10/11/2017, 82 FR 47122.	
212–0120	Program	4/16/2015	10/11/2017, 82 FR 47122.	
212–0130	Stack Heights and Dispersion Techniques	4/16/2015	10/11/2017, 82 FR 47122.	
212–0140	Methods	4/16/2015	10/11/2017, 82 FR 47122.	
212–0150	Department Testing	4/16/2015	10/11/2017, 82 FR 47122.	
Division 214—Stationary Source Reporting Requirements				
214–0005	Applicability and Jurisdiction	4/16/2015	10/11/2017, 82 FR 47122.	
214–0010	Definitions	4/16/2015	10/11/2017, 82 FR 47122.	
Reporting				
214–0100	Applicability	4/16/2015	10/11/2017, 82 FR 47122.	
214–0110	Request for Information	3/1/2023	7/23/2024, 89 FR 59610.	
214–0114	Records; Maintaining and Reporting	3/1/2023	7/23/2024, 89 FR 59610.	
214–0120	Enforcement	10/14/1999	1/22/2003, 68 FR 2891.	
214–0130	Reporting: Information Exempt from Disclosure	3/1/2023	7/23/2024, 89 FR 59610.	
Emissions Statements for VOC and NOx Sources				
214–0200	Purpose and Applicability	4/16/2015	10/11/2017, 82 FR 47122.	
214–0210	Requirements	4/16/2015	10/11/2017, 82 FR 47122.	
214–0220	Submission of Emission Statement	4/16/2015	10/11/2017, 82 FR 47122.	
Excess Emissions and Emergency Provision				
214–0300	Purpose and Applicability	11/8/2007	12/27/2011, 76 FR 80747.	
214–0310	Planned Startup and Shutdown	11/8/2007	12/27/2011, 76 FR 80747.	
214–0320	Scheduled Maintenance	11/8/2007	12/27/2011, 76 FR 80747.	
214–0330	All Other Excess Emissions	11/8/2007	12/27/2011, 76 FR 80747.	
214–0340	Reporting Requirements	11/8/2007	12/27/2011, 76 FR 80747.	
214–0350	Enforcement Action Criteria	11/8/2007	12/27/2011, 76 FR 80747.	

TABLE 2—EPA APPROVED OREGON ADMINISTRATIVE RULES (OAR) [1]—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanations
214–0360	Emergency as an Affirmative Defense	11/8/2007	12/27/2011, 76 FR 80747.	
Division 216—Air Contaminant Discharge Permits				
216–0010	Purpose	4/16/2015	10/11/2017, 82 FR 47122.	
216–0020	Applicability and Jurisdiction	3/1/2023	7/23/2024, 89 FR 59610.	
216–0025	Types of Permits	3/1/2023	7/23/2024, 89 FR 59610.	
216–0030	Definitions	11/16/2018	10/31/2019, 84 FR 58324.	
216–0040	Application Requirements	3/1/2023	7/23/2024, 89 FR 59610.	
216–0052	Construction ACDPs	4/16/2015	10/11/2017, 82 FR 47122.	
216–0054	Short-Term Activity ACDPs	3/1/2023	7/23/2024, 89 FR 59610.	
216–0056	Basic ACDPs	3/1/2023	7/23/2024, 89 FR 59610.	
216–0060	General Air Contaminant Discharge Permits	3/1/2023	7/23/2024, 89 FR 59610.	
216–0062	General ACDP Attachments	4/16/2015	10/11/2017, 82 FR 47122.	
216–0064	Simple ACDPs	3/1/2023	7/23/2024, 89 FR 59610.	
216–0066	Standard ACDPs	3/1/2023	7/23/2024, 89 FR 59610.	
216–0068	Simple and Standard ACDP Attachments	3/1/2023	7/23/2024, 89 FR 59610.	
216–0070	Permitting a Source with Multiple Activities or Processes at a Single Adjacent or Contiguous Site.	4/16/2015	10/11/2017, 82 FR 47122.	
216–0082	Expiration, Termination, Reinstatement or Revocation of an ACDP.	3/1/2023	7/23/2024, 89 FR 59610.	
216–0084	Department-Initiated Modification	3/1/2023	7/23/2024, 89 FR 59610.	
216–0090	Sources Subject to ACDPs and Fees	11/16/2018	10/31/2019, 84 FR 58324.	
216–0094	Temporary Closure	4/16/2015	10/11/2017, 82 FR 47122.	
216–8010	Table 1—Activities and Sources	3/1/2023	7/23/2024, 89 FR 59610.	
216–8020	Table 2—Air Contaminant Discharge Permits	3/1/2023	7/23/2024, 89 FR 59610	Except paragraph (2) and Table 2.
Division 222—Stationary Source Plant Site Emission Limits				
222–0010	Policy	4/16/2015	10/11/2017, 82 FR 47122.	
222–0020	Applicability and Jurisdiction	3/1/2023	7/23/2024, 89 FR 59610.	
222–0030	Definitions	4/16/2015	10/11/2017, 82 FR 47122.	
Criteria for Establishing Plant Site Emission Limits				
222–0035	General Requirements for Establishing All PSELs	3/1/2023	7/23/2024, 89 FR 59610.	
222–0041	Source Specific Annual PSEL	3/1/2023	7/23/2024, 89 FR 59610.	
222–0042	Short Term PSEL	3/1/2023	7/23/2024, 89 FR 59610.	
222–0046	Netting Basis	3/1/2023	7/23/2024, 89 FR 59610.	
222–0048	Baseline Period and Baseline Emission Rate	4/16/2015	10/11/2017, 82 FR 47122.	
222–0051	Actual Emissions	4/16/2015	10/11/2017, 82 FR 47122.	
222–0055	Unassigned Emissions	4/16/2015	10/11/2017, 82 FR 47122.	
222–0080	Plant Site Emission Limit Compliance	4/16/2015	10/11/2017, 82 FR 47122.	
222–0090	Combining and Splitting Sources and Changing Primary SIC Code.	4/16/2015	10/11/2017, 82 FR 47122.	
Division 223—Regional Haze Rules				
223–0010	Purpose	7/26/2021	10/8/2024, 89 FR 81361.	
223–0020	Definitions	7/26/2021	10/8/2024, 89 FR 81361.	
223–0100	Screening Methodology for Sources for Round II of Regional Haze.	7/26/2021	10/8/2024, 89 FR 81361.	
223–0110	Options for Compliance with Round II of Regional Haze.	7/26/2021	10/8/2024, 89 FR 81361.	
223–0120	Four Factor Analysis	7/26/2021	10/8/2024, 89 FR 81361.	

TABLE 2—EPA APPROVED OREGON ADMINISTRATIVE RULES (OAR) [1]—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanations
223–0130	Final Orders Ordering Compliance with Round II of Regional Haze.	7/26/2021	10/8/2024, 89 FR 81361.	
Division 224—New Source Review				
224–0010	Applicability, General Prohibitions, General Requirements and Jurisdiction.	4/16/2015	10/11/2017, 82 FR 47122.	
224–0020	Definitions	4/16/2015	10/11/2017, 82 FR 47122.	
224–0025	Major Modification	4/16/2015	10/11/2017, 82 FR 47122.	
224–0030	New Source Review Procedural Requirements	3/1/2023	7/23/2024, 89 FR 59610.	
224–0034	Exemptions	4/16/2015	10/11/2017, 82 FR 47122.	
224–0038	Fugitive and Secondary Emissions	4/16/2015	10/11/2017, 82 FR 47122.	
224–0040	Review of Sources Subject to Major NSR or Type A State NSR for Compliance with Regulations.	4/16/2015	10/11/2017, 82 FR 47122.	
Major New Source Review				
224–0045	Requirements for Sources in Sustainment Areas	4/16/2015	10/11/2017, 82 FR 47122.	
224–0050	Requirements for Sources in Nonattainment Areas.	4/16/2015	10/11/2017, 82 FR 47122.	
224–0055	Requirements for Sources in Reattainment Areas	4/16/2015	10/11/2017, 82 FR 47122.	
224–0060	Requirements for Sources in Maintenance Areas	4/16/2015	10/11/2017, 82 FR 47122.	
224–0070	Prevention of Significant Deterioration Requirements for Sources in Attainment or Unclassified Areas.	4/16/2015	10/11/2017, 82 FR 47122.	
State New Source Review				
224–0245	Requirements for Sources in Sustainment Areas	4/16/2015	10/11/2017, 82 FR 47122.	
224–0250	Requirements for Sources in Nonattainment Areas.	4/16/2015	10/11/2017, 82 FR 47122.	
224–0255	Requirements for Sources in Reattainment Areas	4/16/2015	10/11/2017, 82 FR 47122.	
224–0260	Requirements for Sources in Maintenance Areas	4/16/2015	10/11/2017, 82 FR 47122.	
224–0270	Requirements for Sources in Attainment and Unclassified Areas.	4/16/2015	10/11/2017, 82 FR 47122.	
Net Air Quality Benefit Emission Offsets				
224–0500	Net Air Quality Benefit for Sources Locating within or Impacting Designated Area.	4/16/2015	10/11/2017, 82 FR 47122.	
224–0510	Common Offset Requirements	4/16/2015	10/11/2017, 82 FR 47122.	Except paragraph (3).
224–0520	Requirements for Demonstrating Net Air Quality Benefit for Ozone Areas.	3/1/2023	7/23/2024, 89 FR 59610.	
224–0530	Requirements for Demonstrating Net Air Quality Benefit for Non-Ozone Areas.	3/1/2023	7/23/2024, 89 FR 59610.	
224–0540	Sources in a Designated Area Impacting Other Designated Areas.	4/16/2015	10/11/2017, 82 FR 47122.	
Division 225—Air Quality Analysis				
225–0010	Purpose and Jurisdiction	4/16/2015	10/11/2017, 82 FR 47122.	
225–0020	Definitions	4/16/2015	10/11/2017, 82 FR 47122.	
225–0030	Procedural Requirements	3/1/2023	7/23/2024, 89 FR 59610.	
225–0040	Air Quality Models	4/16/2015	10/11/2017, 82 FR 47122.	
225–0045	Requirements for Analysis in Maintenance Areas	4/16/2015	10/11/2017, 82 FR 47122.	

TABLE 2—EPA APPROVED OREGON ADMINISTRATIVE RULES (OAR) [1]—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanations
225–0050	Requirements for Analysis in PSD Class I and Class III Areas.	3/1/2023	7/23/2024, 89 FR 59610.	
225–0060	Requirements for Demonstrating Compliance with Standards and Increments in PSD Class I Areas.	4/16/2015	10/11/2017, 82 FR 47122.	
225–0070	Requirements for Demonstrating Compliance with Air Quality Related Values Protection.	3/1/2023	7/23/2024, 89 FR 59610.	
Division 226—General Emission Standards				
226–0005	Applicability and Jurisdiction	4/16/2015	10/11/2017, 82 FR 47122.	
226–0010	Definitions	4/16/2015	10/11/2017, 82 FR 47122.	
Highest and Best Practicable Treatment and Control				
226–0100	Policy and Application	3/1/2023	7/23/2024, 89 FR 59610.	
226–0110	Pollution Prevention	4/16/2015	10/11/2017, 82 FR 47122.	
226–0120	Operating and Maintenance Requirements	4/16/2015	10/11/2017, 82 FR 47122.	
226–0130	Typically Achievable Control Technology (TACT)	3/1/2023	7/23/2024, 89 FR 59610.	
226–0140	Additional Control Requirements for Stationary Sources of Air Contaminants.	3/1/2023	7/23/2024, 89 FR 59610.	
Grain Loading Standards				
226–0210	Particulate Emission Limitations for Sources Other Than Fuel Burning Equipment, Refuse Burning Equipment and Fugitive Emissions.	3/1/2023	7/23/2024, 89 FR 59610.	
Particulate Emissions From Process Equipment				
226–0310	Emission Standard	4/16/2015	10/11/2017, 82 FR 47122.	
226–0320	Determination of Process Weight	4/16/2015	10/11/2017, 82 FR 47122.	
Alternative Emission Controls				
226–0400	Alternative Emission Controls (Bubble)	4/16/2015	10/11/2017, 82 FR 47122.	
226–0810	Particulate Matter Emissions Standards for Process Equipment.	4/16/2015	10/11/2017, 82 FR 47122.	
Division 228—Requirements for Fuel Burning Equipment and Fuel Sulfur Content				
228–0010	Applicability and Jurisdiction	4/16/2015	10/11/2017, 82 FR 47122.	
228–0020	Definitions	4/16/2015	10/11/2017, 82 FR 47122.	
Sulfur Content of Fuels				
228–0100	Residual Fuel Oils	4/16/2015	10/11/2017, 82 FR 47122.	
228–0110	Distillate Fuel Oils	4/16/2015	10/11/2017, 82 FR 47122.	
228–0120	Coal	4/16/2015	10/11/2017, 82 FR 47122.	
228–0130	Exemptions	4/16/2015	10/11/2017, 82 FR 47122.	
General Emission Standards for Fuel Burning Equipment				
228–0200	Sulfur Dioxide Standards	4/16/2015	10/11/2017, 82 FR 47122.	
228–0210	General Emission Standards for Fuel Burning Equipment: Grain Loading Standards.	3/1/2023	7/23/2024, 89 FR 59610.	

TABLE 2—EPA APPROVED OREGON ADMINISTRATIVE RULES (OAR) [1]—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanations
Division 232—Emission Standards for VOC Point Sources				
232–0010	Introduction	4/16/2015	10/11/2017, 82 FR 47122.	
232–0020	Applicability	4/16/2015	10/11/2017, 82 FR 47122.	
232–0030	Definitions	3/1/2023	7/23/2024, 89 FR 59610.	
232–0040	General Non-Categorical Requirements	3/1/2023	7/23/2024, 89 FR 59610.	
232–0050	Exemptions	4/16/2015	10/11/2017, 82 FR 47122.	
232–0060	Compliance Determination	4/16/2015	10/11/2017, 82 FR 47122.	
232–0080	Bulk Gasoline Plants Including Transfer of Gasoline.	4/16/2015	10/11/2017, 82 FR 47122.	
232–0085	Gasoline Delivery Vessel(s)	4/16/2015	10/11/2017, 82 FR 47122.	
232–0090	Bulk Gasoline Terminals Including Truck and Trailer Loading.	3/1/2023	7/23/2024, 89 FR 59610.	
232–0100	Testing Vapor Transfer and Collection Systems	4/16/2015	10/11/2017, 82 FR 47122.	
232–0110	Loading Gasoline and Volatile Organic Liquids onto Marine Tank Vessels.	4/16/2015	10/11/2017, 82 FR 47122.	
232–0120	Cutback and Emulsified Asphalt	4/16/2015	10/11/2017, 82 FR 47122.	
232–0130	Petroleum Refineries	4/16/2015	10/11/2017, 82 FR 47122.	
232–0140	Petroleum Refinery Leaks	4/16/2015	10/11/2017, 82 FR 47122.	
232–0150	VOC Liquid Storage	4/16/2015	10/11/2017, 82 FR 47122.	
232–0160	Surface Coating in Manufacturing	3/1/2023	7/23/2024, 89 FR 59610.	
232–0170	Aerospace Component Coating Operations	3/1/2023	7/23/2024, 89 FR 59610.	
232–0180	Degreasers	4/16/2015	10/11/2017, 82 FR 47122.	
232–0190	Open Top Vapor Degreasers	4/16/2015	10/11/2017, 82 FR 47122.	
232–0200	Conveyorized Degreasers	4/16/2015	10/11/2017, 82 FR 47122.	
232–0210	Asphaltic and Coal Tar Pitch Used for Roofing Coating.	4/16/2015	10/11/2017, 82 FR 47122.	
232–0220	Flat Wood Coating	4/16/2015	10/11/2017, 82 FR 47122.	
232–0230	Rotogravure and Flexographic Printing	4/16/2015	10/11/2017, 82 FR 47122.	
Division 234—Emission Standards for Wood Product Industries				
234–0005	Applicability and Jurisdiction	4/16/2015	10/11/2017, 82 FR 47122.	
234–0010	Definitions	3/1/2023	7/23/2024, 89 FR 59610	Except (8) and (10).
Wigwam Waste Burners				
234–0100	Wigwam Waste Burners	4/16/2015	10/11/2017, 82 FR 47122.	
234–0140	Existing Administrative Agency Orders	4/16/2015	10/11/2017, 82 FR 47122.	
Kraft Pulp Mills				
234–0200	Statement of Policy and Applicability	4/16/2015	10/11/2017, 82 FR 47122.	
234–0210	Emission Limitations	3/1/2023	7/23/2024, 89 FR 59610	Except references to total reduced sulfur.
234–0220	More Restrictive Emission Limits	4/16/2015	10/11/2017, 82 FR 47122.	Except (2).
234–0240	Monitoring	4/16/2015	10/11/2017, 82 FR 47122.	Except (1).
234–0250	Reporting	4/16/2015	10/11/2017, 82 FR 47122.	Except (1) and (2).

TABLE 2—EPA APPROVED OREGON ADMINISTRATIVE RULES (OAR) [1]—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanations
234–0270	Chronic Upset Conditions	4/16/2015	10/11/2017, 82 FR 47122.	
Board Products Industries (Veneer, Plywood, Particleboard, Hardboard)				
234–0500	Applicability and General Provisions	4/16/2015	10/11/2017, 82 FR 47122.	
234–0510	Veneer and Plywood Manufacturing Operations	4/16/2015	10/11/2017, 82 FR 47122.	
234–0520	Particleboard Manufacturing Operations	4/16/2015	10/11/2017, 82 FR 47122.	
234–0530	Hardboard Manufacturing Operations	4/16/2015	10/11/2017, 82 FR 47122.	
234–0540	Testing and Monitoring	4/16/2015	10/11/2017, 82 FR 47122.	
Division 236—Emission Standards for Specific Industries				
236–0005	Applicability and Jurisdiction	4/16/2015	10/11/2017, 82 FR 47122.	
236–0010	Definitions	7/19/2019	6/9/2020, 85 FR 35198.	
Hot Mix Asphalt Plants				
236–0400	Applicability	4/16/2015	10/11/2017, 82 FR 47122.	
236–0410	Control Facilities Required	4/16/2015	10/11/2017, 82 FR 47122.	
236–0420	Other Established Air Quality Limitations	4/16/2015	10/11/2017, 82 FR 47122.	
236–0440	Ancillary Sources of Emission—Housekeeping of Plant Facilities.	4/16/2015	10/11/2017, 82 FR 47122.	
236–8010	Process Weight Table	3/1/2023	7/23/2024, 89 FR 59610.	
Division 240—Rules for Areas with Unique Air Quality Needs				
240–0010	Purpose	4/16/2015	10/11/2017, 82 FR 47122.	
240–0020	Emission Limitations	4/16/2015	10/11/2017, 82 FR 47122.	
240–0030	Definitions	4/16/2015	10/11/2017, 82 FR 47122.	
240–0050	Compliance Testing Requirements	4/16/2015	10/11/2017, 82 FR 47122.	
The Medford-Ashland Air Quality Maintenance Area and the Grants Pass Urban Growth Area				
240–0100	Applicability	4/16/2015	10/11/2017, 82 FR 47122.	
240–0110	Wood Waste Boilers	4/16/2015	10/11/2017, 82 FR 47122.	
240–0120	Veneer Dryer Emission Limitations	4/16/2015	10/11/2017, 82 FR 47122.	
240–0130	Air Conveying Systems (Medford-Ashland AQMA Only).	4/16/2015	10/11/2017, 82 FR 47122.	
240–0140	Wood Particle Dryers at Particleboard Plants	4/16/2015	10/11/2017, 82 FR 47122.	
240–0150	Hardboard Manufacturing Plants	4/16/2015	10/11/2017, 82 FR 47122.	
240–0160	Wigwam Waste Burners	4/16/2015	10/11/2017, 82 FR 47122.	
240–0180	Control of Fugitive Emissions (Medford-Ashland AQMA Only).	4/16/2015	10/11/2017, 82 FR 47122.	
240–0190	Requirement for Operation and Maintenance Plans (Medford-Ashland AQMA Only).	4/16/2015	10/11/2017, 82 FR 47122.	
240–0210	Continuous Monitoring	4/16/2015	10/11/2017, 82 FR 47122.	
240–0220	Source Testing	4/16/2015	10/11/2017, 82 FR 47122.	
240–0250	Open Burning	4/16/2015	10/11/2017, 82 FR 47122.	

TABLE 2—EPA APPROVED OREGON ADMINISTRATIVE RULES (OAR) [1]—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanations
La Grande Urban Growth Area				
240–0300	Applicability	4/16/2015	10/11/2017, 82 FR 47122.	
240–0320	Wood-Waste Boilers	4/16/2015	10/11/2017, 82 FR 47122.	
240–0330	Wood Particle Dryers at Particleboard Plants	4/16/2015	10/11/2017, 82 FR 47122.	
240–0340	Hardboard Manufacturing Plants	4/16/2015	10/11/2017, 82 FR 47122.	
240–0350	Air Conveying Systems	4/16/2015	10/11/2017, 82 FR 47122.	
240–0360	Fugitive Emissions	4/16/2015	10/11/2017, 82 FR 47122.	
The Lakeview Urban Growth Area				
240–0400	Applicability	4/16/2015	10/11/2017, 82 FR 47122.	
240–0410	Control of Fugitive Emissions	4/16/2015	10/11/2017, 82 FR 47122.	
240–0420	Requirement for Operation and Maintenance Plans.	4/16/2015	10/11/2017, 82 FR 47122.	
240–0430	Source Testing	4/16/2015	10/11/2017, 82 FR 47122.	
240–0440	Open Burning	4/16/2015	10/11/2017, 82 FR 47122.	
Klamath Falls Nonattainment Area				
240–0500	Applicability	12/11/2012	8/25/2015, 80 FR 51470.	
240–0510	Opacity Standard	4/16/2015	10/11/2017, 82 FR 47122.	
240–0520	Control of Fugitive Emissions	12/11/2012	8/25/2015, 80 FR 51470.	
240–0530	Requirement for Operation and Maintenance Plans.	12/11/2012	8/25/2015, 80 FR 51470.	
240–0540	Compliance Schedule for Existing Industrial Sources.	12/11/2012	8/25/2015, 80 FR 51470.	
240–0550	Requirements for New Sources When Using Residential Wood Fuel-Fired Device Offsets.	4/16/2015	10/11/2017, 82 FR 47122.	
Real and Permanent $PM_{2.5}$ and PM_{10} Offsets				
240–0560	Real and Permanent $PM_{2.5}$ and PM_{10} Offsets	4/16/2015	10/11/2017, 82 FR 47122.	
Klamath Falls Nonattainment Area Contingency Measures				
240–0570	Applicability	12/11/2012	6/6/2016, 81 FR 36176.	
240–0580	Existing Industrial Sources Control Efficiency	12/11/2012	6/6/2016, 81 FR 36176.	
240–0610	Continuous Monitoring for Industrial Sources	4/16/2015	10/11/2017, 82 FR 47122.	
240–0620	Contingency Measures: New Industrial Sources	12/11/2012	6/6/2016, 81 FR 36176.	
240–0630	Contingency Enhanced Curtailment of Use of Solid Fuel Burning Devices and Fireplaces.	12/11/2012	6/6/2016, 81 FR 36176.	
Division 242—Rules Applicable to the Portland Area				
242–0010	What is the Employee Commute Options Program?.	4/12/2007	12/19/2011, 76 FR 78571.	
242–0020	Who is Subject to ECO?	4/12/2007	12/19/2011, 76 FR 78571.	
242–0030	What Does ECO Require?	4/12/2007	12/19/2011, 76 FR 78571.	
242–0040	How Does the Department Enforce ECO?	4/12/2007	12/19/2011, 76 FR 78571.	
242–0050	Definitions of Terms Used in These Rules	4/12/2007	12/19/2011, 76 FR 78571.	
242–0060	Should All Employees at a Work Site be Counted?	10/14/1999	1/22/2003, 68 FR 2891.	
242–0070	What are the Major Requirements of ECO?	4/12/2007	12/19/2011, 76 FR 78571.	

TABLE 2—EPA APPROVED OREGON ADMINISTRATIVE RULES (OAR) [1]—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanations
242–0080	What are the Registration Requirements?	4/12/2007	12/19/2011, 76 FR 78571.	
242–0090	What are the Requirements for an Employee Survey?	4/12/2007	12/19/2011, 76 FR 78571.	
242–0100	Special Requirements for Employers Intending to Comply Without an Approved Plan.	10/14/1999	1/22/2003, 68 FR 2891.	
242–0110	What if an Employer Does Not Meet the Target Auto Trip Rate?	4/12/2007	12/19/2011, 76 FR 78571.	
242–0120	How Will Employers Demonstrate Progress Toward the Target Auto Trip Rate?	4/12/2007	12/19/2011, 76 FR 78571.	
242–0130	What is the Schedule Employers Must Follow to Implement ECO?	10/14/1999	1/22/2003, 68 FR 2891.	
242–0140	How Should Employers Account for Changes in Work Force Size?	10/14/1999	1/22/2003, 68 FR 2891.	
242–0150	How Can an Employer Reduce Auto Commute Trips to a Work Site?	10/14/1999	1/22/2003, 68 FR 2891.	
242–0160	What Should be Included in an Auto Trip Reduction Plan?	4/12/2007	12/19/2011, 76 FR 78571.	
242–0170	When Will the Department Act on a Submitted Auto Trip Reduction Plan?	10/14/1999	1/22/2003, 68 FR 2891.	
242–0180	What is a Good Faith Effort?	4/12/2007	12/19/2011, 76 FR 78571.	
242–0190	How Does the ECO Program Affect New Employers, Expanding Employers and Employers Relocating Within the Portland AQMA?	4/12/2007	12/19/2011, 76 FR 78571.	
242–0200	Can a New or Relocating Employer Comply with ECO Through Restricted Parking Ratios?	4/12/2007	12/19/2011, 76 FR 78571.	
242–0210	Can an Existing Employer Comply with ECO Through Restricted Parking Ratios?	4/12/2007	12/19/2011, 76 FR 78571.	
242–0220	What if an Employer Has More Than One Work Site Within the Portland AQMA?	4/12/2007	12/19/2011, 76 FR 78571.	
242–0230	Can Employers Submit a Joint Plan?	10/14/1999	1/22/2003, 68 FR 2891.	
242–0240	Are There Alternatives to Trip Reduction?	4/12/2007	12/19/2011, 76 FR 78571.	
242–0250	What Alternatives Qualify as Equivalent Emission Reductions?	10/14/1999	1/22/2003, 68 FR 2891.	
242–0260	Can Employers Get Credit for Existing Trip Reduction Programs?	4/12/2007	12/19/2011, 76 FR 78571.	
242–0270	Are Exemptions Allowed if an Employer is Unable to Reduce Trips or Take Advantage of Alternate Compliance Options?	4/12/2007	12/19/2011, 76 FR 78571.	
242–0280	Participation in the Industrial Emission Management Program.	4/12/2007	12/19/2011, 76 FR 78571.	
242–0290	What Kind of Records Must be Kept and for How Long?	4/12/2007	12/19/2011, 76 FR 78571.	
Voluntary Maximum Parking Ratio Program				
242–0300	What is the Voluntary Parking Ratio Program?	10/14/1999	1/22/2003, 68 FR 2891.	
242–0310	Who can Participate in the Voluntary Parking Ratio Program?	10/14/1999	1/22/2003, 68 FR 2891.	
242–0320	Definitions of Terms and Land Uses	10/14/1999	1/22/2003, 68 FR 2891.	
242–0330	How Does a Property Owner Comply with the Voluntary Parking Ratio Program?	10/14/1999	1/22/2003, 68 FR 2891.	
242–0340	What are the Incentives for Complying with the Voluntary Parking Ratio Program?	10/14/1999	1/22/2003, 68 FR 2891.	
242–0350	Why Do I Need a Parking Ratio Permit?	10/14/1999	1/22/2003, 68 FR 2891.	
242–0360	What is Required to Obtain a Parking Ratio Permit?	10/14/1999	1/22/2003, 68 FR 2891.	
242–0370	How is the Parking Ratio Program Enforced?	10/14/1999	1/22/2003, 68 FR 2891.	
242–0380	When Will the Department Act on a Submitted Permit Application?	10/14/1999	1/22/2003, 68 FR 2891.	
242–0390	What are the Applicable Parking Ratios?	10/14/1999	1/22/2003, 68 FR 2891.	
Industrial Emission Management Program				
242–0400	Applicability	4/16/2015	10/11/2017, 82 FR 47122.	
242–0410	Definition of Terms	4/16/2015	10/11/2017, 82 FR 47122.	

TABLE 2—EPA APPROVED OREGON ADMINISTRATIVE RULES (OAR) [1]—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanations
242–0420	Unused PSEL Donation Program	4/16/2015	10/11/2017, 82 FR 47122.	
242–0430	Industrial Growth Allowances	4/16/2015	10/11/2017, 82 FR 47122.	
242–0440	Industrial Growth Allowance Allocation	4/16/2015	10/11/2017, 82 FR 47122.	
Gasoline Vapors from Gasoline Transfer and Dispensing Operations				
242–0500	Purpose and Applicability	4/16/2015	10/27/2015, 80 FR 65655.	
242–0510	Definitions	4/16/2015	10/27/2015, 80 FR 65655.	
242–0520	General Provisions	4/16/2015	10/27/2015, 80 FR 65655.	
Motor Vehicle Refinishing				
242–0600	Applicability	4/16/2015	10/11/2017, 82 FR 47122.	
242–0610	Definitions	4/16/2015	10/11/2017, 82 FR 47122.	
242–0620	Requirements for Motor Vehicle Refinishing in Portland AQMA.	4/16/2015	10/11/2017, 82 FR 47122.	
242–0630	Inspecting and Testing Requirements	4/16/2015	10/11/2017, 82 FR 47122.	
Division 244—Oregon Federal Hazardous Air Pollutant Program [2] [3]				
General Provisions for Stationary Sources				
244–0030	Definitions	1/21/2021	8/11/2021, 86 FR 43954.	
Emission Standards for Gasoline Dispensing Facilities				
244–0232	Purpose	4/16/2015	10/27/2015, 80 FR 65655.	
244–0234	Affected Sources	4/16/2015	10/27/2015, 80 FR 65655.	
244–0236	Affected Equipment or Processes	4/16/2015	10/27/2015, 80 FR 65655.	
244–0238	Compliance Dates	4/16/2015	10/27/2015, 80 FR 65655.	Except (1)(a) and (2)(c).
Emission Limitations and Management Practices				
244–0239	General Duties to Minimize Emissions	4/16/2015	10/27/2015, 80 FR 65655.	
244–0240	Work Practice and Submerged Fill Requirements	4/16/2015	10/27/2015, 80 FR 65655.	Except (1)(b) and (c).
244–0242	Vapor Balance Requirements	4/16/2015	10/27/2015, 80 FR 65655.	Including tables 2 and 3. Except (4)(c) and (d).
Testing and Monitoring Requirements				
244–0244	Testing and Monitoring Requirements	4/16/2015	10/27/2015, 80 FR 65655.	
Notifications, Records, and Reports				
244–0246	Notifications	4/16/2015	10/27/2015, 80 FR 65655.	
244–0248	Recordkeeping Requirements	4/16/2015	10/27/2015, 80 FR 65655.	
244–0250	Reporting Requirements	4/16/2015	10/27/2015, 80 FR 65655.	
244–0252	General Provision Applicability	12/31/2008	10/27/2015, 80 FR 65655.	
Division 250—General Conformity				
250–0010	Purpose	10/14/1999	1/22/2003, 68 FR 2891.	

TABLE 2—EPA APPROVED OREGON ADMINISTRATIVE RULES (OAR) [1]—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanations
250–0020	Applicability	10/14/1999	1/22/2003, 68 FR 2891.	
250–0030	Definitions	10/16/2015	5/24/2018, 83 FR 24034.	
250–0040	Conformity Analysis	10/14/1999	1/22/2003, 68 FR 2891.	
250–0050	Reporting Requirements	10/14/1999	1/22/2003, 68 FR 2891.	
250–0060	Public Participation	10/14/1999	1/22/2003, 68 FR 2891.	
250–0070	Frequency of Conformity Determinations	10/14/1999	1/22/2003, 68 FR 2891.	
250–0080	Criteria for Determining Conformity of General Federal Actions.	10/14/1999	1/22/2003, 68 FR 2891.	
250–0090	Procedures for Conformity Determinations of General Federal Actions.	10/14/1999	1/22/2003, 68 FR 2891.	
250–0100	Mitigation of Air Quality Impacts	10/14/1999	1/22/2003, 68 FR 2891.	
Division 252—Transportation Conformity				
252–0010	Propose	10/14/1999	1/22/2003, 68 FR 2891.	
252–0030	Definitions	3/5/2010	10/4/2012, 77 FR 60627.	
252–0060	Consultation	3/5/2010	10/4/2012, 77 FR 60627.	
252–0070	Timeframe of Conformity Determinations	3/5/2010	10/4/2012, 77 FR 60627	Except last two sentences.
252–0230	Written Comments	3/5/2010	10/4/2012, 77 FR 60627.	
Division 256—Motor Vehicles				
256–0010	Definitions	11/19/2020	7/12/2022, 87 FR 41256.	
Visible Emissions				
256–0100	Visible Emissions—General Requirements, Exclusions.	7/12/2005	12/19/2011, 76 FR 78571.	
256–0130	Motor Vehicle Fleet Operation	11/19/2020	7/12/2022, 87 FR 41256.	
Certification of Pollution Control Systems				
256–0200	County Designations	11/19/2020	7/12/2022, 87 FR 41256.	
Emission Control System Inspection				
256–0300	Scope	11/19/2020	7/12/2022, 87 FR 41256.	
256–0310	Government-Owned Vehicle, Permanent Fleet Vehicle and United States Government Vehicle Testing.	11/19/2020	7/12/2022, 87 FR 41256.	
256–0330	Department of Defense Personnel Participating in the Privately Owned Vehicle Import Control Program.	10/14/1999	11/24/2004, 69 FR 67819.	
256–0340	Light Duty Motor Vehicle Emission Control Test Method for Enhanced Program.	11/19/2020	7/12/2022, 87 FR 41256.	
256–0355	Emissions Control Test Method for OBD Test Program.	11/19/2020	7/12/2022, 87 FR 41256.	
256–0356	Emissions Control Test Method for On-Site Vehicle Testing for Automobile Dealerships.	11/19/2020	7/12/2022, 87 FR 41256.	
256–0370	Renewal of Registration for Light Duty Motor Vehicles and Heavy Duty Gasoline Motor Vehicles Temporarily Operating Outside of Oregon.	11/19/2020	7/12/2022, 87 FR 41256.	
256–0380	Light Duty Motor Vehicle Emission Control Test Criteria for Basic Program.	11/19/2020	7/12/2022, 87 FR 41256.	
256–0390	Heavy Duty Gasoline Motor Vehicle Emission Control Test Criteria.	11/19/2020	7/12/2022, 87 FR 41256.	
256–0400	Light Duty Motor Vehicle Emission Control Standards for Basic Program.	11/19/2020	7/12/2022, 87 FR 41256.	
256–0420	Heavy-Duty Gasoline Motor Vehicle Emission Control Standards.	11/19/2020	7/12/2022, 87 FR 41256.	
256–0440	Criteria for Qualifications of Persons Eligible to Inspect Motor Vehicles and Motor Vehicle Pollution Control Systems and Execute Certificates.	11/19/2020	7/12/2022, 87 FR 41256.	
256–0450	Gas Analytical System Licensing Criteria for Basic Program.	11/19/2020	7/12/2022, 87 FR 41256.	
256–0465	Test Equipment Licensing Criteria for OBD Test Program.	11/19/2020	7/12/2022, 87 FR 41256.	
256–0470	Agreement with Independent Contractor; Qualifications of Contractor; Agreement Provisions.	11/19/2020	7/12/2022, 87 FR 41256.	

TABLE 2—EPA APPROVED OREGON ADMINISTRATIVE RULES (OAR) [1]—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanations
Division 258—Motor Vehicle Fuel Specifications				
258–0010	Definitions	10/14/1999	1/22/2003, 68 FR 2891.	
Oxygenated Gasoline				
258–0100	Policy	10/14/1999	1/22/2003, 68 FR 2891.	
258–0110	Purpose and General Requirements	10/14/1999	1/22/2003, 68 FR 2891.	
258–0120	Sampling and Testing for Oxygen Content	10/14/1999	1/22/2003, 68 FR 2891.	
258–0130	Compliance Options	10/14/1999	1/22/2003, 68 FR 2891.	
258–0140	Per Gallon Oxygen Content Standard	10/14/1999	1/22/2003, 69 FR 2891.	
258–0150	Average Oxygen Content Standard	10/14/1999	1/22/2003, 68 FR 2891.	
258–0160	Minimum Oxygen Content	10/14/1999	1/22/2003, 68 FR 2891.	
258–0170	Oxygenated Gasoline Blending	10/14/1999	1/22/2003, 68 FR 2891.	
258–0180	Registration	10/14/1999	1/22/2003, 68 FR 2891.	
258–0190	CAR, Distributor and Retail Outlet Operating Permits.	10/14/1999	1/22/2003, 68 FR 2891.	
258–0200	Owners of Gasoline and Terminals, Distributors and Retail Outlets Required to Have Indirect Source Operating Permits.	10/14/1999	1/22/2003, 68 FR 2891.	
258–0210	Recordkeeping	10/14/1999	1/22/2003, 68 FR 2891.	
258–0220	Reporting	10/14/1999	1/22/2003, 68 FR 2891.	
258–0230	Prohibited Activities	10/14/1999	1/22/2003, 68 FR 2891.	
258–0240	Inspection and Sampling	10/14/1999	1/22/2003, 68 FR 2891.	
258–0250	Liability for Violation of a Prohibited Activity	10/14/1999	1/22/2003, 68 FR 2891.	
258–0260	Defenses for Prohibited Activities	10/14/1999	1/22/2003, 68 FR 2891.	
258–0270	Inability to Produce Conforming Gasoline Due to Extraordinary Circumstances.	10/14/1999	1/22/2003, 68 FR 2891.	
258–0280	Quality Assurance Program	10/14/1999	1/22/2003, 68 FR 2891.	
258–0290	Attest Engagements Guidelines When Prohibited Activities Alleged.	10/14/1999	1/22/2003, 68 FR 2891.	
258–0300	Dispenser Labeling	10/14/1999	1/22/2003, 68 FR 2891.	
258–0310	Contingency Provision for Carbon Monoxide Nonattainment Areas.	10/14/1999	1/22/2003, 68 FR 2891.	
Standard for Automotive Gasoline				
258–0400	Reid Vapor Pressure for Gasoline	10/14/1999	1/22/2003, 68 FR 2891.	
Division 262—Heat Smart Program for Residential Woodstoves and Other Solid Fuel Heating Devices				
262–0400	Purpose and Applicability of Rules	3/15/2011	6/20/2013, 78 FR 37124.	
262–0450	Definitions	4/16/2015	10/11/2017, 82 FR 47122.	
262–0500	Certification of Solid Fuel Burning Devices for Sale and New.	3/15/2011	6/20/2013, 78 FR 37124.	
262–0600	New and Used Solid Fuel Burning Devices	5/17/2012	6/20/2013, 78 FR 37124.	
262–0700	Removal and Destruction of Used Solid Fuel Burning Devices.	3/15/2011	6/20/2013, 78 FR 37124.	
262–0800	Wood Burning and Other Heating Devices Curtailment Program.	3/15/2011	6/20/2013, 78 FR 37124.	
262–0900	Materials Prohibited from Burning	3/15/2011	6/20/2013, 78 FR 37124.	
262–1000	Wood Burning Contingency Measures for $PM_{2.5}$ Nonattainment Areas.	12/11/2012	6/6/2016, 81 FR 36176.	
Division 264—Rules for Open Burning				
264–0010	How to Use These Open Burning Rules	4/16/2015	10/11/2017, 82 FR 47122.	
264–0020	Policy	4/16/2015	10/11/2017, 82 FR 47122.	
264–0030	Definitions	4/16/2015	10/11/2017, 82 FR 47122.	
264–0040	Exemptions, Statewide	4/16/2015	10/11/2017, 82 FR 47122.	
264–0050	General Requirements Statewide	4/16/2015	10/11/2017, 82 FR 47122.	
264–0060	General Prohibitions Statewide	4/16/2015	10/11/2017, 82 FR 47122.	
264–0070	Open Burning Conditions	4/16/2015	10/11/2017, 82 FR 47122.	

TABLE 2—EPA APPROVED OREGON ADMINISTRATIVE RULES (OAR) [1]—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanations
264–0075	Delegation of Authority	4/16/2015	10/11/2017, 82 FR 47122.	
264–0078	Open Burning Control Areas	4/16/2015	10/11/2017, 82 FR 47122.	
264–0080	County Listing of Specific Open Burning Rules	4/16/2015	10/11/2017, 82 FR 47122.	
Open Burning Requirements				
264–0100	Baker, Clatsop, Crook, Curry, Deschutes, Gilliam, Grant, Harney, Hood River, Jefferson, Klamath, Lake, Lincoln, Malheur, Morrow, Sherman, Tillamook, Umatilla, Union, Wallowa, Wasco and Wheeler Counties.	4/16/2015	10/11/2017, 82 FR 47122.	
264–0110	Benton, Linn, Marion, Polk, and Yamhill Counties	4/16/2015	10/11/2017, 82 FR 47122.	
264–0120	Clackamas County	4/16/2015	10/11/2017, 82 FR 47122.	
264–0130	Multnomah County	4/16/2015	10/11/2017, 82 FR 47122.	
264–0140	Washington County	4/16/2015	10/11/2017, 82 FR 47122.	
264–0150	Columbia County	4/16/2015	10/11/2017, 82 FR 47122.	
264–0160	Lane County	4/16/2015	10/11/2017, 82 FR 47122.	
264–0170	Coos, Douglas, Jackson and Josephine Counties	4/16/2015	10/11/2017, 82 FR 47122.	
264–0175	Klamath County	4/16/2015	10/11/2017, 82 FR 47122.	
264–0180	Letter Permits	4/16/2015	10/11/2017, 82 FR 47122.	
Division 266—Field Burning Rules (Willamette Valley)				
266–0010	Introduction	10/14/1999	1/22/2003, 68 FR 2891.	
266–0020	Policy	10/14/1999	1/22/2003, 68 FR 2891.	
266–0030	Definitions	10/14/1999	1/22/2003, 68 FR 2891.	
266–0040	General Requirements	10/14/1999	1/22/2003, 68 FR 2891.	
266–0050	Registration, Permits, Fees, Records	10/14/1999	1/22/2003, 68 FR 2891.	
266–0060	Acreage Limitations, Allocations	10/14/1999	1/22/2003, 68 FR 2891.	
266–0070	Daily Burning Authorization Criteria	10/14/1999	1/22/2003, 68 FR 2891.	
266–0080	Burning by Public Agencies (Training Fires)	10/14/1999	1/22/2003, 68 FR 2891.	
266–0090	Preparatory Burning	10/14/1999	1/22/2003, 68 FR 2891.	
266–0100	Experimental Burning	10/14/1999	1/22/2003, 68 FR 2891.	
266–0110	Emergency Burning Cessation	10/14/1999	1/22/2003, 68 FR 2891.	
266–0120	Propane Flaming	10/14/1999	1/22/2003, 68 FR 2891.	
266–0130	Stack Burning	10/14/1999	1/22/2003, 68 FR 2891.	
Division 268—Emission Reduction Credits				
268–0010	Applicability	4/16/2015	10/11/2017, 82 FR 47122.	
268–0020	Definitions	4/16/2015	10/11/2017, 82 FR 47122.	
268–0030	Emission Reduction Credits	4/16/2015	10/11/2017, 82 FR 47122.	
Chapter 629—Oregon Department of Forestry				
629–24–301	Maintenance of Productivity and Related Values	8/1/1987	11/1/2001, 66 FR 55105	Statewide Visibility Plan.
629–048–0001	Title, Scope and Effective Dates	3/1/2019	5/25/2021, 86 FR 27976.	
629–048–0005	Definitions	3/1/2019	5/25/2021, 86 FR 27976.	
629–048–0010	Purpose	3/1/2019	5/25/2021, 86 FR 27976.	
629–048–0020	Necessity of Prescribed Burning	3/1/2019	5/25/2021, 86 FR 27976.	
629–048–0021	Necessity of Safeguarding Public Health	3/1/2019	5/25/2021, 86 FR 27976.	
629–048–0100	Regulated Areas	1/1/2008	8/22/2012, 77 FR 50611.	
629–048–0110	Characterization and Response to Smoke Incidents, Smoke Intrusions, and National Ambient Air Quality Standards (NAAQS) Exceedances.	3/1/2019	5/25/2021, 86 FR 27976.	
629–048–0120	Air Quality Maintenance Objectives	3/1/2019	5/25/2021, 86 FR 27976.	
629–048–0130	Visibility Objectives	7/11/2014	5/25/2021, 86 FR 27976.	

TABLE 2—EPA APPROVED OREGON ADMINISTRATIVE RULES (OAR) [1]—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanations
629–048–0135	Special Protection Zone Requirements	3/1/2019	5/25/2021, 86 FR 27976.	
629–048–0137	SPZ Contingency Plan Requirements	3/1/2019	5/25/2021, 86 FR 27976.	
629–048–0140	Smoke Sensitive Receptor Areas	3/1/2019	5/25/2021, 86 FR 27976.	
629–048–0150	Criteria for Future Listing of Smoke Sensitive Receptor Areas.	3/1/2019	5/25/2021, 86 FR 27976.	
629–048–0160	Bear Creek/Rogue River Valley SSRA	1/1/2008	8/22/2012, 77 FR 50611.	
629–048–0180	Communication, Community Response Plans, and Exemption Requests.	3/1/2019	5/25/2021, 86 FR 27976.	
629–048–0200	Regulated Areas	3/1/2019	5/25/2021, 86 FR 27976.	
629–048–0210	Best Burn Practices; Emission Reduction Techniques.	3/1/2019	5/25/2021, 86 FR 27976.	
629–048–0220	Forecast Procedures	3/1/2019	5/25/2021, 86 FR 27976.	
629–048–0230	Burn Procedures	3/1/2019	5/25/2021, 86 FR 27976.	
629–048–0300	Registration of Intent to Burn	1/1/2008	8/22/2012, 77 FR 50611.	
629–048–0310	Fees for Prescribed Burning	3/1/2019	5/25/2021, 86 FR 27976.	
629–048–0320	Reporting of Accomplishments	3/1/2019	5/25/2021, 86 FR 27976.	
629–048–0330	Emission Inventories	1/1/2008	8/22/2012, 77 FR 50611.	
629–048–0400	Coordination with Other Regulating Jurisdictions and for Other Pollutants.	1/1/2008	8/22/2012, 77 FR 50611.	
629–048–0450	Periodic Evaluation and Adaptive Management	3/1/2019	5/25/2021, 86 FR 27976.	
629–048–0500	Enforcement	3/1/2019	5/25/2021, 86 FR 27976.	
Department of State Police				
Chapter 837—Office of State Fire Marshall				
Division 110—Field Burning and Propaning Rules				
837–110–0010	Field Preparation	2/7/1994	11/1/2001, 66 FR 55105	Statewide Visibility Plan.
837–110–0020	Firefighting Water Supplies	2/7/1994	11/1/2001, 66 FR 55105	Statewide Visibility Plan.
837–110–0030	Firefighting Equipment	2/7/1994	11/1/2001, 66 FR 55105	Statewide Visibility Plan.
837–110–0040	Ignition Criteria	2/7/1994	11/1/2001, 66 FR 55105	Statewide Visibility Plan.
837–110–0050	Prohibited Use	2/7/1989	11/1/2001, 66 FR 55105	Statewide Visibility Plan.
837–110–0060	Communication	2/7/1989	11/1/2001, 66 FR 55105	Statewide Visibility Plan.
837–110–0070	Fire Safety Watch	2/7/1994	11/1/2001, 66 FR 55105	Statewide Visibility Plan.
837–110–0080	Fire Safety Buffer Zones	2/7/1994	11/1/2001, 66 FR 55105	Statewide Visibility Plan.
837–110–0090	Ban on Burning	2/7/1994	11/1/2001, 66 FR 55105	Statewide Visibility Plan.
Propaning				
837–110–0110	Field Preparation	2/7/1994	11/1/2001, 66 FR 55105	Statewide Visibility Plan.
837–110–0120	Firefighting Water Supplies	2/7/1994	11/1/2001, 66 FR 55105	Statewide Visibility Plan.
837–110–0130	Firefighting Equipment	2/7/1994	11/1/2001, 66 FR 55105	Statewide Visibility Plan.
837–110–0140	Communication	2/7/1989	11/1/2001, 66 FR 55105	Statewide Visibility Plan.
837–110–0150	Fire Safety Watch	2/7/1994	11/1/2001, 66 FR 55105	Statewide Visibility Plan.
837–110–0160	Ban on Burning	8/11/1993	11/1/2001, 66 FR 55105	Statewide Visibility Plan.

[1] The EPA approves the requirements in Table 2 of this paragraph (c) only to the extent they apply to (1) pollutants for which NAAQS have been established (criteria pollutants) and precursors to those criteria pollutants as determined by the EPA for the applicable geographic area; and (2) any additional pollutants that are required to be regulated under Part C of Title I of the CAA, but only for the purposes of meeting or avoiding the requirements of Part C of Title I of the CAA.

[2] Only for the Portland-Vancouver, Medford-Ashland, and Salem-Keizer Area Transportation Study air quality management areas, as well as all of Clackamas, Multnomah, and Washington counties.

[3] The EPA approves Division 244 only to the extent needed to implement the requirements for gasoline dispensing facilities that are approved into the SIP for the purpose of regulating VOC emissions.

TABLE 3—EPA APPROVED CITY AND COUNTY ORDINANCES

Agency and ordinance	Title or subject	Date	EPA approval date	Explanations
City of Grants Pass Ordinance No. 4671.	Bans Open Burning	7/23/1990 (city approved).	12/17/1993, 58 FR 65934.	Grants Pass PM–10 Attainment Plan.
City of Eugene Ordinance No. 19731.	An Ordinance Restricting the Use of Solid Fuel Space Heating Devices During Air Pollution Episodes.	11/5/1990 (city approved).	8/24/1994, 59 FR 43483	Eugene-Springfield PM–10 Attainment Plan.
Lane County Ordinance No. 9–90 (Alternative 2).	Restricts Use of Solid Fuel Space Heating Devices During Air Pollution Episodes.	12/19/1990 (county enacted).	8/24/1994, 59 FR 43483	Eugene-Springfield PM–10 Attainment Plan.
City of Springfield Ordinance No. 5546.	Restricts Use of Solid Fuel Space Heating Devices During Air Pollution Episodes.	12/17/1990 (city approved).	8/24/1994, 59 FR 43483	Eugene-Springfield PM–10 Attainment Plan.

TABLE 3—EPA APPROVED CITY AND COUNTY ORDINANCES—Continued

Agency and ordinance	Title or subject	Date	EPA approval date	Explanations
Union County Ordinance 1991–6.	Field Burning Smoke Management Program.	6/5/1991 (county passed).	2/15/1995, 60 FR 8563	La Grande PM–10 Attainment Plan.
City of Klamath Falls Ordinance 6630.	An Ordinance Consenting to the Application of the Klamath County Air Quality Program Ordinance Within City Limits.	9/16/1991 (city approval).	4/14/1997, 62 FR 18047	Klamath Falls PM–10 Attainment Plan.
City of Oakridge Ordinance 815.	Restricts Use of Solid Fuel Space Heating Devices During Air Pollution Episodes.	8/15/1996 (city approved).	3/15/1999, 64 FR 12751	Oakridge PM–10 Attainment Plan.
Town of Lakeview Resolution No. 402.	Establishes a Lakeview Air Quality Improvement Program.	2/28/1994 (town passed).	9/21/1999, 64 FR 51051	Lakeview PM–10 Attainment Plan.
Lake County Commissioners Resolution.	Establishment of a Lakeview Urban Growth Boundary Air Quality Improvement Program.	3/15/1995 (county passed).	9/21/1999, 64 FR 51051	Lakeview PM–10 Attainment Plan.
Town of Lakeview Ordinance No. 748.	Prohibits Use of Solid Fuel Burning Devices, Provides Certain Exemptions and Establishes Enforcement Controls.	2/28/1995 (town adopted).	9/21/1999, 64 FR 51051	Lakeview PM–10 Attainment Plan.
Town of Lakeview Ordinance No. 749.	Prohibits Waste Burning; Restricts Open Burning, Repeals Ordinance No. 581.	2/28/1995 (town adopted).	9/21/1999, 64 FR 51051	Lakeview PM–10 Attainment Plan.
Lake County Ordinance No. 29.	Prohibits Use of Solid Fuel Burning Devices, Provides Certain Exemptions and Establishes Enforcement Controls.	3/15/1995 (county adopted).	9/21/1999, 64 FR 51051	Lakeview PM–10 Attainment Plan.
Lake County Ordinance No. 30.	Prohibits Waste Burning and Restricts Open Burning.	3/15/1995 (county adopted).	9/21/1999, 64 FR 51051	Lakeview PM–10 Attainment Plan.
Medford Ordinance No. 6484.	Woodstove Curtailment	11/03/1989 (city approved).	7/24/2002, 67 FR 48388	Medford Carbon Monoxide (CO) Maintenance Plan.
Union County Ordinance No. 1992–4.	Management and Control of Field Burning.	7/1/1992 (county effective).	11/01/2001, 66 FR 55105.	Statewide Visibility Plan.
Jefferson County Ordinance No. 0–58–89.	Management and Control of Field Burning.	5/31/1989 (county passed).	11/01/2001, 66 FR 55105.	Statewide Visibility Plan.
Codified Ordinances of Jackson County 1810.01.	Definitions	5/2/1990 (county passed).	6/19/2006, 71 FR 35163	Medford-Ashland PM–10 Attainment Plan.
Codified Ordinances of Jackson County 1810.02.	Exceptions to chapter	8/22/2001 (county passed.	6/19/2006, 71 FR 35163	Medford-Ashland PM–10 Attainment Plan.
Codified Ordinances of Jackson County 1810.03.	Requirements for solid fuel heating device installation.	12/20/1989 (county passed).	6/19/2006, 71 FR 35163	Medford-Ashland PM–10 Attainment Plan.
Codified Ordinances of Jackson County 1810.04.	Solid fuel burning device omission standard.	5/02/1990 (county passed).	6/19/2006, 71 FR 35163	Medford-Ashland PM–10 Attainment Plan.
Codified Ordinances of Jackson County 1810.05.	Restriction of woodburning and emissions on high pollution days.	5/02/1990 (county passed).	6/19/2006, 71 FR 35163	Medford-Ashland PM–10 Attainment Plan.
Codified Ordinances of Jackson County 1810.06.	Trackout	12/04/1985 (county passed).	6/19/2006, 71 FR 35163	Medford-Ashland PM–10 Attainment Plan.
Codified Ordinances of Jackson County 1810.07.	Open burning	8/22/2001 (county passed).	6/19/2006, 71 FR 35163	Medford-Ashland PM–10 Attainment Plan.
Codified Ordinances of Jackson County 1810.08.	Burning of material emitting dense smoke or noxious odors in solid fuel burning devices.	12/20/1989 (county passed).	6/19/2006, 71 FR 35163	Medford-Ashland PM–10 Attainment Plan.
Codified Ordinances of Jackson County Exhibit A.	[Map 1]	5/02/1990 (county passed).	6/19/2006, 71 FR 35163	Medford-Ashland PM–10 Attainment Plan.
Codified Ordinances of Jackson County Exhibit B.	Proposed Curtailment Boundary Jackson County.	5/02/1990 (county passed).	6/19/2006, 71 FR 35163	Medford-Ashland PM–10 Attainment Plan.
Codified Ordinances of Jackson County Exhibit C.	[Map 2]	5/02/1990 (county passed).	6/19/2006, 71 FR 35163	Medford-Ashland PM–10 Attainment Plan.
Codified Ordinances of Jackson County Exhibit D.	Boundary Description Medford-Ashland Air Quality Maintenance Area.	5/02/1990 (county passed).	6/19/2006, 71 FR 35163	Medford-Ashland PM–10 Attainment Plan.
Code of the City of Medford, Oregon: 5.550.	Outside Burning	3/16/2000 (city effective)	6/19/2006, 71 FR 35163	Medford-Ashland PM–10 Attainment Plan.

TABLE 3—EPA APPROVED CITY AND COUNTY ORDINANCES—Continued

Agency and ordinance	Title or subject	Date	EPA approval date	Explanations
Code of the City of Medford, Oregon: 7.220.	Definitions	9/17/1998 (city effective)	6/19/2006, 71 FR 35163	Medford-Ashland PM–10 Attainment Plan.
Code of the City of Medford, Oregon: 7.222.	Operation of Solid Fuel Burning Device Prohibition.	9/17/1998 (city effective)	6/19/2006, 71 FR 35163	Medford-Ashland PM–10 Attainment Plan.
Code of the City of Medford, Oregon: 7.224.	Exemptions	9/17/1998 (city effective)	6/19/2006, 71 FR 35163	Medford-Ashland PM–10 Attainment Plan.
Code of the City of Medford, Oregon: 7.240.	Installation of Solid-Fuel Heating Devices.	8/02/1990 (city effective)	6/19/2006, 71 FR 35163	Medford-Ashland PM–10 Attainment Plan.
Code of the City of Medford, Oregon: 7.242.	Prohibited Materials	9/17/1998 (city effective)	6/19/2006, 71 FR 35163	Medford-Ashland PM–10 Attainment Plan.
City of Central Point Municipal Code: 8.01.010.	Definitions	1998 (city effective)	6/19/2006, 71 FR 35163	Medford-Ashland PM–10 Attainment Plan.
City of Central Point Municipal Code: 8.01.012.	Requirements for solid fuel burning device installation.	1998 (city effective)	6/19/2006, 71 FR 35163	Medford-Ashland PM–10 Attainment Plan.
City of Central Point Municipal Code: 8.01.014.	Solid fuel burning device emission standard.	1998 (city effective)	6/19/2006, 71 FR 35163	Medford-Ashland PM–10 Attainment Plan.
City of Central Point Municipal Code: 8.01.020.	Operation of solid fuel device prohibition.	1998 (city effective)	6/19/2006, 71 FR 35163	Medford-Ashland PM–10 Attainment Plan.
City of Central Point Municipal Code: 8.01.030.	Exemptions	1998 (city effective)	6/19/2006, 71 FR 35163	Medford-Ashland PM–10 Attainment Plan.
City of Central Point Municipal Code: 8.01.032.	Prohibited materials	1998 (city effective)	6/19/2006, 71 FR 35163	Medford-Ashland PM–10 Attainment Plan.
City of Central Point Municipal Code: 8.04.040 H.	Penalty and abatement	1979 (city effective)	6/19/2006, 71 FR 35163	Medford-Ashland PM–10 Attainment Plan.
City of Central Point Municipal Code: 8.04.095.	Trackout prohibited	1994 (city effective)	6/19/2006, 71 FR 35163	Medford-Ashland PM–10 Attainment Plan.
City of Ashland Municipal Code: 10.30.005.	Definitions	1998 (city effective)	6/19/2006, 71 FR 35163	Medford-Ashland PM–10 Attainment Plan.
City of Ashland Municipal Code: 10.30.010.	Outdoor and Indoor Burning Restricted.	1998 (city effective)	6/19/2006, 71 FR 35163	Medford-Ashland PM–10 Attainment Plan.
City of Ashland Municipal Code: 10.30.020.	Period When Outdoor Burning is Authorized.	2000 (city effective)	6/19/2006, 71 FR 35163	Medford-Ashland PM–10 Attainment Plan.
City of Ashland Municipal Code: 10.30.030.	Requirements for Permitted Fires	1993 (city effective)	6/19/2006, 71 FR 35163	Medford-Ashland PM–10 Attainment Plan.
City of Ashland Municipal Code: 10.30.040.	Permits Required	1993 (city effective)	6/19/2006, 71 FR 35163	Medford-Ashland PM–10 Attainment Plan.
City of Ashland Municipal Code: 9.24.010.	Definitions	1998 (city effective)	6/19/2006, 71 FR 35163	Medford-Ashland PM–10 Attainment Plan.
City of Ashland Municipal Code: 9.24.020.	Requirements for Solid Fuel Heating Device Installation.	1998 (city effective)	6/19/2006, 71 FR 35163	Medford-Ashland PM–10 Attainment Plan.
City of Ashland Municipal Code: 9.24.030.	Solid Fuel Burning Device Emission Standard.	1998 (city effective)	6/19/2006, 71 FR 35163	Medford-Ashland PM–10 Attainment Plan.
City of Ashland Municipal Code: 9.24.040.	Restriction of Woodburning an Emissions on High Pollution Days.	1998 (city effective)	6/19/2006, 71 FR 35163	Medford-Ashland PM–10 Attainment Plan.
City of Ashland Municipal Code: 9.24.050.	Prohibited Materials	1998 (city effective)	6/19/2006, 71 FR 35163	Medford-Ashland PM–10 Attainment Plan.
City of Talent Ordinance #565.	An ordinance of the city of Talent adopting a uniform fire code.	8/20/1992 (city effective)	6/19/2006, 71 FR 35163	Medford-Ashland PM–10 Attainment Plan.
City of Talent Ordinance #98–635–0.	An ordinance regulating the use of solid fuel burning devices within the city of Talent, Oregon.	3/04/1998 (city approved).	6/19/2006, 71 FR 35163	Medford-Ashland PM–10 Attainment Plan.
City of Phoenix Code: 8.16.050.	Burn days	1982 (city effective)	6/19/2006, 71 FR 35163	Medford-Ashland PM–10 Attainment Plan.
City of Phoenix Code: 8.16.090.	Prohibited materials	1982 (city effective)	6/19/2006, 71 FR 35163	Medford-Ashland PM–10 Attainment Plan.
City of Phoenix Code: 8.20.010.	Definitions	1998 (city effective)	6/19/2006, 71 FR 35163	Medford-Ashland PM–10 Attainment Plan.
City of Phoenix Code: 8.20.020.	Requirements for solid fuel heating device installation.	1998 (city effective)	6/19/2006, 71 FR 35163	Medford-Ashland PM–10 Attainment Plan.
City of Phoenix Code: 8.20.030.	Solid fuel burning device emission standard.	1998 (city effective)	6/19/2006, 71 FR 35163	Medford-Ashland PM–10 Attainment Plan.
City of Phoenix Code: 8.20.040.	Restriction of woodburning and emissions on high pollution days.	1998 (city effective)	6/19/2006, 71 FR 35163	Medford-Ashland PM–10 Attainment Plan.
City of Phoenix Code: 8.20.050.	Prohibited materials	1998 (city effective)	6/19/2006, 71 FR 35163	Medford-Ashland PM–10 Attainment Plan.
City of Jacksonville code: Ordinance 375.	An ordinance amending chapter 8.08.100 of the Jacksonville Municipal Code.	4/21/1992 (city effective)	6/19/2006, 71 FR 35163	Medford-Ashland PM–10 Attainment Plan.
City of Jacksonville Code Chapter 8.10.	Woodheating	February 1992 (city effective).	6/19/2006, 71 FR 35163	Medford-Ashland PM–10 Attainment Plan.

TABLE 3—EPA APPROVED CITY AND COUNTY ORDINANCES—Continued

Agency and ordinance	Title or subject	Date	EPA approval date	Explanations
City of Eagle Point Code: 8.08.160.	Outside burning of refuse or rubbish	2000 (city effective)	6/19/2006, 71 FR 35163	Medford-Ashland PM–10 Attainment Plan.
City of Eagle Point Code: 8.08.170.	Open burning restricted	1990 (city effective)	6/19/2006, 71 FR 35163	Medford-Ashland PM–10 Attainment Plan.
City of Eagle Point Code: 8.08.180.	Purposes for open burning permit	1990 (city effective)	6/19/2006, 71 FR 35163	Medford-Ashland PM–10 Attainment Plan.
City of Eagle Point Code: 8.08.190.	Times when open burning fire allowed.	1990 (city effective)	6/19/2006, 71 FR 35163	Medford-Ashland PM–10 Attainment Plan.
City of Eagle Point Code: 8.08.200.	Public nuisance	1990 (city effective)	6/19/2006, 71 FR 35163	Medford-Ashland PM–10 Attainment Plan.
Klamath County Ordinance 63.06.	Chapter 406—Klamath County Clean Air Ordinance 63.06.	12/31/2012 (county effective).	08/25/2015, 80 FR 51470.	Except 406.300 and 406.400 Klamath Falls $PM_{2.5}$ Attainment Plan.
City of Oakridge Ordinance No. 920.	An Ordinance Amending Section 7 of Ordinance 914 and Adopting New Standards for the Oakridge Air Pollution Control Program.	10/20/2016 (county approved).	8/22/2022, 87 FR 51262	Except section 6.
Lane County Code Chapter 9.	Restriction on Use of Solid Fuel Space Heating Devices.	2/9/2017 (county approved).	8/22/2022, 87 FR 51262	Except sections 9.145 and 9.150.

TABLE 4—EPA APPROVED LANE REGIONAL AIR PROTECTION AGENCY (LRAPA) RULES FOR OREGON [1]

LRAPA citation	Title/subject	State effective date	EPA approval date	Explanations
Title 11—Policy and General Provisions				
11–005	Policy	10/9/1979	9/9/1993, 58 FR 47385.	
11–010	Construction and Validity	10/9/1979	9/9/1993, 58 FR 47385.	
Title 12—Definitions				
12–001	General	5/24/2024	1/29/2026, 91 FR 3821.	
12–005	Definitions	5/24/2024	1/29/2026, 91 FR 3821.	
12–010	Abbreviations and Acronyms	5/24/2024	1/29/2026, 91 FR 3821.	
12–020	Exceptions	5/24/2024	1/29/2026, 91 FR 3821.	
12–025	Reference Materials	5/24/2024	1/29/2026, 91 FR 3821.	
Title 13—General Duties and Powers of Board and Director				
13–005	Authority of the Agency	5/24/2024	1/29/2026, 91 FR 3821.	
13–010	Duties and Powers of the Board of Directors	5/24/2024	1/29/2026, 91 FR 3821.	
13–020	Duties and Function of the Director	5/24/2024	1/29/2026, 91 FR 3821.	
13–025	Conflict of Interest	5/24/2024	1/29/2026, 91 FR 3821.	
13–030	Advisory Committee	5/24/2024	1/29/2026, 91 FR 3821.	
13–035	Public Records and Confidential Information	5/24/2024	1/29/2026, 91 FR 3821.	
Title 16—Home Wood Heating Curtailment Program Enforcement				
16–001	Purpose	7/13/1993	8/24/1994, 59 FR 43483.	
16–010	Definitions	7/13/1993	8/24/1994, 59 FR 43483.	
16–100	Civil Penalty Schedule	7/13/1993	8/24/1994, 59 FR 43483.	
16–110	Classification of Violations	7/13/1993	8/24/1994, 59 FR 43483.	
16–120	Notice of Violation	7/13/1993	8/24/1994, 59 FR 43483.	
16–130	Appeal of Civil Penalty	7/13/1993	8/24/1994, 59 FR 43483.	
16–140	Conducting Contested Case Evidentiary Hearings	7/13/1993	8/24/1994, 59 FR 43483.	
16–150	Evidentiary Rules	7/13/1993	8/24/1994, 59 FR 43483.	
16–160	Final Orders	7/13/1993	8/24/1994, 59 FR 43483.	
16–170	Default Orders	7/13/1993	8/24/1994, 59 FR 43483.	
Title 29—Designation of Air Quality Areas				
29–0010	Definitions	5/24/2024	1/29/2026, 91 FR 3821.	
29–0020	Designation of Air Quality Control Regions	5/24/2024	1/29/2026, 91 FR 3821.	
29–0030	Designation of Nonattainment Areas	5/24/2024	1/29/2026, 91 FR 3821.	
29–0040	Designation of Maintenance Areas	5/24/2024	1/29/2026, 91 FR 3821.	
29–0050	Designation of Prevention of Significant Deterioration Areas.	5/24/2024	1/29/2026, 91 FR 3821.	
29–0060	Redesignation of Prevention of Significant Deterioration Areas.	5/24/2024	1/29/2026, 91 FR 3821.	
29–0070	Special Control Areas	5/24/2024	1/29/2026, 91 FR 3821.	

TABLE 4—EPA APPROVED LANE REGIONAL AIR PROTECTION AGENCY (LRAPA) RULES FOR OREGON [1]—Continued

LRAPA citation	Title/subject	State effective date	EPA approval date	Explanations
29–0080	Motor Vehicle Inspection Boundary Designations	11/18/2021	8/22/2022, 87 FR 51262.	
29–0090	Oxygenated Gasoline Control Areas	11/18/2021	8/22/2022, 87 FR 51262.	
	Designation of Areas			
29–0300	Designation of Sustainment Areas	5/24/2024	1/29/2026, 91 FR 3821.	
29–0310	Designation of Reattainment Areas	5/24/2024	1/29/2026, 91 FR 3821.	
29–0320	Priority Sources	5/24/2024	1/29/2026, 91 FR 3821.	
	Title 30—Incinerator Regulations			
30–010	Definitions	3/23/2018	10/5/2018, 83 FR 50274.	
30–015	Best Available Control Technology for Solid and Infectious Waste Incinerators.	3/31/2014	10/5/2018, 83 FR 50274.	
30–020	Emission Limitations for Solid and Infectious Waste Incinerators.	3/31/2014	10/5/2018, 83 FR 50274	Except (2) and (8).
30–025	Design and Operation for Solid and Infectious Waste Incinerators.	3/31/2014	10/5/2018, 83 FR 50274	Except (9).
30–030	Continuous Emission Monitoring for Solid and Infectious Waste Incinerators.	3/31/2014	10/5/2018, 83 FR 50274	Except (1)(I) and (2)(E).
30–035	Reporting and Testing for Solid and Infectious Waste Incinerators.	3/31/2014	10/5/2018, 83 FR 50274.	
30–040	Compliance for Solid and Infectious Waste Incinerators.	3/31/2014	10/5/2018, 83 FR 50274.	
30–045	Emission Limitations of Crematory Incinerators	3/31/2014	10/5/2018, 83 FR 50274	Except (3).
30–050	Design and Operation of Crematory Incinerators	3/31/2014	10/5/2018, 83 FR 50274.	
30–055	Monitoring and Reporting for Crematory Incinerators.	3/31/2014	10/5/2018, 83 FR 50274.	
30–060	Compliance of Crematory Incinerators	3/31/2014	10/5/2018, 83 FR 50274.	
	Title 31—Public Participation			
31–0010	Purpose	3/23/2018	10/5/2018, 83 FR 50274.	
31–0020	Applicability	5/24/2024	1/29/2026, 91 FR 3821.	
31–0030	Public Notice Categories and Timing	5/24/2024	1/29/2026, 91 FR 3821.	
31–0040	Public Notice Information	5/24/2024	1/29/2026, 91 FR 3821.	
31–0050	Public Notice Procedures	5/24/2024	1/29/2026, 91 FR 3821	5/24/2024.
31–0060	Persons Required to be Notified	5/24/2024	1/29/2026, 91 FR 3821	5/24/2024.
31–0080	Issuance or Denial of Permit	5/24/2024	1/29/2026, 91 FR 3821	5/24/2024.
	Title 32—Emission Standards			
32–001	Definitions	3/23/2018	10/5/2018, 83 FR 50274.	
32–005	Highest and Best Practicable Treatment and Control Required.	5/24/2024	1/29/2026, 91 FR 3821.	
32–006	Pollution Prevention	3/23/2018	10/5/2018, 83 FR 50274.	
32–007	Operating and Maintenance Requirements	5/24/2024	1/29/2026, 91 FR 3821.	
32–008	Typically-Achievable Control Technology Requirements.	5/24/2024	1/29/2026, 91 FR 3821.	
32–009	Additional Control Requirements for Stationary Sources of Air Contaminants.	5/24/2024	1/29/2026, 91 FR 3821.	
32–010	Visible Air Contaminant Limitations	5/24/2024	1/29/2026, 91 FR 3821.	
32–015	Particulate Matter Emission Limitations for Sources Other than Fuel Burning Equipment, Refuse Burning Equipment, and Fugitive Emissions.	5/24/2024	1/29/2026, 91 FR 3821.	
32–020	Particulate Matter Weight Standards—Existing Combustion Sources.	5/24/2024	1/29/2026, 91 FR 3821.	
32–030	Particulate Matter Weight Standards—New Combustion Sources.	5/24/2024	1/29/2026, 91 FR 3821.	
32–045	Process Weight Emission Limitations and Determination of Process Weight.	5/24/2024	1/29/2026, 91 FR 3821.	
32–050	Concealment and Masking of Emissions	3/23/2018	10/5/2018, 83 FR 50274.	
32–060	Air Conveying Systems	5/24/2024	1/29/2026, 91 FR 3821.	
	Gaseous Emission Limitations			
32–065	Sulfur Content of Fuels	5/24/2024	1/29/2026, 91 FR 3821.	
32–070	Sulfur Dioxide Emission Limitations	5/24/2024	1/29/2026, 91 FR 3821.	
32–090	Other Emissions	5/24/2024	1/29/2026, 91 FR 3821.	
32–100	Alternative Emission Controls (Bubble)	5/24/2024	1/29/2026, 91 FR 3821.	

TABLE 4—EPA APPROVED LANE REGIONAL AIR PROTECTION AGENCY (LRAPA) RULES FOR OREGON [1]—Continued

LRAPA citation	Title/subject	State effective date	EPA approval date	Explanations
32–8010	Particulate Matter Emissions Standards for Process Equipment.	5/24/2024	1/29/2026, 91 FR 3821.	
Title 33—Prohibited Practices and Control of Special Classes of Industry				
33–005	Definitions	3/23/2018	10/5/2018, 83 FR 50274.	
33–060	Board Products Industries (Hardboard, Particleboard, Plywood, Veneer).	5/24/2024	1/29/2026, 91 FR 3821.	
33–065	Charcoal Producing Plants	5/24/2024	1/29/2026, 91 FR 3821.	
33–070	Kraft Pulp Mills	5/24/2024	1/29/2026, 91 FR 3821 ..	Except in (1) the definitions of ''non-condensables'', ''other sources'', and ''TRS'', (3)(a), (4)(b) (5)(b), (6)(a), and (6)(b).
33–500	Particulate Matter Emissions Standards for Process Equipment.	5/24/2024	1/29/2026, 91 FR 3821.	
Title 34—Stationary Source Notification Requirements				
34–005	Definitions	3/23/2018	10/5/2018, 83 FR 50274.	
34–010	Applicability	5/24/2024	1/29/2026, 91 FR 3821.	
34–015	Request for Information	5/24/2024	1/29/2026, 91 FR 3821.	
34–016	Records: Maintaining and Reporting	5/24/2024	1/29/2026, 91 FR 3821.	
34–017	Enforcement; Credible Evidence	5/24/2024	1/29/2026, 91 FR 3821.	
34–020	Information Exempt from Disclosure	5/24/2024	1/29/2026, 91 FR 3821.	
Registration				
34–025	Registration is General	5/24/2024	1/29/2026, 91 FR 3821.	
34–030	Source Registration Requirements and Re-Registration and Maintaining Registration.	5/24/2024	1/29/2026, 91 FR 3821.	
Notice of Construction and Approval of Plans				
34–035	Types of Construction/Modification Changes	5/24/2024	1/29/2026, 91 FR 3821.	
34–036	Notice to Construct	5/24/2024	1/29/2026, 91 FR 3821.	
34–037	Construction Approval	5/24/2024	1/29/2026, 91 FR 3821.	
34–038	Approval to Operate	5/24/2024	1/29/2026, 91 FR 3821.	
Title 35—Stationary Source Testing and Monitoring				
35–0010	Definitions	3/23/2018	10/5/2018, 83 FR 50274.	
Sampling, Testing and Measurement				
35–0110	Applicability	3/23/2018	10/5/2018, 83 FR 50274.	
35–0120	Program	3/23/2018	10/5/2018, 83 FR 50274.	
35–0130	Stack Heights and Dispersion Techniques	3/23/2018	10/5/2018, 83 FR 50274.	
35–0140	Methods	3/23/2018	10/5/2018, 83 FR 50274.	
35–0150	LRAPA Testing	3/31/2014	10/5/2018, 83 FR 50274.	
Title 37—Air Contaminant Discharge Permits				
37–0010	Purpose	5/17/2019	10/31/2019, 84 FR 58327.	
37–0020	Applicability and Jurisdiction	5/24/2024	1/29/2026, 91 FR 3821.	
37–0025	Types of Permits	5/24/2024	1/29/2026, 91 FR 3821.	
37–0030	Definitions	5/24/2024	1/29/2026, 91 FR 3821.	
37–0040	Application Requirements	5/24/2024	1/29/2026, 91 FR 3821.	
37–0052	Construction ACDP	5/24/2024	1/29/2026, 91 FR 3821.	
37–0054	Short Term Activity ACDPs	5/24/2024	1/29/2026, 91 FR 3821.	
37–0056	Basic ACDPs	5/24/2024	1/29/2026, 91 FR 3821.	
37–0060	General Air Contaminant Discharge Permits	5/24/2024	1/29/2026, 91 FR 3821.	
37–0062	General ACDP Attachments	5/24/2024	1/29/2026, 91 FR 3821.	
37–0064	Simple ACDPs	5/24/2024	1/29/2026, 91 FR 3821.	
37–0066	Standard ACDPs	5/24/2024	1/29/2026, 91 FR 3821.	
37–0068	Simple and Standard ACDP Attachments	5/24/2024	1/29/2026, 91 FR 3821.	
37–0070	Permitting a Source with Multiple Activities or Processes at a Single Adjacent or Contiguous Site.	5/24/2024	1/29/2026, 91 FR 3821.	
37–0082	Termination or Revocation of an ACDP	5/24/2024	1/29/2026, 91 FR 3821.	

TABLE 4—EPA APPROVED LANE REGIONAL AIR PROTECTION AGENCY (LRAPA) RULES FOR OREGON [1]—Continued

LRAPA citation	Title/subject	State effective date	EPA approval date	Explanations
37–0084	LRAPA-Initiated Modification	5/24/2024	1/29/2026, 91 FR 3821.	
37–0090	Sources Subject to ACDPs and Fees	5/24/2024	1/29/2026, 91 FR 3821.	
37–0094	Temporary Closure	5/24/2024	1/29/2026, 91 FR 3821.	
37–8010	Table 1—Activities and Sources	5/24/2024	1/29/2026, 91 FR 3821.	
Title 38—New Source Review				
38–0010	Applicability and General Prohibitions, General Requirements and Jurisdiction.	5/24/2024	1/29/2026, 91 FR 3821.	
38–0020	Definitions	3/23/2018	10/5/2018, 83 FR 50274.	
38–0025	Major Modification	5/24/2024	1/29/2026, 91 FR 3821.	
38–0030	New Source Review Procedural Requirements	5/24/2024	1/29/2026, 91 FR 3821.	
38–0034	Exemptions	5/24/2024	1/29/2026, 91 FR 3821.	
38–0038	Fugitive and Secondary Emissions	3/23/2018	10/5/2018, 83 FR 50274.	
38–0040	Review of Sources Subject to Major NSR or Type A State NSR for Compliance With Regulations.	3/23/2018	10/5/2018, 83 FR 50274.	
Major New Source Review				
38–0045	Requirements for Sources in Sustainment Areas	5/24/2024	1/29/2026, 91 FR 3821.	
38–0050	Requirements for Sources in Nonattainment Areas.	5/24/2024	1/29/2026, 91 FR 3821.	
38–0055	Requirements for Sources in Reattainment Areas	5/24/2024	1/29/2026, 91 FR 3821.	
38–0060	Records; Maintaining and Reporting	5/24/2024	1/29/2026, 91 FR 3821.	
38–0070	Prevention of Significant Deterioration Requirements for Sources in Attainment or Unclassified Areas.	5/24/2024	1/29/2026, 91 FR 3821.	
State New Source Review				
38–0245	Requirements for Sources in Sustainment Areas	5/24/2024	1/29/2026, 91 FR 3821.	
38–0250	Requirements for Sources in Nonattainment Areas.	5/24/2024	1/29/2026, 91 FR 3821.	
38–0255	Requirements for Sources in Reattainment Areas	5/24/2024	1/29/2026, 91 FR 3821.	
38–0260	Requirements for Sources in Maintenance Areas	5/24/2024	1/29/2026, 91 FR 3821.	
38–0270	Requirement for Sources in Attainment and Unclassified Areas.	5/24/2024	1/29/2026, 91 FR 3821.	
Net Air Quality Benefit Emission Offsets				
38–0500	Net Air Quality Benefit for Sources Locating Within or Impacting Designated Areas.	5/24/2024	1/29/2026, 91 FR 3821.	
38–0510	Common Offset Requirements	5/24/2024	1/29/2026, 91 FR 3821 ..	Except (3).
38–0530	Requirements for Demonstrating Net Air Quality Benefit for Non-Ozone Areas.	5/24/2024	1/29/2026, 91 FR 3821.	
38–0540	Sources in a Designated Area Impacting Other Designated Areas.	5/24/2024	1/29/2026, 91 FR 3821.	
Title 39—Contingency for PM_{10} Sources in Eugene-Springfield Non-Attainment Area				
39–001	Purpose	11/13/1991	8/24/1994, 59 FR 43483.	
39–005	Relation to Other Rules	11/13/1991	8/24/1994, 59 FR 43483.	
39–010	Applicability	11/13/1991	8/24/1994, 59 FR 43483.	
39–015	Definitions	11/13/1991	8/24/1994, 59 FR 43483.	
39–020	Compliance Schedule for Existing Sources	11/13/1991	8/24/1994, 59 FR 43483.	
39–025	Wood-Waste Boilers	11/13/1991	8/24/1994, 59 FR 43483.	
39–030	Veneer Dryers	11/13/1991	8/24/1994, 59 FR 43483.	
39–035	Particle Board Plants and Wood Particle Dryers	11/13/1991	8/24/1994, 59 FR 43483.	
39–040	Kraft Pulp Mills	11/13/1991	8/24/1994, 59 FR 43483.	
39–050	Air Conveying Systems	11/13/1991	8/24/1994, 59 FR 43483.	
39–055	Fugitive Dust	11/13/1991	8/24/1994, 59 FR 43483.	
39–060	Open Burning	11/13/1991	8/24/1994, 59 FR 43483.	
Title 40—Air Quality Analysis Requirements				
40–0010	Purpose	5/24/2024	1/29/2026, 91 FR 3821.	
40–0020	Definitions	5/24/2024	1/29/2026, 91 FR 3821.	
40–0030	Procedural Requirements	5/24/2024	1/29/2026, 91 FR 3821.	
40–0040	Air Quality Models	5/24/2024	1/29/2026, 91 FR 3821.	
40–0045	Requirements for Analysis in Maintenance Areas	5/24/2024	1/29/2026, 91 FR 3821.	
40–0050	Requirements for Analysis in PSD Class II and Class III Areas.	5/24/2024	1/29/2026, 91 FR 3821.	

TABLE 4—EPA APPROVED LANE REGIONAL AIR PROTECTION AGENCY (LRAPA) RULES FOR OREGON [1]—Continued

LRAPA citation	Title/subject	State effective date	EPA approval date	Explanations
40–0060	Requirements for Demonstrating Compliance with Standards and Increments in PSD Class I Areas.	5/24/2024	1/29/2026, 91 FR 3821 ..	
40–0070	Requirements for Demonstrating Compliance with Air Quality Related Values Protection.	5/24/2024	1/29/2026, 91 FR 3821.	
Title 41—Emission Reduction Credits				
41–0010	Applicability	3/31/2014	10/5/2018, 83 FR 50274.	
41–0020	Definitions	3/23/2018	10/5/2018, 83 FR 50274.	
41–0030	Emission Reduction Credits	5/24/2024	1/29/2026, 91 FR 3821.	
Title 42—Stationary Source Plant Site Emission Limits				
42–0010	Policy	3/23/2018	10/5/2018, 83 FR 50274.	
42–0020	Applicability	5/24/2024	1/29/2026, 91 FR 3821.	
42–0030	Definitions	5/24/2024	1/29/2026, 91 FR 3821.	
Criteria for Establishing Plant Site Emission Limits				
42–0035	General Requirements for Establishing All PSELs	5/24/2024	1/29/2026, 91 FR 3821.	
42–0041	Annual PSEL	5/24/2024	1/29/2026, 91 FR 3821.	
42–0042	Short Term PSEL	5/24/2024	1/29/2026, 91 FR 3821.	
42–0046	Netting Basis	5/24/2024	1/29/2026, 91 FR 3821.	
42–0048	Baseline Period and Baseline Emission Rate	5/24/2024	1/29/2026, 91 FR 3821.	
42–0051	Actual Emissions	5/24/2024	1/29/2026, 91 FR 3821.	
42–0055	Unassigned Emissions	5/24/2024	1/29/2026, 91 FR 3821.	
42–0080	Plant Site Emission Limit Compliance	5/24/2024	1/29/2026, 91 FR 3821.	
42–0090	Combining and Splitting Sources and Changing Primary SIC Code.	5/24/2024	1/29/2026, 91 FR 3821.	
Title 47—Rules for Outdoor Burning				
47–001	General Policy	5/24/2024	8/14/2025, 90 FR 39126.	
47–005	Exemptions from these Rules	5/24/2024	8/14/2025, 90 FR 39126.	
47–010	Definitions	5/24/2024	8/14/2025, 90 FR 39126	Except the definition of ''nuisance''.
47–015	Open Burning Requirements	5/24/2024	8/14/2025, 90 FR 39126	Except (1)(d), (1)(h) and the note in (2)(i).
47–020	Letter Permits	5/24/2024	8/14/2025, 90 FR 39126	Except (3), (9)(i), and (10).
Title 48—Rules for Fugitive Emissions				
48–001	General Policy	3/23/2018	10/5/2018, 83 FR 50274.	
48–005	Definitions	5/24/2024	1/29/2026, 91 FR 3821.	
48–010	General Applicability	3/23/2018	10/5/2018, 83 FR 50274.	
48–015	General Requirements for Fugitive Emissions	5/24/2024	1/29/2026, 91 FR 3821.	
Title 50—Ambient Air Standards and PSD Increments				
50–001	Definitions	5/24/2024	1/29/2026, 91 FR 3821.	
Ambient Air Quality Standards				
50–005	Purpose and Scope of Ambient Air Quality Standards.	5/24/2024	1/29/2026, 91 FR 3821.	
50–015	Suspended Particulate Matter	5/24/2024	1/29/2026, 91 FR 3821.	
50–025	Sulfur Dioxide	5/24/2024	1/29/2026, 91 FR 3821.	
50–030	Carbon Monoxide	5/24/2024	1/29/2026, 91 FR 3821.	
50–035	Ozone	5/24/2024	1/29/2026, 91 FR 3821.	
50–040	Nitrogen Dioxide	5/24/2024	1/29/2026, 91 FR 3821.	
50–045	Lead	5/24/2024	1/29/2026, 91 FR 3821.	
PSD Increments				
50–050	General	5/24/2024	1/29/2026, 91 FR 3821.	
50–055	Ambient Air PSD Increments	5/24/2024	1/29/2026, 91 FR 3821.	
50–060	Ambient Air Ceilings	3/31/2014	10/5/2018, 83 FR 50274.	
50–065	Ambient Air Quality Impact Levels for Maintenance Areas.	5/24/2024	1/29/2026, 91 FR 3821.	

TABLE 4—EPA APPROVED LANE REGIONAL AIR PROTECTION AGENCY (LRAPA) RULES FOR OREGON [1]—Continued

LRAPA citation	Title/subject	State effective date	EPA approval date	Explanations
Title 51—Air Pollution Emergencies				
51–005	Introduction	5/24/2024	1/29/2026, 91 FR 3821.	
51–007	Definitions	5/24/2024	1/29/2026, 91 FR 3821.	
51–010	Episode Stage Criteria for Air Pollution Emergencies.	5/24/2024	1/29/2026, 91 FR 3821.	
51–011	Special Conditions	5/24/2024	1/29/2026, 91 FR 3821.	
51–015	Source Emission Reduction Plans	5/24/2024	1/29/2026, 91 FR 3821.	
51–020	Preplanned Abatement Strategies	5/24/2024	1/29/2026, 91 FR 3821.	
51–025	Implementation	5/24/2024	1/29/2026, 91 FR 3821.	
Table I	Air Pollution Episode, Alert Conditions Emission Reduction Plan.	5/24/2024	1/29/2026, 91 FR 3821.	
Table II	Air Pollution Episode, Warning Conditions Emission Reduction Plan.	5/24/2024	1/29/2026, 91 FR 3821.	
Table III	Air Pollution Episode, Emergency Conditions Emission Reduction Plan.	5/24/2024	1/29/2026, 91 FR 3821.	

[1] The EPA approves the requirements in Table 4 of this paragraph (c) only to the extent they apply to (1) pollutants for which NAAQS have been established (criteria pollutants) and precursors to those criteria pollutants as determined by the EPA for the applicable geographic area; and (2) any additional pollutants that are required to be regulated under Part C of Title I of the CAA, but only for the purposes of meeting or avoiding the requirements of Part C of Title I of the CAA.

(d) *EPA approved state source-specific requirements.*

EPA APPROVED OREGON SOURCE-SPECIFIC REQUIREMENTS [1]

Name of source	Permit No.	State effective date	EPA approval date	Explanations
Industrial Laundry & Dry Cleaners.	26–3025	12/9/1980	8/27/1981, 46 FR 43142	Air Contaminant Discharge Permit.
VANPLY, Inc.& Spalding Pulp & Paper Co.	Stipulation and Consent Final Order.	12/30/1980	8/27/1981, 46 FR 43142	Transfer by VANPLY, INC. of a VOC Offset to Spalding Pulp & Paper Co
Spaulding Pulp and Paper Co.	36–6041	12/11/1980	8/27/1981, 46 FR 43142	Air Contaminant Discharge Permit—Addendum No. 1.
Weyerhaeuser Company—Bly, Oregon.	18–0037	2/3/1981	11/6/1981, 46 FR 55101	Air Contaminant Discharge Permit—Conditions 5 and 6.
Intel Corporation	34–2681	9/24/1993 (State effective date of Title V Program).	7/18/1996, 61 FR 37393	Oregon Title-V Operating Permit—Condition 14.
Cascade General (Port of Portland).	26–3224	10/4/1995	3/7/1997, 62 FR 10455	Air Contaminant Discharge Permit—Condition 19 of Addendum 2.
White Consolidated Inc	34–2060	8/1/1995	3/7/1997, 62 FR 10455	Air Contaminant Discharge Permit—Conditions 11,12 and 13 in Addendum No. 2.
PCC Structurals, Inc	26–1867	4/4/1997	6/20/1997, 62 FR 33548	Air Contaminant Discharge Permit—Conditions 19, 20 and 21 in Addendum No. 2.
Dura Industries	26–3112	9/14/1995	3/31/1998, 63 FR 15293	Air Contaminant Discharge Permit.
Ostrander Construction Company Fremont Sawmill.	ACDP No. 19–0002	4/29/1998	9/21/1999, 64 FR 51051	Air Contaminant Discharge Permit.
Ash Grove Cement Company.	Permit No. 01–0029–TV–01.	10/16/2020	10/8/2024, 89 FR 81361	Permit conditions (3), (9) through (11), (14), (16) through (28), (42), (45) through (76), (84) through (97), (99), (100), and (102) only.
Biomass One, L.P	Order No. 15–0159	8/9/2021	10/8/2024, 89 FR 81361	
Boise Cascade Wood Products, LLC—Elgin Complex.	Order No. 31–0006	8/12/2021	10/8/2024, 89 FR 81361	
Boise Cascade Wood Products, LLC—Elgin Complex.	Permit No. 31–0006–TV–01.	12/5/2016	10/8/2024, 89 FR 81361	Permit condition (56), (59) through (75), (77), and (78) only.
Boise Cascade Wood Products, LLC—Medford.	Order No. 15–0004	8/9/2021	10/8/2024, 89 FR 81361	
Boise Cascade Wood Products, LLC—Medford.	Permit No. 15–0004–TV–01.	2/20/2020	10/8/2024, 89 FR 81361	Permit conditions (71), (72), and (74) through (88) only.

EPA APPROVED OREGON SOURCE-SPECIFIC REQUIREMENTS [1]—Continued

Name of source	Permit No.	State effective date	EPA approval date	Explanations
Cascade Pacific Pulp, LLC—Halsey Pulp Mill.	Order No. 22–3501–A2	8/25/2023	10/8/2024, 89 FR 81361	
Cascades Tissue Group: A Division of Cascades Holding US Inc.	Order No. 05–1849	8/18/2021	10/8/2024, 89 FR 81361	
Cascades Tissue Group: A Division of Cascades Holding US Inc.	Permit No. 05–1849–TV–01.	04/6/2018	10/8/2024, 89 FR 81361	Permit conditions (24), (25), (27), and (29) through (43) only.
Collins Products, L.L.C	Permit No. 18–0013–TV–01.	1/26/2015	10/8/2024, 89 FR 81361	Permit conditions (3), (14) through (16), (19) through (24), (34 through (42), (63) through (75), and (77) only.
Columbia Forest Products, Inc.	Permit No. 18–0014–TV–01.	9/26/2017	10/8/2024, 89 FR 81361	Permit conditions (3), (8) through (20), (22), (23), (34) through (52), (58) through (66), (67—introductory paragraph), (67.a), (67.b.iii) through (67.b.v), and (68) through (70).
EVRAZ Inc	Order No. 26–1865	8/9/2021	10/8/2024, 89 FR 81361	
Gas Transmission Northwest LLC—Compressor Station 12.	Order No. 09–0084	8/9/2021	10/8/2024, 89 FR 81361	
Gas Transmission Northwest LLC—Compressor Station 12.	Permit No. 09–0084–TV–01.	8/10/2017	10/8/2024, 89 FR 81361	Permit conditions (32) through (34) and (37) through (50) only.
Gas Transmission Northwest LLC—Compressor Station 13.	Order No. 03–2729–A1	6/1/2022	10/8/2024, 89 FR 81361	OAH CASE NO. 2021–ABC–04835; DEQ CASE NO. AQ/RH–HQ–2021–140
Gas Transmission Northwest LLC—Compressor Station 13.	Permit No. 18–0096–TV–01.	7/11/2018	10/8/2024, 89 FR 81361	Permit conditions (24) through (26), (32) through (35), and (37) through (44) only.
Georgia-Pacific—Toledo LLC.	Order No. 21–0005, Amendment No. 21–005–A1.	12/5/2022	10/8/2024, 89 FR 81361	
Georgia Pacific—Wauna Mill.	Order No. 04–0004, Amendment No. 04–004–A1.	12/5/2022	10/8/2024, 89 FR 81361	
Gilchrist Forest Products	Permit No. 18–0005–TV–01.	7/25/2023	10/8/2024, 89 FR 81361	Permit conditions (4), (5), (9), (10), (12) though (19), (41) through (43), (45) through (59), and (61) only.
International Paper—Springfield.	Order No. 208850	8/9/2021	10/8/2024, 89 FR 81361	
International Paper—Springfield.	Permit No. 208850	10/4/2016	10/8/2024, 89 FR 81361	Permit conditions (186) through (189), (192), and (198) only.
JELD–WEN	Permit No. 18–0006–TV–01.	12/01/2021	10/8/2024, 89 FR 81361	Permit conditions (55) through (77) and (80) through (87) only.
JELD–WEN	Permit No. 18–0006–TV–01, Addendum No. 1.	8/11/2022	10/8/2024, 89 FR 81361	Permit conditions 53 and 53b only.
Kingsford Manufacturing Company.	Permit No. 204402, addendum No. 2.	11/15/2021	10/8/2024, 89 FR 81361	Permit conditions (71) through (73) and (75) through (91) only.
Klamath Energy LLC—Klamath Cogeneration.	Permit No. 18–0003–TV–01.	6/12/2017	10/8/2024, 89 FR 81361	Permit conditions (10) through (16), (18), (24) through (28), (32) through (37), (39) through (49), (51), (52), and (54), and (56) only.
Klamath Energy LLC—Klamath Cogeneration.	Permit No. 18–0003–TV–01, Addendum No. 1.	12/8/2020	10/8/2024, 89 FR 81361	Permit conditions (3.a), (3.b), (61.l), and (66.b.xii).
Northwest Pipeline LLC—Baker Compressor Station.	Order No. 01–0038, amendment 01–0038–A1.	2/1/2022	10/8/2024, 89 FR 81361	
Northwest Pipeline LLC—Baker Compressor Station.	Permit No. 01–0038–TV–01.	1/12/2017	10/8/2024, 89 FR 81361	Permit conditions (27) through (30) and (32) through (43) only.
Northwest Pipeline LLC—Oregon City Compressor Station.	Order No. 03–2729, amendment 03–2729–A1.	2/1/2022	10/8/2024, 89 FR 81361	
Northwest Pipeline LLC—Oregon City Compressor Station.	Permit No. 03–2729–TV–01.	2/19/2013	10/8/2024, 89 FR 81361	Permit conditions (7), (19), (25) through (27), (38), (41), (45), and (50) through (65).

EPA APPROVED OREGON SOURCE-SPECIFIC REQUIREMENTS [1]—Continued

Name of source	Permit No.	State effective date	EPA approval date	Explanations
Ochoco Lumber Company.	Permit No. 12–0032–ST–01.	6/25/2019	10/8/2024, 89 FR 81361	Permit conditions (1.1) through (1.3), (1.6), (2.1) through (2.5), (4.1) though (4.4), and (5.1) through (6.2).
Owens-Brockway Glass Container Inc.	Order No. 26–1876	8/9/2021	10/8/2024, 89 FR 81361	
Owens-Brockway Glass Container Inc.	Permit No. 26–1876–TV–01.	12/10/2019	10/8/2024, 89 FR 81361	Permit conditions (33) through (48) only.
Pacific Wood Laminates, Inc.	Permit No. 08–0003–TV–01.	12/30/2019	10/8/2024, 89 FR 81361	Permit conditions (3), (9), (10), (12) through (19), (26) through (41), (56) through (71), and (73) only.
PGE Beaver Plant/Port Westward I Plant.	Order No. 05–2606	8/10/2021	10/8/2024, 89 FR 81361	
PGE Beaver Plant/Port Westward I Plant.	Permit No. 05–2520	01/21/2009	10/8/2024, 89 FR 81361	Permit conditions (62) through (66), (68) through (78), (79.a), (80) through (83), (85), (87), (88.a), (89.d), (89.f), and (89.i) only.
Roseburg Forest Products—Dillard.	Order No. 10–0025	8/9/2021	10/8/2024, 89 FR 81361	
Roseburg Forest Products—Medford MDF.	Permit No. 15–0073–TV–01.	08/18/2022	10/8/2024, 89 FR 81361	Permit conditions (44) through (46), (48) through (61), (63), and (64) only.
Roseburg Forest Products—Riddle Plywood.	Permit No. 10–0078–TV–01.	07/31/2019	10/8/2024, 89 FR 81361	Permit conditions (65), (66), (68) through (81) only.
Swanson Group Mfg. LLC.	Permit No. 10–0045–TV–01.	06/12/2017	10/8/2024, 89 FR 81361	Permit conditions (4), (10) through (24), (25—introductory paragraph), (25.a) through (25.c), (27) through (40), (50) through (64), and (66) only.
Timber Products Co. Limited Partnership.	Permit No. 15–0025–TV–01.	6/23/2022	10/8/2024, 89 FR 81361	Permit conditions (70) through (72) and (74) through (90) only.
Willamette Falls Paper Company.	Order No. 03–2145	8/9/2021	10/8/2024, 89 FR 81361	
Willamette Falls Paper Company.	Permit No. 03–2145–TV–01.	2/24/2016	10/8/2024, 89 FR 81361	Permit conditions (40) through (55) only.
Woodgrain Millwork LLC—Particleboard.	Permit No. 31–0002–TV–01.	5/24/2021	10/8/2024, 89 FR 81361	Permit conditions (3), (12) through (21), (22—introductory paragraph), (22.a), (22.e), (22.f), (23), (25) through (28), (30) through (35), (37), (39) through (41), (43), (44), (46), (48), (49), (51) through (72), (80) through (94), and (96) only.

[1] The EPA does not have the authority to remove these source-specific requirements in the absence of a demonstration that their removal would not interfere with attainment or maintenance of the NAAQS, violate any prevention of significant deterioration increment or result in visibility impairment. The Oregon Department of Environmental Quality may request removal by submitting such a demonstration to the EPA as a SIP revision.

* * * * *

[FR Doc. 2026–12415 Filed 6–18–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 370

[EPA–HQ–OLEM–2025–0299; FRL–12698–06–OLEM]

RIN 2050–AH40

EPCRA Hazardous Chemical Inventory Reporting Requirements: Conformity With the 2024 OSHA Hazard Communication Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency is conforming the Emergency Planning and Community Right-to-Know Act hazardous chemical inventory reporting regulations to the Occupational Safety and Health Administration's Hazard Communication Standard amendments of 2012 and 2024. The Emergency Planning and Community Right-to-Know Act (EPCRA) and its regulations rely on the Occupational Safety and Health Administration's (OSHA's) Hazard Communication Standard for the definition of a hazardous chemical and for the categories of health and physical hazards that must be reported under the hazardous chemical inventory regulations. This action conforms the terminology used and information that must be reported on the hazardous chemical inventory forms to the Hazard Communication Standard amendments. As a result, this action improves first responder and community safety, reduces discrepancies and confusion, prevents interpretation burdens on facilities when using (Material) Safety Data Sheets to complete annual hazardous chemical inventory reports, and enhances clarity.

DATES:

Effective date: This final rule is effective August 21, 2026.

Compliance date: The compliance date for the use of the new hazard categories is January 1, 2028. The EPA expects these changes to be reflected in 2027 EPCRA section 312 annual reports, due March 1, 2028.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–HQ–OLEM–2025–0299. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available electronically through *https://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Jennifer Barre, Office of Resource Conservation and Recovery, Oil Spills and Chemical Accident Requirements Branch, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Mail Code: 5304T, Washington, DC 20460; telephone number: (202) 564–9026 or (240) 644–4559; email address: *barre.jennifer@epa.gov;* websites: *https://www.epa.gov/epcra/emergency-planning-and-community-right-know-act-non-section-313-regulations-and-amendments.*

SUPPLEMENTARY INFORMATION:

Table of Contents

I. General Information
- A. Summary of This Final Rule
- B. Who does this regulation apply to?
- C. What does this regulation require from facilities?
- D. Why is the Agency taking this action?
- E. What is the Agency's authority for taking this action?
- F. What are the incremental costs and benefits of this action?

II. Background
- A. History of EPCRA Hazard Categories
- B. Proposed Rule

III. Revisions to 40 CFR Part 370
- A. EPCRA Hazard Categories
- B. Definitions
- C. Other Revisions to 40 CFR Part 370
- D. Burdens, Economics, and the Regulatory Process
- E. Summary of Revisions to 40 CFR Part 370

IV. Statutory and Executive Orders Reviews
- A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review
- B. Executive Order 14192: Unleashing Prosperity Through Deregulation
- C. Paperwork Reduction Act (PRA)
- D. Regulatory Flexibility Act (RFA)
- E. Unfunded Mandates Reform Act (UMRA)
- F. Executive Order 13132: Federalism
- G. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments
- H. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks
- I. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution or Use
- J. National Technology Transfer and Advancement Act (NTTAA)
- K. Congressional Review Act (CRA)

List of Acronyms

APA Administrative Procedure Act
CBI Confidential Business Information
CFR Code of Federal Regulations
CRA Congressional Review Act
EPA Environmental Protection Agency
EPCRA Emergency Planning and Community Right-to-Know Act
FR Federal Register
GHS United Nations Globally Harmonized System of Classification and Labelling of Chemicals
HCS Hazard Communication Standard
HNOC Hazard Not Otherwise Classified
ICR Information Collection Request
LEPC Local Emergency Planning Committee
NTTAA National Technology Transfer and Advancement Act
MSDS Material Safety Data Sheet
OMB Office of Management and Budget
OSH Act Occupational Safety and Health Act of 1970 [Public Law 91–596]
OSHA Occupational Safety and Health Administration
PRA Paperwork Reduction Act
RIA Regulatory Impact Assessment
RFA Regulatory Flexibility Act
SARA Title III Title III of the Superfund Amendments and Reauthorization Act
SDS Safety Data Sheet
TEPC Tribal Emergency Planning Committee
SERC State Emergency Response Commission
TERC Tribal Emergency Response Commission
UMRA Unfunded Mandates Reform Act
U.S.C. United States Code

I. General Information

A. Summary of This Final Rule

The Environmental Protection Agency (EPA or the Agency) is promulgating this final action to amend the hazardous chemical inventory reporting regulations at 40 CFR part 370 to conform to OSHA's Hazard Communication Standard (HCS) updates of 2012 and 2024 and to make minor updates for plain language, clarity, and consistency.

In 2012, the OSHA HCS, codified at 29 CFR 1910.1200, was amended to adopt the United Nations Globally Harmonized System of Classification and Labelling of Chemicals (GHS) [77 FR 17574; March 26, 2012]. Among these 2012 OSHA HCS amendments, OSHA replaced the term *Material Safety Data Sheet (MSDS)* with the term *Safety Data Sheet (SDS)* and also stated that these two terms mean the same thing. In alignment, EPA amended its hazardous chemical reporting regulations at 40 CFR part 370 to conform to these changes [81 FR 38104; June 13, 2016, and 81 FR 47311; July 21, 2016]. The EPA 2016 amendments included adding the term SDS to the regulation so that both terms are used together throughout 40 CFR part 370. In this action, EPA is removing use of the term MSDS and revising the definition of *safety data sheet* to conform to the OSHA HCS and to improve readability of the regulation in the following sections: §§ 370.1, 370.3, 370.10, 370.12, 370.13, 370.14, 370.20, centered heading, 370.30, 370.31, 370.32, 370.33, 370.60, 370.62, 370.63, and 370.64.

In 2024, the OSHA HCS, codified at 29 CFR 1910.1200, was further amended to conform to revisions of the United Nations Globally Harmonized System of Classification and Labelling of Chemicals [89 FR 44144; May 20, 2024, and 89 FR 81829; October 9, 2024]. This update improves awareness of chemical hazards by instituting changes as to how chemical hazards are reported on SDSs. Hazards reported on SDSs are used for reporting hazardous chemical inventories under EPCRA sections 311 and 312 [42 U.S.C. 11021 and 11022]. In this action, EPA is amending the EPCRA hazard categories and the definition of *hazard category* to conform with the 2024 OSHA HCS and make conforming amendments to the following sections: §§ 370.3, 370.30, 370.41, and 370.42. The Agency is also noting that OSHA codified the following definition of combustible dust at 29 CFR 1910.1200(c): ''Combustible dust means finely divided solid particulates of a substance or mixture that pose a flash-fire hazard or explosion hazard when dispersed in air or other oxidizing media.'' [89 FR 44272–44274; May 20, 2024] This definition is applicable to 40 CFR part 370 by the existing reference to the OSHA HCS within the definition of hazardous chemical at 40 CFR 370.66. EPA is not making amendments to further incorporate this definition.

The Agency is also making minor plain language, clarifying, and consistency updates in the following sections: §§ 370.1, 370.2, 370.3, 370.10, 370.14, 370.30, 370.32, 370.33, 370.40, 370.41, 370.42, 370.43, 370.44, 370.45, 370.60, 370.61, 370.62, 370.64, 370.65, and 370.66. Of note, this includes capitalizing each letter of the term *Extremely Hazardous Substance* at § 370.66 to differentiate the term from its other uses. Additionally, the Agency is moving the definitions for this part from §§ 370.66 to 370.3, amending the title of § 370.3 to be *Definitions,* and amending the title of § 370.66 to be *[Reserved].* These adjustments add clarity to the regulation by providing definitions of key words prior to the requirements. Further, EPA is removing the historic compliance dates from §§ 370.33 and 370.45, as well as removing the historic clarifications for electronic reporting from §§ 370.41 and 370.42. These removals improve the readability of the regulation by removing irrelevant information.

B. Who does this regulation apply to?

Sections 311 and 312 of the EPCRA statute [42 U.S.C. 11021 and 11022], and its implementing regulations at 40 CFR part 370, apply to the owners and operators of facilities that are required to prepare or have an SDS for any hazardous chemical defined under the Occupational Safety and Health Act of 1970 (OSH Act) and its implementing regulations (*i.e.,* the HCS). EPCRA section 311(e) defines the term *hazardous chemical* to have the same meaning as in OSHA's regulations found at 29 CFR 1910.1200(c), except for certain substances exempted in EPCRA section 311(e) [42 U.S.C. 11021(e)]. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

C. What does this regulation require from facilities?

The regulations found at 40 CFR part 370 codify the statutory requirements of EPCRA sections 311 and 312. These EPCRA hazardous chemical inventory reporting requirements were first promulgated in 1987 [53 FR 38344; October 15, 1987]. Section 311 requires that facilities submit SDSs of hazardous chemicals or a list of hazardous chemicals grouped into categories of health and physical hazards as defined in OSHA's HCS to the State Emergency Response Commission (SERC), Local Emergency Planning Committee (LEPC), and local fire department with jurisdiction over the facility. This is a one-time submittal with resubmission requirements if there is significant new information for existing hazardous chemicals, new hazardous chemicals present at the facility, or upon request by the LEPC as required at 40 CFR 307.31. Section 312 requires that facilities submit an emergency and hazardous chemical inventory form to the SERC, LEPC, and local fire department, by March 1st annually. The inventory form provides the health and physical hazards of each hazardous chemical as well as the locations and quantities present at the facility during the previous calendar year. There are two reporting tiers, Tier I and Tier II.

SERCs provide direction for facilities in their states for whether a Tier I or a Tier II form is required to be submitted. Currently, all states require use of the Tier II inventory form, which provides specific information on each hazardous chemical for developing and maintaining local emergency response plans. The Tier I inventory form provides only general information on hazardous chemicals and is currently not accepted by any state for reporting under the EPCRA section 312.

Note that the term SERC includes Tribal Emergency Response Commissions (TERCs) and the term LEPC includes any Tribal Emergency Planning Committees (TEPCs). Facilities on Tribal lands need to verify with their Tribe which SERC or TERC, LEPC or TEPC, and fire department to submit the EPCRA 311 and 312 hazardous chemical inventory reports to. [55 FR 3062; July 26, 1990]

D. Why is the Agency taking this action?

EPA is taking this action to ensure that the hazardous chemical inventory reporting requirements of EPCRA sections 311 and 312 are in conformance with the OSHA HCS SDS requirements, to publish a uniform format for inventory forms using OSHA SDS hazard categories, and to improve plain language use in the regulations. EPA anticipates that coordination with the OSHA HCS and with the GHS will provide greater clarity to the regulated community and facilitate emergency planning.

E. What is the Agency's authority for taking this action?

- 42 U.S.C. 11021(a)(2)(A)(i) states that the EPCRA section 311 list of hazardous chemicals report shall be grouped into categories of health and physical hazards as set forth under the OSH Act and the OSHA HCS, or in other categories as EPA may prescribe under subparagraph (B).
- 42 U.S.C. 11021(a)(2)(B) states that, for the EPCRA section 311 list of hazardous chemicals report, EPA may modify the categories of health and physical hazards as set forth under the OSH Act and the OSHA HCS by requiring information to be reported in terms of groups of hazardous chemicals which present similar hazards in an emergency.
- 42 U.S.C. 11022(d)(1)(C) states that, for the EPCRA section 312 annual hazardous chemical inventory forms, EPA may modify the OSH Act and OSHA HCS categories of health and physical hazards by requiring information to be reported in terms of groups of hazardous chemicals which present similar hazards in an emergency.
- 42 U.S.C. 11022(g) states that for the EPCRA section 312 annual hazardous chemical inventory forms, EPA shall publish a uniform format for inventory forms.
- 42 U.S.C. 11049(1) states that the term *Administrator* used throughout the statute means the Administrator of the Environmental Protection Agency.

F. What are the incremental costs and benefits of this action?

This action does not create any additional requirements for affected facilities. EPA also anticipates that this action will improve first responder and community safety; prevent interpretation burdens for facilities, states, local agencies, and fire departments; and improve clarity without increasing the regulatory burden. Incremental cost savings due to the final rule reflect changes in respondent labor burden associated with EPA's regulatory changes conforming to the updated OSHA categorization. EPA estimates the final rule will result in annual cost savings of $12.83 million ($2025) for the approximately 463,000 affected facilities.

II. Background

A. History of EPCRA Hazard Categories

The EPCRA statute specifies that the hazardous chemical inventory reporting under sections 311 and 312 should be based on the health and physical hazard categories established under the OSH Act and the OSHA HCS regulations and that EPA may modify those hazards. Accordingly, in 1987, EPA modified OSHA's 23 health and physical hazards into five hazard categories (two health and three physical hazard categories) for facilities to use for reporting and codified the requirements at 40 CFR part 370. Facilities used the following five

categories for EPCRA hazardous chemical inventory reporting from 1987 through 2016: (1) *Immediate (acute) health hazard,* including highly toxic, toxic, irritant, sensitizer, corrosive, and other hazardous chemicals that cause an adverse effect to a target organ and which effect usually occurs rapidly as a result of short-term exposure and is of short duration; (2) *Delayed (chronic) health hazard,* including carcinogens and other hazardous chemicals that cause an adverse effect to a target organ and which effect generally occurs as a result of long-term exposure and is of long duration; (3) *Fire hazard,* including flammable, combustible liquid, pyrophoric, and oxidizer; (4) *Sudden release of pressure,* including explosive and compressed gas; and (5) *Reactive,* including unstable reactive, organic peroxide, and water reactive. [53 FR 38344; October 15, 1987].

In 2016, EPA conformed the EPCRA regulations at 40 CFR part 370 with the 2012 OSHA HCS. The 2012 OSHA HCS adopted the GHS to establish consistent and standardized hazard communications and required the development of SDSs with a uniform 16-section format. The EPA's conforming action included replacing the five 1987–2016 EPCRA hazard categories established in 1987 with the 2012 OSHA HCS hazard classes, as listed within the definitions of *health hazard* and *physical hazard,* as well as the four hazards that the GHS did not address (simple asphyxiant, combustible dust, pyrophoric gas, and hazard not otherwise classified) but are included in the 2012 OSHA HCS definition of a hazardous chemical. In the 2016 direct final rule preamble, EPA discussed that the 2012 OSHA HCS divides the OSHA hazard classes into categories, stating that the detailed criteria would be valuable for emergency planners and first responders, but did not incorporate the hazard categories into the EPCRA hazardous chemical inventory reports. [81 FR 47311; July 21, 2016] The following table lists the 2017–2026 EPCRA hazard categories, as was published in 40 CFR 370.66 from 2016 until the compliance date of this action (January 1, 2028):

EPCRA HAZARD CATEGORIES BASED ON OSHA DEFINITIONS

[Used from 2017 through 2026]

Health hazards	Physical hazards
• Acute toxicity (any route of exposure)..	• Combustible dust.
• Aspiration hazard.	• Corrosive to metal.
• Carcinogenicity.	• Explosive.
• Germ cell mutagenicity.	• Flammable (gases, aerosols, liquids, or solids).
• Reproductive toxicity.	• Gas under pressure.
• Respiratory or skin sensitization.	• In contact with water emits flammable gas.
• Serious eye damage or eye irritation.	• Organic peroxide.
• Simple asphyxiant.	• Oxidizer (liquid, solid, or gas).
• Skin corrosion or irritation.	• Pyrophoric (liquid or solid).
• Specific organ toxicity (single or repeat exposure).	• Pyrophoric Gas.
• Hazard not otherwise classified (HNOC).	• Self-heating.
	• Self-reactive.
	• Hazard not otherwise classified (HNOC).

B. Proposed Rule

In 2024, OSHA amended the HCS to conform with the GHS (primarily to GHS Revision 7, published in 2017). The 2024 OSHA HCS modifications that affect EPCRA include revised criteria for the classification of certain physical hazards to better capture and communicate the hazards to downstream users and amended contents for *Section 2. Hazard Identification* of SDSs. [89 FR 44144; May 20, 2024].

The following is a list of the revised criteria affecting EPCRA: (1) replacement of the hazard class *Flammable Aerosols* with *Aerosols and Chemicals Under Pressure;* (2) addition of the hazard class *Desensitized Explosives;* (3) inclusion of pyrophoric and chemically unstable gases within the definition of *Flammable Gases;* and (4) removal of pyrophoric gases from the definition of hazardous chemical. These modifications also affect the definitions of *health hazards* and *physical hazards* at 40 CFR 370.66, which EPA proposes to move to 40 CFR 370.3 in this action. The following discusses these changes to the OSHA hazard classes and the proposed conforming amendments to the EPCRA regulation at 40 CFR part 370.

The 2024 OSHA HCS replaces the *Flammable Aerosols* hazard class with two hazard classes: *Aerosols* and *Chemicals Under Pressure.* These two hazard classes are both divided into three hazard categories (two for flammables and one for non-flammable) [89 FR 44321–44324; May 20, 2024]. This HCS modification groups substances with different hazards for first responders into the same hazard class. For example, non-refillable fire extinguishers would be classified as *Aerosol—Category 3,* where highly flammable paints would be *Aerosols—Category 1.* So, although substances with these hazard classifications are in the same OSHA hazard class (*i.e., Aerosols*), they do not present the same hazards in an emergency, as is required by sections 311 and 312 of the EPCRA statute [42 U.S.C. 11021(a)(2)(B) and 11022(d)(1)(C)(i)].

On November 17, 2025, to align with this modification while ensuring the protection of first responders and communities, the EPA published the now withdrawn direct final rule [90 FR 51187] and the parallel proposed rule [90 FR 51266]. On January 9, 2026, due to the receipt of adverse comment regarding the hazard categories, EPA withdrew the direct final rule [91 FR 918]. Because the direct final rule did not become effective, the Agency is proceeding with a final rule based on the parallel proposed rule [90 FR 51266] which was published separately. The Agency considered all comments submitted to the docket [EPA–HQ–OLEM–2025–0299] for both the now withdrawn direct final rule and the parallel proposed rule. Discussions are in section III. of this final rule.

The intent of the proposed rule was to directly incorporate the OSHA hazard categories into the EPCRA regulation, as opposed to the approach EPA adopted in the 2016 final rule [81 FR 38104; June 13, 2016] which included summaries of hazard classes as provided in the OSHA definitions at 29 CFR 1910.1200(c) for hazardous chemical, health hazard, and physical hazard into the EPCRA regulation. This method used for reporting from 2017 through 2026 grouped together similarly named OSHA hazard classes rather than using the OSHA hazard categories. These groupings of multiple OSHA hazard classes were acute toxicity (any route of exposure), flammable (gases, aerosols, liquids, or solids), gas under pressure (compressed gas), oxidizer (liquid, solid or gas), and pyrophoric (liquid or solid), resulting in 24 EPCRA hazard categories. Instead of this grouping approach, the Agency proposed [90 FR 51266; November 17, 2025] to incorporate the OSHA hazard categories as the EPCRA hazard categories. The proposed rule stated that these more detailed hazard categories provide more accurate hazard information. This increased specificity in hazard information is invaluable to emergency planners and responders, while

allowing facilities to simply copy the hazard categories from the SDSs to the EPCRA inventory reports. The proposed modification to the EPCRA regulations to use the OSHA hazard categories is in direct alignment with the statutory sections 42 U.S.C. 11021(a)(2)(A)(i) and 11022(d)(1)(A), which state that the EPCRA hazardous chemical inventory reporting should be based on the categories of health and physical hazards as set forth under the OSH Act and its regulations. During the 30-day public comment period for this action, EPA received nine comments on the modification of the hazard categories. The discussion and final hazard categories are in section III.A. below.

EPA also proposed to adjust the definitions for 40 CFR part 370 to amend the definitions of *hazard category* and *safety data sheet* and remove the definition of *Material Safety Data Sheet.* Further, the Agency proposed to move the definitions for 40 CFR part 370 from §§ 370.66 to 370.3 to ensure clarity and consistency within the EPCRA regulations. Additionally, the Agency noted that OSHA codified the following definition of combustible dust at 29 CFR 1910.1200(c): ''Combustible dust means finely divided solid particulates of a substance or mixture that pose a flash-fire hazard or explosion hazard when dispersed in air or other oxidizing media.'' [89 FR 44272–44274; May 20, 2024] This definition is applicable to 40 CFR part 370 by the existing reference to the OSHA HCS within the definition of hazardous chemical at 40 CFR 370.66. EPA is not making amendments to further incorporate this definition. During the 30-day public comment period for these actions, only supporting comments were received for definition portions of the proposal. The discussions and final definitions are in section III.B. below.

Further, EPA also proposed to make minor plain language, clarifying, and consistency edits in the following sections: §§ 370.1, 370.2, 370.3, 370.10, 370.14, 370.30, 370.32, 370.33, 370.40, 370.41, 370.42, 370.43, 370.44, 370.45, 370.60, 370.61, 370.62, 370.64, 370.65, and 370.66. These proposed changes include capitalizing each letter of the term *Extremely Hazardous Substance* to add clarity between the distinct set of substances listed in the appendices of 40 CFR part 355 and other uses of the term, removing the historic compliance dates from §§ 370.33 and 370.45, as well as removing the historic clarifications for electronic reporting from §§ 370.41 and 370.42. No comments were received for these edits, during the 30-day public comment period for these actions. The discussion is in section III.C. below.

III. Revisions to 40 CFR Part 370

In this final action, consistent with the proposal, EPA is amending its hazardous chemical inventory reporting regulations at 40 CFR part 370 by directly incorporating the 118 OSHA hazard categories as the EPCRA hazard categories, amending the definitions for *hazard category* and *safety data sheet,* removing the use of the term *Material Safety Data Sheet (MSDS),* noting that 2024 OSHA HCS includes a definition for combustible dusts which is applicable to 40 CFR part 370, and making the proposed corrections for plain language, clarity, and consistency. These changes were made to conform with the most recent version of 29 CFR 1910.1200. EPA engaged in discussions with OSHA in finalizing this rule. Additionally, EPA is providing a thirteen-month extension to the proposed rule's compliance date (*i.e.,* December 1, 2027); the final rule compliance date is January 1, 2028. The rationale for these revisions is discussed below:

A. EPCRA Hazard Categories

As explained above in section II.A. of this final rule, the EPCRA statute specifies that the hazardous chemical inventory reporting under sections 311 and 312 should be the health and physical hazard categories established under the OSH Act and the OSHA HCS regulations, and that EPA may modify those OSHA hazard categories to be reported in groups which present similar hazards in an emergency [42 U.S.C. 11021(a)(2) and 11022(d)]. As the Agency explained in the proposed rule and discussed further below in this section, the updates to the OSHA HCS [89 FR 81829; October 9, 2024] leave the 2017–2026 EPCRA hazard categories out of alignment with the OSHA hazard categories. To remedy this, the EPA published a proposed rule [90 FR 51266; November 17, 2025] to directly incorporate the OSHA hazard classes and their categories as the EPCRA hazard categories, consistent with the statutory provisions that the EPCRA hazard categories are to be the health and physical hazards as set forth under the OSHA HCS [42 U.S.C. 11021(a)(2)(A)(i) and 11021(d)(1)(A)]. In this final action and for the reasons explained below, the Agency is finalizing the direct incorporation of the OSHA hazard classes with their hazard categories as the EPCRA hazard categories.

1. Conformance to OSHA Hazard Categories

EPA received nine comments on the proposal to directly incorporate the OSHA hazard categories into the EPCRA regulation as the EPCRA hazard categories. EPA agrees with commenters who supported the proposed rule's direct incorporation of the OSHA hazard categories as the EPCRA hazard categories for the ability to streamline reporting, reduce the time burden for completing the reports, reduce confusion between Federal and international chemical hazard classifications, and allow direct data transfer from the OSHA HCS required SDSs to the EPCRA hazardous chemical inventory forms. Some commenters criticized the expansion of the 2017–2026 EPCRA hazard categories and were unclear as to how they would be implemented. Some of these commenters were unclear regarding how they would complete the new form with so many options for the hazard categories, some commenters expressed concern regarding whether the hazard categories are comprehensible by small facilities and the public, one commenter stated that the expansion of hazard categories exceeds what is necessary for harmonization and that the revised categories are simply a more granular version of the existing categorizations, and one commenter stated that the OSHA hazard categories create a false sense of accuracy and that the hazard categories give the illusion that a more precise description implies that something is more true. Some of these commenters requested that EPA retain the current 2017–2026 EPCRA hazard categories, while another commenter stated that the EPA's original five 1987–2016 hazard categories should be reinstated. In addition to considering these comments, EPA also evaluated other approaches. The discussions are below in this section.

In response to the commenters who expressed confusion as to how to complete the EPCRA section 312 Tier II forms and, in agreement with supporting commenters, EPA has determined that the updated approach removes the current interpretation burden and simply requires the selection of the hazard category on the Tier II Form that matches the hazard category present on the SDS. The updated approach requires no interpretation burden or chemical hazard expertise, rather it simply requires the facilities use the hazard category from the SDS to report on the Tier II Form. The 1987–2016 and 2017–2026 hazard category methods required

that facilities use the OSHA hazard classes and categories to then interpret which EPCRA hazard category was relevant for each. Also, the 2024 OSHA HCS updates created a misalignment for twelve OSHA hazard categories that do not fit into a 2017–2026 EPCRA hazard category or will cause confusion if reported in a 2017–2026 hazard category (*i.e.,* Aerosols—Categories 1, 2, and 3; Chemicals Under Pressure—Categories 1, 2, and 3; Flammable Gases—Chemically Unstable Category 1A/A and 1A/B; Desensitized Explosives—Categories 1, 2, 3, and 4). Therefore, facilities will now incur a data entry and interpretation burden when completing their 2026 Tier II Form. The timeliness of the rule is to prevent these additional burdens for all facilities (especially small facilities). This final action removes these added burdens for the 2027 and subsequent reporting years. Further, the hazard categories appear individually on the SDS. And, for every hazard category listed on the SDS, the facilities have always been required to select one hazard category on the Tier II Form. Therefore, EPA disagrees that the expansion of the hazard categories will make it more difficult to complete the annual Tier II Form because facilities are still only required to use each hazard category from the SDS to select one hazard category on the Tier II Form. The changes with this final rule remove the burdens for interpreting which EPCRA hazard category to use for each OSHA hazard category, since these two sets of hazard categories are now the same.

EPA understands the importance of using hazard categories that effectively convey the hazard information, as well as the concerns expressed regarding whether small facilities and the public will be able to understand the hazard information affiliated with the expanded hazard categories. In agreement with supporting commenters, the Agency finds that the alignment of EPCRA hazard categories with the OSHA hazard categories, which are in accordance with international standards, will provide one set of chemical hazard information for people to understand and this will inherently increase comprehension while resolving confusion. Note that in the 2012 OSHA HCS [52 FR 38344] which conformed to the GHS, OSHA stated that ensuring comprehensibility of the GHS was a key principle in its development [77 FR 17584; March 26, 2012]. Further, the hazard class information is still included in the EPCRA hazard categories, so the EPCRA section 312 Tier I and Tier II forms will continue to provide people with a basic understanding of the hazard (*e.g.,* carcinogenicity, serious eye damage, explosives, oxidizing gases, etc.). Importantly, these revisions also allow people the opportunity to more clearly understand the hazards in their communities if they choose to. The Agency finds that it is appropriate to allow people the option to learn and understand, instead of assuming that they are incapable of comprehending the hazard categories. For the reasons stated above, the Agency disagrees that using the OSHA hazard categories will less effectively convey hazard information and instead finds that directly incorporating the OSHA hazard categories as the EPCRA hazard categories will ensure that people are informed of the hazards effecting them, whether they achieve full understanding of the hazard categories or retain only the basic hazard class information.

EPA disagrees with the commenter positing that the expansion of the EPCRA hazard categories exceeds what is necessary for harmonization, that the 2017–2026 EPCRA hazard categories are sufficient, and that the expanded categories are simply a more granular version of the 2017–2026 hazard categories. As was discussed in section IV.B. of the proposed rule, the 2024 OSHA HCS amendments: (1) replaced the hazard class *Flammable Aerosols* with *Aerosols* and *Chemicals Under Pressure;* (2) added the hazard class *Desensitized Explosives;* (3) includes pyrophoric and chemically unstable gases within the definition of *Flammable Gases;* and (4) removes pyrophoric gases from the definition of hazardous chemical. In fact, there are now thirteen OSHA hazard categories which appear on the 2024 complaint SDSs which do not appear on the 2012 SDSs. Problematic for facilities in 2026, there will be twelve OSHA hazard categories that do not fit into a 2017–2026 EPCRA hazard category, or will cause confusion for the emergency planners and responders if reported in a 2017–2026 hazard category (*i.e.,* Aerosols—Categories 1, 2, and 3; Chemicals Under Pressure—Categories 1, 2, and 3; Flammable Gases—Chemically Unstable Category 1A/A and 1A/B; Desensitized Explosives—Categories 1, 2, 3, and 4). EPA also considered the feasibility of modifying the OSHA hazard categories by using the OSHA hazard classes to group hazards, consistent with the Agency's approach for the 2017–2026 hazard categories. However, as was explained in section IV.A. of the proposed rule, EPA has determined that using the OSHA hazard classes as a method of grouping hazards may misstate the hazard information and the related risks for communities, for example the new OSHA hazard class for *Aerosols,* which clearly groups substances with different hazards for first responders and communities into the same hazard class. For example, non-refillable fire extinguishers would be classified as Aerosol—Category 3, where highly flammable paints would be Aerosols—Category 1. If EPA continues to rely on the OSHA hazard classes for the EPCRA hazard categories, both non-refillable fire extinguishers and highly flammable paints would be reported as the same hazard despite not actually being the same hazard in an emergency. Therefore use of the OSHA hazard classes (or mergers of hazard classes) as the EPCRA hazard categories would be inconsistent with the statutory provision that authorizes EPA to modify the categories of health and physical hazards as set under the OSHA HCS, by requiring that the information be reported in terms of groups of hazardous chemicals which present similar hazards in an emergency [42 U.S.C. 11021(a)(2)(B) and 11022(d)(1)(C)(i)].

EPA disagrees with the commenter who posits that the OSHA hazard categories create a false sense of accuracy and that the hazard categories give the illusion that a more precise description implies that something is truer. OSHA hazard categories use defined criteria to compare the severity of the hazards in each hazard class [29 CFR 1910.1200(c) *Hazard category*]. While all of the chemicals in an OSHA hazard class have similar properties, the hazard categories provide an increased awareness of what the hazard truly is. For example, the OSHA HCS hazard class *Chemicals Under Pressure* is divided into categories with different severities: Category 1 is for the more flammable chemicals under pressure which contain ≥85% flammable components (by mass) and have a heat of combustion ≥20 kJ/g, while Category 3 is for less flammable chemicals under pressure which contain ≤1% flammable components (by mass) and has a heat of combustion <20 kJ/g [29 CFR 1910.1200, appendix B.3.2]. Therefore, while these are both *Chemicals Under Pressure,* Category 1 has more severe hazards than the other categories in this class. The Agency finds that adopting this awareness of hazard severity into the EPCRA regulations is important for communities to better prioritize their emergency planning efforts to first focus on the facilities posing the highest risks.

EPA is unable to accommodate the commenters requesting the continued

use of the 2017–2026 EPCRA hazard categories nor is it able to revert back to the 1987–2016 hazard categories for the reasons discussed above in this section. Further, if EPA reinstated the EPCRA categories used from 1987 through 2016, there would be fewer hazard categories, but these categories would not be aligned with the OSHA hazard categories on the SDSs. This misalignment would cause confusion and increase the burden on reporting facilities by requiring mapping of the OSHA hazard categories to the EPCRA hazard categories. Therefore, EPA is adopting the OSHA hazard classes with their categories as the EPCRA hazard categories, consistent with the statutory provisions that the EPCRA hazard categories are to be the health and physical hazards as set forth under the OSHA HCS [42 U.S.C. 11021(a)(2)(A)(i) and 11021(d)(1)(A)].

2. Hazard Awareness

Some commenters supported the action on the basis that incorporation of the OSHA hazard classes with their categories increases hazard awareness for emergency planners, first responders, and communities. One of these commenters said that adopting the more specific OSHA categories allows facilities to provide the most specialized and relevant information to first responders, which is vital to emergency planning. Similarly, another commenter representing state and local entities said that the OSHA hazard categories provide a much more detailed characterization of the threats posed by different hazardous chemicals and this level of detail is often essential for LEPC's planning needs. Other commenters criticized the more granular hazard categories, indicating that the expanded hazard information is of little value to emergency planners and first responders. One of these commenters stated that first responders ''are by nature a cautious breed'' for requesting the actual hazards presented by chemicals in the EPCRA reports because the prospect of improved precision is attractive to them, but the use of the information by emergency planners and responders is disproportional to the facility reporting burdens. Some adverse commenters also posited that since planners and first responders can already request the SDSs from facilities, and that because the SDS is the first responder's primary resource during incidents, the adoption of the OSHA hazard categories is unjustified.

EPA disagrees that the more granular hazard information is of little value to emergency planners and first responders, and instead agrees with the commenter representing the state and local emergency planners and first responders who posits that the more specific hazard category information will help ensure that our first-line emergency responders are equipped with the information necessary to respond and protect communities. It is correct that the statute provides the authority for the LEPCs to request the SDS from each facility for each chemical, year after year [42 U.S.C. 11021(c)]. However, the commenter representing state and local emergency planners and responders observed that forcing LEPCs to rely on their authority to request such information from the facility delays delivery of the information creates an additional hassle for both facility operators and LEPCs and promotes conflict between them. The Agency agrees with this commenter and anticipates that the SERCs, LEPCs, and fire departments will be able to better prioritize their emergency planning efforts if they have both the OSHA hazard class and category as reported on the SDS. The Agency also anticipates that LEPCs will request fewer SDSs from facilities, since they will now be able to focus their efforts on the hazardous chemicals of concern for their communities by simply reviewing the Tier II Form data.

3. Implementation Timeframe for Hazard Categories

In response to the proposed rule's compliance date of December 1, 2026, some commenters representing industry requested that the rule be phased or delayed to align with the OSHA HCS compliance schedule and to provide additional time for facilities to reclassify their hazards and update their SDS inventory records based on the new definitions.

These extension requests to align with the OSHA HCS ranged from stating that the implementation of the EPCRA hazard categories should be aligned with the phased deadlines for the 2024 OSHA HCS to requesting five years after the final compliance date in the OSHA HCS for effectiveness of this final rule (*i.e.,* the 2033 report due by March 1, 2034). These commenters posited that the EPCRA compliance date is impossible or would increase compliance risks because it is prior to the final OSHA compliance date for manufacturers and importers to update their SDSs for mixtures, and the compliance date would therefore require facilities to self-classify their chemical hazards. The EPA disagrees because the proposed rule did not and this final rule does not modify the reporting requirements which are set by statute and have been codified as regulation since October 15, 1987 [52 FR 38344], nor do they venture into OSHA's jurisdiction to direct hazard classifications.

The EPCRA hazard category modifications allow facilities that are in possession of a 2024 OSHA HCS compliant SDS to use that SDS for their statute required EPCRA section 312 annual reports. The relevancy of the 2024 OSHA HCS compliance dates to this final rule is that in the year 2026 facilities will have SDSs that will include twelve OSHA hazard categories that are not reportable under a 2017–2026 EPCRA hazard category, as discussed above in section III.A.1. and further below in this section. The statute sets that the EPCRA section 311 reports are triggered by facilities having a new or revised SDS, and that the section 312 report (which requires the hazard categories from the SDSs) is due by March 1st each year for the previous calendar year, this remains unchanged:

- The EPCRA section 311 initial list is to be submitted within three months after the owner or operator of a facility is required to prepare or have available a SDS under the OSHA HCS [42 U.S.C. 11021(d)(1)(B)].
- The EPCRA section 311 updated list is to be submitted within three months following discovery by an owner or operator of significant new information concerning an aspect of a hazardous chemical for which a SDS was previously submitted [42 U.S.C. 11021(d)(2)].
- The EPCRA section 312 annual report shall be submitted on or before March 1st annually, and shall contain data with respect to the preceding calendar year [42 U.S.C. 11022(a)(2)].

Further, EPA realizes that facilities which are also manufacturers, importers, or distributors (who are modifying an SDS) have the OSHA requirement to update the SDS by May 19, 2026, for substances [29 CFR 1910.1200(j)(2)(i)] and November 19, 2027, for mixtures [29 CFR 1910.1200(j)(3)(i)]. The date that these facilities comply with this OSHA requirement is the date that these facilities have the new or revised SDS for EPCRA sections 311 and 312 reporting requirements, discussed immediately above in this section. The Agency finds that the requests for extension to align with the OSHA HCS are unnecessary because the proposed rule and this final rule are inherently aligned with the OSHA HCS compliance dates. However, for another reason the Agency is extending the compliance date of the rule to January 1, 2028 (see section III.A.5.), which is after the 2024

OSHA HCS compliance dates for these facilities to develop the SDSs for substances and mixtures [29 CFR 1910.1200(j)(2)(i) and (j)(3)(i)].

EPA evaluated the feasibility of facilities using the 2024 OSHA hazard categories as the EPCRA hazard categories during the transition period to determine if the EPCRA compliance date is impossible or would increase compliance risks. To start with, it is important to note that there will be 2012 HCS compliant SDSs in use until all products distributed with these SDSs are no longer in circulation, which could be decades in some extreme cases, and that the EPCRA section 311 and 312 relevant 2024 OSHA HCS transition period ranges from May 20, 2024 until May 19, 2028 [29 CFR 1910.1200(j)(4)]. This means that the transition period started May 20, 2024, and could last for many years beyond the 2024 OSHA HCS compliance dates. Therefore, EPA must set the hazard categories to be usable for both the 2012 HCS compliant SDS and the 2024 HCS compliant SDS. Facilities do not need to have a 2024 OSHA HCS compliant SDS to comply with this final rule.

Regarding the feasibility of using the 2024 OSHA hazard categories during the transition period and until the 2012 OSHA HCS compliant SDSs are removed from circulation. Of the 118 categories: 105 remain unchanged as they appear on the SDS, 10 are new and will only appear on the 2024 compliant SDSs, and three were renamed (*i.e.,* Flammable Aerosols—Category 1 = Aerosols—Category 1; Flammable Aerosols—Category 2 = Aerosols—Category 2; and Pyrophoric Gas = Flammable Gases—Pyrophoric Gas—Category 1A). These three renamed hazards are the only hazards which will appear on the 2012 HCS compliant SDSs that do not also appear on the 2024 compliant SDSs. There are thirteen hazard categories which appear on the 2024 complaint SDSs which do not appear on the 2012 SDSs and twelve of these are not reportable under the current EPCRA hazard categories (based on OSHA classes), as discussed above in section III.A.1. Below is a summary of the evaluation of the reporting requirements for using the 2012 SDSs on the new forms and using the 2024 SDSs on the old forms:

- If a facility is using a 2012 compliant SDSs to report on the revised EPCRA section 312 Tier II Form, the three renamed hazard categories will require that facilities report according to a guidance matrix which the EPA will publish with the final rule.
- If a facility is using a 2024 compliant SDS to report on the 2017–2026 form, thirteen hazard categories (*i.e.,* the ten new hazard categories and the three renamed hazard categories) will require that facilities report these hazards as hazards not otherwise classified due to a lack of other data entry options.

Additionally, one commenter asserted that the EPCRA rule implementation should be delayed and aligned with the OSHA HCS compliance schedule because the 2024 OSHA HCS imposes a new due diligence for SDSs to include the evaluation of reasonably anticipated downstream hazards. The EPA disagrees that this is a new requirement for the OSHA HCS; in fact, the preamble to the OSHA final rule discusses at length that this has been a long-standing requirement for the SDSs to include these reasonably anticipated downstream hazards [89 FR 44278–44281; May 20, 2024]. Further, the contents of these intrinsic properties into downstream hazards are now required to be entered in section 2(c) of the SDS, which separates these intrinsic properties into hazards due to either a chemical reaction or byproduct, and hazards due to changes in physical form [see 29 CFR 1910.1200(d)(1)(i) and (ii) and Appendix D to § 1910.1200 Table D.1—Minimum Information for an SDS]. Therefore, facilities have already been reporting these hazards on the EPCRA reports, if the SDSs were compliant with the OSHA HCS.

In summary, the Agency disagrees with the statements suggesting that facilities should not be required to report using the new hazard categories until after the OSHA HCS transition period or until five years after this rule becomes effective. The Agency finds that the requested extensions to conform to the OSHA compliance dates are unnecessary and would only exacerbate the reporting burdens (particularly for small facilities) which will be increased each year this rule is delayed. Nonetheless, the EPA has considered options to resolve these comments.

4. Alternative Reporting Requests

Some commenters suggested phasing in the use of the updated hazard categories by allowing a dual reporting option, where facilities could choose if they use the legacy or updated hazard categories. EPA disagrees that this is a feasible option because this would require either two sets of forms and therefore two sets of software systems, or modification of the Tier II Form and software systems to allow for the use of both sets of hazard categories. This would complicate reporting and introduce unnecessary costs and delays in implementation. Further, these burdens on the implementing agencies would be required at the onset of the transition period, as well as at the end of the transition period since the implementing agencies would need to modify their custom softwares to allow for the new option and then again to remove it. Therefore, the Agency finds that providing an option to use either set of hazard categories would double to quadruple the costs for states to update their custom software systems and would at least double the implementing agencies' burdens for processing and management of the data. Further, this option would also delay improving hazard awareness while interjecting confusion for all parties involved. Therefore, the Agency is not finalizing an option to allow facilities to choose if they use the legacy or updated hazard categories during a transition period.

In accordance with the intent of this comment, the EPA also considered allowing reporting by only the OSHA hazard class during a transition period and then the full hazard categorization after the final SDS compliance date of the OSHA HCS. However, this option may impose an undue burden for facilities (particularly for small facilities) to re-enter their hazard classifications more times than would be necessary since most of the hazard classifications remain unchanged as they appear on the SDS. Finally, this option would also delay improving hazard awareness. Therefore, the Agency is not finalizing these options.

5. Delay Requests To Update Software, Training, and Guidance

Finally, some commenters requested extensions for the use of the new hazard categories because of the need to update the EPA provided Tier2 Submit software, training, and guidance; for facilities to update their custom software systems; and for states to update their custom software systems, guidance, and training materials. One of these commenters requested that the Agency conduct outreach to the SERCs, LEPCs, software vendors, and facilities no later than the July preceding the affected reporting year. This commenter also stated that the rule must be delayed because the Agency only provided a few weeks for the updates of software systems. Another commenter stated that timely access to the Tier2 Submit specifications and data configurations is needed for facilities to ensure compatibility between their chemical management software systems and the new reporting structure. Another commenter representing industry stated that the rule must be delayed because SERCs cannot update their electronic

reporting systems in time and facilities also need time to update their internal electronic reporting systems. The Agency received one comment representing the SERCs and LEPCs; this commenter fully supported the now withdrawn direct final rule [52 FR 38344; November 17, 2025] which provided 54 weeks for the updates to the software systems.

EPA agrees with these commenters that it is necessary to provide adequate time for the update of software systems, guidance, and training materials for the implementation of the new EPCRA hazard categories. The Agency also agrees that timely access to the Tier II Form and its data configurations is important to allow for updates to commercial and private software. Further, the Agency agrees that it should conduct outreach to the SERCs, LEPCs, commercial software companies, and facilities. For compliance assistance, EPA publishes the EPCRA section 312 inventory reporting forms, offers training and educational materials, provides software programs for facilities to report (*i.e.,* Tier2 Submit) and for implementing agencies to manage their inventory reports (*i.e.,* CAMEO Data Manager), and posts the National Tier II Data Standard [1] for use in developing custom software. The Agency has already provided the revised Tier I and Tier II Forms in the docket with this final rule and will also publish these forms on the EPA web page *EPCRA Tier II Forms and Instructions*.[2] The Agency is also updating its online training for the implementing agencies, planners, and responders [3]; guidance for using the 2012 OSHA compliant SDSs for the new EPCRA reports; guidance clarifying the statute's requirements to update the EPCRA section 311 reports and to use the SDS for the section 312 reports as discussed above in this section [42 U.S.C. 11021(d)(1)(B), 11021(d)(2), and 11022(a)(2)]; and the National LEPC–TEPC Handbook,[4] with the intent of also publishing these updated materials. EPA intends to release the Tier2 Submit and CAMEO Data Manager software programs on the normal schedule (*i.e.,* November of each year), which has historically been an adequate amount of time to incorporate state specific requirements into the software program and is also in accordance with the time provided in the 2016 direct final rule which conformed the EPCRA hazard categories to the 2012 OSHA HCS [52 FR 38344]. Additionally, to provide access to the Tier2 Submit specifications and data configurations, EPA also intends to post the revised National Tier II Data Standard in a timely manner for states and facilities to use in developing any custom softwares they choose to use. EPA will work to minimize the confusion between the 2026 and 2027 reporting year requirements, while also ensuring that there is adequate time to update the software systems. EPA will publish these updated resources and tools on its website and will distribute the notifications of their release to the SERCs who have provided their contact information to the EPA,[5] the National Association of SARA Title III Program Officials (NASTTPO), the National Fire Protection Association (NFPA), the National Volunteer Fire Association (NVFA), E-Plan, Hazconnect, and VelocityEHS. Anyone else requesting distribution notices may contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

EPA agrees that it is necessary to provide adequate time for the update of software systems. However, the Agency disagrees with the commenter requesting an extension because the Agency only provided a few weeks for the updates of software systems, because the now withdrawn direct final rule [52 FR 38344] would have provided over one year (*i.e.,* 54 weeks) to make these updates. Based on the comment representing SERCs and LEPCs and the amount of time necessary to update Tier2 Submit and CAMEO Data Manager, one year is an adequate amount of time to update the commercial and custom softwares to include the new hazard categories. However, to ensure that sufficient time is provided, EPA is providing a thirteen-month extension to the proposed rule's compliance date, or seventeen months after publication of the final rule (Proposed—December 1, 2027; Final Rule—January 1, 2028). SERCs who are unable to update their custom software are invited to use the EPA provided software (*i.e.,* Tier 2 Submit and CAMEO Data Manager).

6. Revised Hazard Categories

In sum, for the reasons laid out above, EPA is finalizing revised hazard categories as proposed, with one exception as detailed below. The following tables detail and compare the legacy 2017–2026 EPCRA hazard categories (adopted in 2016) to the 2024 OSHA HCS hazard classes with their hazard categories that are being adopted in this final rule. This table is amended from the one published in the now withdrawn direct final rule [91 FR 918] and proposed rule [90 FR 51266] to expand the *Acute Toxicity, Inhalation* hazard category to include specific hazard categories for vapors, gases, and dusts and mists, and to correct that the hazard category *Oxidizing Gases* is *Oxidizing Gases—Category 1.* These changes were made to conform with the most recent version of 29 CFR 1910.1200. EPA also engaged in discussions with OSHA in finalizing this rule.

EPCRA HEALTH HAZARD CATEGORIES

Adopted in 2016	2024 OSHA HCS (OSHA hazard class—OHSA hazard category)	Notes about proposed changes to EPCRA hazard categories
Acute Toxicity (any route of exposure).	Acute Toxicity, Oral—Category 1 Acute Toxicity, Oral—Category 2. Acute Toxicity, Oral—Category 3. Acute Toxicity, Oral—Category 4. Acute Toxicity, Dermal—Category 1 Acute Toxicity, Dermal—Category 2. Acute Toxicity, Dermal—Category 3. Acute Toxicity, Dermal—Category 4. Inhalation—Dusts and Mists—Category 1 Inhalation—Dusts and Mists—Category 2. Inhalation—Dusts and Mists—Category 3. Inhalation—Dusts and Mists—Category 4.	• Including the OSHA classes and categories for these health hazards from appendix A.1 to create twenty EPCRA hazard categories.

EPCRA HEALTH HAZARD CATEGORIES—Continued

Adopted in 2016	2024 OSHA HCS (OSHA hazard class—OHSA hazard category)	Notes about proposed changes to EPCRA hazard categories
	Inhalation—Gases—Category 1 Inhalation—Gases—Category 2. Inhalation—Gases—Category 3. Inhalation—Gases—Category 4. Inhalation—Vapors—Category 1 Inhalation—Vapors—Category 2. Inhalation—Vapors—Category 3. Inhalation—Vapors—Category 4.	
Aspiration Hazard	Aspiration Hazard—Category 1	• No changes
Carcinogenicity	Carcinogenicity—Category 1 Carcinogenicity—Sub-Category 1A. Carcinogenicity—Sub-Category 1B. Carcinogenicity—Category 2.	• Including the OSHA categories for this hazard class from appendix A.6 to create four EPCRA hazard categories.
Germ Cell Mutagenicity	Germ Cell Mutagenicity—Category 1 Germ Cell Mutagenicity—Sub-Category 1A. Germ Cell Mutagenicity—Sub-Category 1B. Germ Cell Mutagenicity—Category 2.	• Including the OSHA categories for this hazard class from appendix A.5 to create four EPCRA hazard categories.
Reproductive Toxicity	Reproductive Toxicity—Category 1 Reproductive Toxicity—Sub-Category 1A. Reproductive Toxicity—Sub-Category 1B. Reproductive Toxicity—Category 2. Reproductive Toxicity—Effects on or via lactation.	• Including the OSHA categories for this hazard class from appendix A.7 to create five EPCRA hazard categories.
Respiratory or Skin Sensitization.	Respiratory Sensitizer—Category 1 Respiratory Sensitizer—Sub-Category 1A. Respiratory Sensitizer—Sub-Category 1B. Skin Sensitizer—Category 1 Skin Sensitizer—Sub-Category 1A. Skin Sensitizer—Sub-Category 1B.	• Including the OSHA classes and categories for these health hazards from appendix A.4 to create six EPCRA hazard categories.
Serious Eye Damage or Eye Irritation.	Serious Eye Damage—Category 1 Eye Irritation—Category 2. Eye Irritation—Sub-Category 2A. Eye Irritation—Sub-Category 2B.	• Including the OSHA categories for this hazard class from appendix A.3 to create four EPCRA hazard categories.
Simple Asphyxiant	Simple Asphyxiant	• No changes
Skin Corrosion or Irritation.	Skin Corrosion—Category 1 Skin Corrosion—Sub-Category 1A. Skin Corrosion—Sub-Category 1B. Skin Corrosion—Sub-Category 1C. Skin Irritation—Category 2.	• Including the OSHA classes and categories for these health hazards from appendix A.2 to create five EPCRA hazard categories.
Specific Target Organ Toxicity (Single or Repeated Exposure).	Specific Target Organ Toxicity Single Exposure—Category 1. Specific Target Organ Toxicity Single Exposure—Category 2. Specific Target Organ Toxicity Single Exposure—Category 3.	• Separating the ''single'' and ''repeated or prolonged'' hazard classes
	Specific Target Organ Toxicity Repeated or Prolonged Exposure—Category 1. Specific Target Organ Toxicity Repeated or Prolonged Exposure—Category 2.	• Including the OSHA classes and categories for these health hazards from appendices A.8 and A.9 to create five EPCRA hazard categories.
Hazard Not Otherwise Classified (HNOC).	Hazard Not Otherwise Classified (HNOC)	• No changes

EPCRA PHYSICAL HAZARD CATEGORIES

Adopted in 2016	Proposed in this action to conform with the 2024 OSHA HCS (OSHA hazard class—OSHA hazard category)	Notes about proposed changes to EPCRA hazard categories
Flammable (gases, aerosols, liquids or solids).	Aerosols—Category 1 Aerosols—Category 2. Aerosols—Category 3.	• Aerosols are no longer reported under the flammable hazard category, they are now in the Aerosols hazard class.
	Chemicals Under Pressure—Category 1 Chemicals Under Pressure—Category 2. Chemicals Under Pressure—Category 3.	• Aerosols and Chemicals Under Pressure hazard classes now include flammable (Categories 1 & 2) and non-flammable hazards (Category 3).

EPCRA PHYSICAL HAZARD CATEGORIES—Continued

Adopted in 2016	Proposed in this action to conform with the 2024 OSHA HCS (OSHA hazard class—OSHA hazard category)	Notes about proposed changes to EPCRA hazard categories
	Flammable Gases—Category 1A Flammable Gases—Category 1B. Flammable Gases—Category 2. Flammable Gases—Chemically Unstable Gas—Category 1A/A. Flammable Gases—Chemically Unstable Gas—Category 1A/B. Flammable Gases—Pyrophoric Gas—Category 1A.	Pyrophoric gases are no longer an independent hazard class and are included in the flammable gases hazard category. Report under the Flammable Gases—Pyrophoric Gas hazard category.
	Flammable Liquids—Category 1 Flammable Liquids—Category 2. Flammable Liquids—Category 3. Flammable Liquids—Category 4.	• Chemically unstable gases (Categories A & B) are now included within the OSHA HCS flammable gases hazard category. Report under the appropriate Flammable Gases—Chemically Unstable Gas hazard category. • Separating the OSHA "flammable" hazard classes.
	Flammable Solids—Category 1 Flammable Solids—Category 2.	• Including the OSHA category for this physical hazard class from appendices B.2, B.3, B.6, and B.7 to create eighteen EPCRA hazard categories.
Combustible Dust	Combustible Dust	• No changes
Corrosive to Metal	Corrosive to Metal—Category 1	• Including the OSHA category for this physical hazard class from appendix B.16.
Not a Hazard Category in 2012.	Desensitized Explosives—Category 1 Desensitized Explosives—Category 2. Desensitized Explosives—Category 3. Desensitized Explosives—Category 4.	• New OSHA hazard class and categories. Formerly reported under Explosives hazard class. • Including the OSHA categories for this physical hazard from appendix B.17 to create four EPCRA hazard categories.
Explosives	Explosives—Unstable Explosives—Division 1.1. Explosives—Division 1.2. Explosives—Division 1.3. Explosives—Division 1.4. Explosives—Division 1.5. Explosives—Division 1.6.	• Desensitized explosives are no longer categorized as explosives they are now in the desensitized explosives hazard class. • Including the OSHA categories for this physical hazard from appendix B.1 to create seven EPCRA hazard categories.
Gases Under Pressure (compressed gas).	Gas Under Pressure—Compressed Gas Gas Under Pressure—Dissolved Gas. Gas Under Pressure—Liquefied Gas. Gas Under Pressure—Refrigerated liquefied gas.	• Including the OSHA categories for this physical hazard from appendix B.5 to create four EPCRA hazard categories.
In Contact With Water, Emits Flammable Gases.	In Contact With Water Emits Flammable Gases—Category 1. In Contact With Water Emits Flammable Gases—Category 2. In Contact With Water Emits Flammable Gases—Category 3.	• Including the OSHA categories for this physical hazard from appendix B.12 to create three EPCRA hazard categories.
Organic Peroxides	Organic Peroxides—Type A Organic Peroxides—Type B. Organic Peroxides—Type C. Organic Peroxides—Type D. Organic Peroxides—Type E. Organic Peroxides—Type F. Organic Peroxides—Type G.	• Including the OSHA categories for this physical hazard from appendix B.15 to create seven EPCRA hazard categories.
Oxidizer (liquid, solid, or gas).	Oxidizing Gases—Category 1	• Separating the OSHA *oxidizing* hazard classes
	Oxidizing Liquids—Category 1 Oxidizing Liquids—Category 2. Oxidizing Liquids—Category 3. Oxidizing Solids—Category 1 Oxidizing Solids—Category 2. Oxidizing Solids—Category 3.	• Including the OSHA categories for this physical hazard from appendices B.4, B.13, and B14 to create seven EPCRA hazard categories.
Pyrophoric Gas	*N/A: Not a hazard class in 2024 OSHA HCS*	• No longer an independent hazard class. Report under Flammable Gas.
Pyrophoric (liquid or solid).	Pyrophoric Liquids—Category 1 Pyrophoric Solids—Category 1.	• Separating the OSHA *pyrophoric* physical hazard classes per appendices B.9 and B.10, to create two EPCRA hazard categories. • Including the OSHA category for these physical hazard classes from appendices B.9 and B.10 to create two hazard categories.
Self-Heating Chemicals	Self-Heating Chemicals—Category 1 Self-Heating Chemicals—Category 2.	• Including the OSHA categories for this physical hazard from appendix B.11 to create two EPCRA hazard categories.

EPCRA PHYSICAL HAZARD CATEGORIES—Continued

Adopted in 2016	Proposed in this action to conform with the 2024 OSHA HCS (OSHA hazard class—OSHA hazard category)	Notes about proposed changes to EPCRA hazard categories
Self-Reactive Chemicals	Self-Reactive Chemicals—Type A Self-Reactive Chemicals—Type B. Self-Reactive Chemicals—Type C. Self-Reactive Chemicals—Type D. Self-Reactive Chemicals—Type E. Self-Reactive Chemicals—Type F. Self-Reactive Chemicals—Type G.	• Including the OSHA categories for this physical hazard from appendix B.8 to create seven EPCRA hazard categories.
Hazard Not Otherwise Classified (HNOC).	Hazard Not Otherwise Classified (HNOC)	• No changes

B. Definitions

1. Hazard Category

EPA received one supporting comment regarding the definition for *hazard category,* including *health hazard* and *physical hazard.* In this action, the Agency is finalizing the proposed definition with revisions to add *Hazards Not Otherwise Classified* within the primary EPCRA definition of *Hazard category* and within the sub-definitions of *Health hazard* and *Physical hazard* to clarify that *Hazards Not Otherwise Classified* are EPCRA sections 311 and 312 hazard categories and for consistency with the OSHA HCS. This change was made in accordance with 29 CFR 1910.1200 resultant of discussions with OSHA during interagency collaboration for this final rule. The following table compares the definition for *Hazard category,* including *Health hazard* and *Physical hazard,* between the 2016 EPCRA regulation and this final action, with the differences in bold.

2016 regulation [81 FR 38104] EPCRA sections 311–312 42 U.S.C. 11021–11022 40 CFR 370.66	Adopting in this action EPCRA sections 311–312 42 U.S.C. 11021–11022 40 CFR 370.3
Hazard category is divided into two categories, health and physical hazards: (1) Health hazard means a chemical which poses one of the following hazardous effects: Carcinogenicity; acute toxicity (any route of exposure); aspiration hazard; reproductive toxicity; germ cell mutagenicity; skin corrosion or irritation; respiratory or skin sensitization; serious eye damage or eye irritation; specific target organ toxicity (single or repeated exposure); simple asphyxiant; and hazard not otherwise classified (HNOC). (2) Physical hazard means a chemical which poses one of the following hazardous effects: Flammable (gases, aerosols, liquids or solids); gas under pressure; explosive; self-heating; pyrophoric (liquid or solid); pyrophoric gas; oxidizer (liquid, solid or gas); organic peroxide; self-reactive; in contact with water emits flammable gas; combustible dust; corrosive to metal; and hazard not otherwise classified (HNOC).	*Hazard category* means the classification of a chemical's hazard(s) into classes with their categories or hazards not otherwise classified as are reported in Section 2 of SDSs in accordance with 29 CFR 1910.1200. Hazard categories are divided by hazard class into health and physical hazards: (1) *Health hazard* means a chemical that is classified into one of the following hazard classes or hazards not otherwise classified: acute toxicity (oral, dermal, or inhalation); aspiration hazard; carcinogenicity; germ cell mutagenicity; reproductive toxicity; respiratory sensitizer; skin sensitizer; serious eye damage/eye irritation; simple asphyxiant; skin corrosion or irritation; specific target organ toxicity (single exposure) or (repeated or prolonged exposure); and hazard not otherwise classified (HNOC). (2) *Physical hazard* means a chemical that is classified into one of the following hazard classes or hazards not otherwise classified: aerosols; chemicals under pressure; combustible dust, corrosive to metal; desensitized explosive; explosives; flammable (gases, liquids, or solids); gas under pressure; in contact with water emits flammable gases; organic peroxides; oxidizing (gases, liquids, or solids); pyrophoric (liquids or solids); self-heating chemicals; self-reactive chemicals; and hazard not otherwise classified.

2. (Material) Safety Data Sheet

EPA received one comment supporting removal of the term Material Safety Data Sheet (MSDS). No other comments were received for this definition. Therefore, the Agency is finalizing the definition as proposed. The following table provides the current and revised definition of Safety Data Sheet, which are being moved from 40 CFR 370.66 to § 370.3 in this final action, with the modified language in bold.

2016 regulation [81 FR 38104] EPCRA sections 311–312 42 U.S.C. 11021–11022 40 CFR 370.66	Adopting in this action EPCRA sections 311–312 42 U.S.C. 11021–11022 40 CFR 370.3
Safety Data Sheet or SDS means the sheet required to be developed under 29 CFR 1910.1200(g). This term means the same as the term ''material safety data sheet or MSDS'' defined in this section.	*Safety Data Sheet* (*SDS*) means the sheet required to be developed under 29 CFR 1910.1200(g). This term SDS replaces the term ''material safety data sheet'' for the name of the data sheet defined in the statute [42 U.S.C. 11049(6)].

3. Combustible Dust

No comments were received regarding the 2024 OSHA definition of combustible dust at 29 CFR 1910.1200(c): ''Combustible dust means finely divided solid particulates of a substance or mixture that pose a flash-fire hazard or explosion hazard when dispersed in air or other oxidizing media.'' [89 FR 44272–44274; May 20, 2024] EPA notes that the 2024 OSHA HCS definition of combustible dusts is applicable to 40 CFR part 370 by the existing reference to the OSHA HCS within the definition of hazardous chemical at 40 CFR 370.66. EPA is not making amendments to further incorporate this definition.

4. Location of Definitions in 40 CFR Part 370

No comments were received regarding moving the definitions for this part from §§ 370.66 to 370.3, amending the title of § 370.3 to be *Definitions,* amending the title of § 370.66 to be *[Reserved],* or adding a note to § 370.66 that the definitions are now in § 370.3. However, the **Federal Register** advised EPA that it is unable to add a note to reserved sections. Therefore, the Agency is finalizing these provisions as proposed, except that the note to § 370.66 is being excluded.

C. Other Revisions to 40 CFR Part 370

No comments were received for these proposed provisions. Therefore, the Agency is finalizing these amendments as proposed.

D. Burdens, Economics, and the Regulatory Process

One commenter requested that the rule be delayed until EPA has completed the Paperwork Reduction Act (PRA) and Unfunded Mandates Reform Act (UMRA) analyses and OMB review. Specifically, this commenter stated that EPA should update its ICR burden estimate, publish UMRA and RFA analyses assessing these expenditures, and seem E.O. 12866 review. EPA completed the PRA, UMRA, and OMB reviews as required. The ICR burden estimate was sufficient and will be considered as part of the revisions ICR that was submitted for OMB approval. See sections IV.A., C., D., and E. for further information.

A couple of commenters stated that the rule did not address the burden affiliated with updating custom software systems, guidance, and training materials. One of these commenters (representing industry) stated that the rule did not recognize the costs and burdens needed to provide additional time for states to update their custom software, training, and guidance. However, the Agency also received supporting comments from the state and local implementing agencies (via their association) which did not raise concerns about the costs or burdens of the rule. The EPA disagrees that it must include the state and facility costs for updating their custom software or for states to update guidance and training materials. Facilities and implementing agencies that develop custom tools may do so by choice, but this is not an obligation imposed by the rule. For compliance assistance, EPA publishes the EPCRA section 312 inventory reporting forms, offers training and educational materials, and provides software for facilities to report (*i.e.,* Tier2 Submit) and for implementing agencies to manage their inventory reports (*i.e.,* CAMEO Data Manager). See section III.A.5. above for further discussion.

E. Summary of revisions to 40 CFR Part 370

On November 17, 2025, EPA published the now withdrawn direct final rule [90 FR 51187] and the parallel proposed rule [90 FR 51266]. On January 9, 2026, due to the receipt of adverse comment, EPA withdrew the direct final rule [91 FR 918]. Because the direct final rule did not become effective, the Agency is proceeding with a final rule based on the proposed rule. The following is a list of amendments being finalized in this action:

Citations	List of proposed amendments
40 CFR 370	— Removes most uses of the term MSDS.
§ 370.1	— Removes use of the term MSDS —Makes minor changes for clarity and consistency
§ 370.2	— Amends title for plain language and clarity — Makes minor changes for plain language and clarity
§ 370.3	— Amends title — Moves definitions here from § 370.66 — Removes the language which referred to § 370.66 for definitions — Capitalizes each letter of the term Extremely Hazardous Substance — Amends the definitions for hazard category (including health hazard and physical hazard) and safety data sheet as described in this action — Removes the definition of *Material Safety Data Sheet* or MSDS — Makes minor changes for plain language, clarity, and consistency to the following definitions: Indian Country, person, SERC, and threshold planning quantity (TPQ)
§ 370.10	— Removes use of the term MSDS — Adds a note to paragraph (a) — Makes minor changes for plain language, clarity, and consistency
§ 370.12	— Removes use of the term MSDS
§ 370.13	— Removes use of the term MSDS
§ 370.14	— Removes use of the term MSDS — Makes minor changes for plain language and consistency
§ 370.20	— Removes use of the term MSDS
Centered heading	— Removes use of the term MSDS
§ 370.30	— Amends to clarify that the hazard categories are as listed in section 2 of the SDS — Removes use of the term MSDS — Makes minor changes for clarity and consistency
§ 370.31	— Removes use of the term MSDS
§ 370.32	— Removes use of the term MSDS — Makes minor changes for clarity and consistency
§ 370.33	— Removes use of the term MSDS — Removes historic compliance date — Makes minor changes for plain language and clarity

Citations	List of proposed amendments
§ 370.40	— Makes minor changes for plain language, clarity, and consistency
§ 370.41	— Amends to clarify that the hazard categories are as listed in section 2 of the SDS — Removal of historic clarifications for electronic reporting — Makes minor changes for plain language, clarity, and consistency
§ 370.42	— Amends to clarify that the hazard categories are as listed in section 2 of the SDS — Removal of historic clarifications for electronic reporting — Makes minor changes for plain language, clarity, and consistency
§ 370.43	— Makes minor change for clarity and consistency
§ 370.44	— Makes minor change for clarity and consistency
§ 370.45	— Removal of historic compliance date — Makes minor changes for plain language, clarity, and consistency
§ 370.60	— Removes use of the term MSDS — Makes a minor change for plain language
§ 370.61	— Makes minor changes for plain language, clarity, and consistency
§ 370.62	— Amends the title for consistency — Removes use of the term MSDS — Makes minor changes for clarity and consistency
§ 370.63	— Removes use of the term MSDS
§ 370.64	— Removes use of the term MSDS — Makes minor changes for plain language, clarity, and consistency
§ 370.65	— Amends the title with clarifying punctuation
§ 370.66	— Changes title to [Reserved] — Moves definitions to § 370.3

IV. Statutory and Executive Orders Reviews

Additional information about these statutes and Executive Orders can be found at *https://www.epa.gov/laws-regulations/laws-and-executive-orders.*

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a significant regulatory action and was therefore not submitted to the Office of Management and Budget (OMB) for review.

B. Executive Order 14192: Unleashing Prosperity Through Deregulation

This action is considered an Executive Order 14192 deregulatory action. As described in EPA's Regulatory Impact Analysis for this action, the annualized cost savings of the final rule is estimated to be $12.83 million, expressed in 2025 dollars. For compliance with E.O. 14192, this value is converted into 2024 dollars using the Bureau of Economic Analysis' GDP Price Deflator, resulting in annualized cost savings of $12.47 million expressed in 2024 dollars (annualized using 7% discount rate and end-of-period discounting). Further, in compliance with E.O. 14192, the 2024-denominated annualized cost savings is discounted over a perpetual time horizon relative to a present value year of 2024 at a 7 percent discount rate. For regulatory accounting purposes under E.O. 14192, the estimated present value and annualized value of cost savings of this rule are $155.65 and $10.90 million, respectively (7% discount rate, 2024$, 2024 present value year, perpetuity time horizon). Details on the estimated cost savings of this final rule can be found in EPA's analysis of the potential costs and benefits associated with this action.

C. Paperwork Reduction Act (PRA)

The information collection activities in this rule have been submitted for approval to the Office of Management and Budget (OMB) under the PRA. The ICR document that the EPA prepared has been assigned EPA ICR number 1352.20. You can find a copy of the ICR in the docket for this rule and it is briefly summarized here. The information collection requirements are not enforceable until OMB approves them.

This rulemaking action will conform the terminology used, and information that must be reported, on the hazardous chemical inventory forms to the Occupational Safety and Health Administration's Hazard Communication Standard amendments of 2012 and 2024. This action is anticipated to result in burden reductions by removing interpretation burdens on facilities using the SDS to complete annual hazardous chemical inventory reports and reducing the burden to read and understand the regulations. Public comments were previously requested in the proposed rule [90 FR 51266; November 17, 2025] for this final action. These comments are addressed above in section III.D.

Respondents/affected entities: Entities potentially affected by this ICR are manufacturers and non-manufacturers required to have available a Safety Data Sheet (SDS) under the OSHA HCS.

Respondent's obligation to respond: Mandatory (sections 311 and 312 of EPCRA).

Estimated number of respondents: 465,692 facilities (total). This figure includes 3,052 LEPCs and SERCs.

Frequency of response: Annual.

Total estimated burden: 6,781,748 hours (per year, including LEPCs and SERCs). Burden is defined at 5 CFR 1320.03(b)

Total estimated cost: $511,621,168 (per year), includes $2,007,713 annualized capital or operation & maintenance costs.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for the EPA's regulations in 40 CFR are listed in 40 CFR part 9. When OMB approves this ICR, the Agency will announce that approval in the **Federal Register** and publish a technical amendment to 40 CFR part 9 to display the OMB control number for the approved information collection activities contained in this final rule.

D. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. In making this determination, the EPA concludes that the impact of concern for this rule is any significant adverse economic impact on small entities and that the agency is certifying that this rule will not have a significant economic impact on a substantial number of small entities because the rule relieves regulatory burden on the small entities subject to

the rule. This action is modifying the hazard categories used for the existing reporting requirements by directly incorporating the OSHA hazard categories as the EPCRA hazard categories which will streamline reporting, reduce the time burden for completing the reports, reduce confusion between Federal and international chemical hazard classifications, and allow direct data transfer from the OSHA HCS required SDSs to the EPCRA hazardous chemical inventory forms. We have therefore concluded that this action will relieve regulatory burden for all directly regulated small entities.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain an unfunded mandate of $100 million (adjusted annually for inflation) or more (in 1995 dollars) as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action implements mandate(s) specifically and explicitly set forth in the EPCRA statute [42 U.S.C. Chapter 116] without the exercise of any policy discretion by the EPA.

F. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

G. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have Tribal implications as specified in Executive Order 13175. It will not have substantial direct effects on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes. Thus, Executive Order 13175 does not apply to this action.

H. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that EPA has reason to believe may disproportionately affect children, per the definition of ''covered regulatory action'' in section 2–202 of the Executive Order. Therefore, this action is not subject to Executive Order 13045 because it does not concern an environmental health risk or safety risk. Since this action does not concern human health, EPA's Policy on Children's Health also does not apply.

I. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution or Use

This action is not subject to Executive Order 13211, because it is not a significant regulatory action under Executive Order 12866.

J. National Technology Transfer and Advancement Act (NTTAA)

This proposed rulemaking does not involve technical standards.

K. Congressional Review Act (CRA)

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

Endnotes

1. National Tier II Data Standard: *https://cameo.noaa.gov/epcra_tier2/data_standard/v1/.*

2. EPCRA Tier II Forms and Instructions: *https://www.epa.gov/epcra/tier-ii-forms-and-instructions.*

3. Online training for the implementing agencies, planners, and responders: *https://www.epa.gov/epcra/epcra-non-section-313-online-training-states-tribes-lepcs-local-planners-and-responders.*

4. National LEPC–TEPC Handbook: *https://www.epa.gov/epcra/national-lepc-tepc-handbook.*

5. SERC Contact Information: *https://www.epa.gov/epcra/state-emergency-response-commissions-contacts* and *https://www.epa.gov/epcra/state-tier-ii-reporting-requirements-and-procedures.*

List of Subjects in 40 CFR Part 370

Environmental protection, Chemicals, Emergency preparedness, Hazardous substances, Occupational safety and health, Reporting and recordkeeping requirements.

Lee Zeldin,

Administrator.

For the reasons set forth in the preamble, the EPA amends Title 40, Chapter I of the Code of Federal Regulations as follows:

■ 1. Revise and republish part 370 to read as follows:

PART 370—HAZARDOUS CHEMICAL REPORTING: COMMUNITY RIGHT–TO–KNOW

Sec.

Subpart A—General Information

370.1 What is the purpose of this part?
370.2 Who do the terms you, I, and your refer to in this part?
370.3 Definitions.

Subpart B—Who Must Comply

370.10 Who must comply with the hazardous chemical reporting requirements of this part?
370.11 [Reserved]
370.12 What hazardous chemicals must I report under this part?
370.13 What substances are exempt from these reporting requirements?
370.14 How do I report mixtures containing hazardous chemicals?

Subpart C—Reporting Requirements

370.20 What are the reporting requirements of this part?

How to Comply With SDS Reporting

370.30 What information must I provide and what format must I use?
370.31 Do I have to update the information?
370.32 To whom must I submit the information?
370.33 When must I submit the information?

How to Comply With Inventory Reporting

370.40 What information must I provide and what format must I use?
370.41 What is Tier I inventory information?
370.42 What is Tier II inventory information?
370.43 What codes are used to report Tier I and Tier II inventory information?
370.44 To whom must I submit the inventory information?
370.45 When must I submit the inventory information?

Subpart D—Community Access to Information

370.60 How does a person obtain SDS information about a specific facility?
370.61 How does a person obtain inventory information about a specific facility?
370.62 What information may a state or local official request from a facility?
370.63 What responsibilities do the SERC and LEPC have to make requested information available?
370.64 What information can I claim as trade secret or confidential?
370.65 Must I allow the local fire department to inspect my facility, and must I provide specific location information about hazardous chemicals at my facility?
370.66 [Reserved]

Authority: Sections 302, 311, 312, 322, 324, 325, 327, 328, and 329 of the Emergency Planning and Community Right-To-Know Act of 1986 (EPCRA) (Pub. L. 99–499, 100 Stat. 1613, 42 U.S.C. 11002, 11021, 11022, 11042, 11044, 11045, 11047, 11048, and 11049).

Subpart A—General Information

§ 370.1 What is the purpose of this part?

(a) This part (40 CFR part 370) establishes reporting requirements for providing the public with important information on the hazardous chemicals in their communities. Reporting raises community awareness of chemical hazards and aids in the development of state and local emergency response plans. The reporting requirements established under this part consist of Safety Data Sheet (SDS) reporting and inventory reporting.

(b) This part is written in a special format to make it easier to understand the regulatory requirements. Like other Environmental Protection Agency (EPA) regulations, this part establishes enforceable legal requirements. Information considered non-binding guidance under EPCRA is indicated in this regulation by the word ''note'' and a smaller typeface. Such notes are provided for information purposes only and are not considered legally binding under this part.

§ 370.2 Who do the terms you, I, and your refer to in this part?

Throughout this part the terms you, I, and your refer to the owner or operator of a facility.

§ 370.3 Definitions.

Chief Executive Officer of the Tribe means the person who is recognized by the Bureau of Indian Affairs as the chief elected administrative officer of the Tribe.

Environment includes water, air, and land and the interrelationship that exists among and between water, air, and land and all living things.

EPCRA means the Emergency Planning and Community Right-To-Know Act of 1986.

Extremely Hazardous Substance (EHS) means a substance listed in appendices A and B of 40 CFR part 355.

Facility means all buildings, equipment, structures, and other stationary items that are located on a single site or on contiguous or adjacent sites and that are owned or operated by the same person (or by any person that controls, is controlled by, or under common control with, such person). *Facility* includes manmade structures, as well as all natural structures in which chemicals are purposefully placed or removed through human means such that it functions as a containment structure for human use.

Hazard category means the classification of a chemical's hazard(s) into classes with their categories or hazards not otherwise classified as are reported in Section 2 of SDSs in accordance with 29 CFR 1910.1200. Hazard categories are divided by hazard class into health hazards and physical hazards:

(1) *Health hazard* means a chemical that is classified into one of the following hazard classes or hazards not otherwise classified: acute toxicity (oral, dermal, or inhalation); aspiration hazard; carcinogenicity; germ cell mutagenicity; reproductive toxicity; respiratory sensitizer; skin sensitizer; serious eye damage/eye irritation; simple asphyxiant; skin corrosion or irritation; specific target organ toxicity (single exposure) or (repeated or prolonged exposure); and hazard not otherwise classified (HNOC).

(2) *Physical hazard* means a chemical that is classified into one of the following hazard classes or hazards not otherwise classified: aerosols; chemicals under pressure; combustible dust; corrosive to metal; desensitized explosive; explosives; flammable (gases, liquids, or solids); gas under pressure; in contact with water emits flammable gases; organic peroxides; oxidizing (gases, liquids, or solids); pyrophoric (liquids or solids); self-heating chemicals; self-reactive chemicals; and hazard not otherwise classified (HNOC).

Hazardous chemical means any hazardous chemical as defined under 29 CFR 1910.1200(c), except that such term does not include:

(1) Any food, food additive, color additive, drug, or cosmetic regulated by the Food and Drug Administration.

(2) Any substance present as a solid in any manufactured item to the extent exposure to the substance does not occur under normal conditions of use.

(3) Any substance to the extent it is used:

(i) For personal, family, or household purposes, or is present in the same form and concentration as a product packaged for distribution and use by the general public. Present in the same form and concentration as a product packaged for distribution and use by the general public means a substance packaged in a similar manner and present in the same concentration as the substance when packaged for use by the general public, whether or not it is intended for distribution to the general public or used for the same purpose as when it is packaged for use by the general public;

(ii) In a research laboratory or a hospital or other medical facility under the direct supervision of a technically qualified individual; or

(iii) In routine agricultural operations or is a fertilizer held for sale by a retailer to the ultimate customer.

Indian Country means Indian country as defined in 18 U.S.C. 1151 as:

(1) All land within the limits of any Indian reservation under the jurisdiction of the United States government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation;

(2) All dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state; and

(3) All Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.

Indian Tribe or Tribe means those Tribes federally recognized by the Secretary of the Interior.

Inventory form means the uniform Tier I and Tier II emergency and hazardous chemical inventory forms published by EPA. These forms can be used for reporting inventory information, as described in §§ 370.40 through 370.45.

LEPC means the Local Emergency Planning Committee appointed by the State Emergency Response Commission.

Mixture means mixture as defined under the Occupational Safety and Health Administration's Hazard Communication Standard in 29 CFR 1910.1200(c).

OSHA means the U.S. Occupational Safety and Health Administration.

Person means any individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, state, municipality, commission, political subdivision of a state, or interstate body.

Safety Data Sheet (SDS) means the sheet required to be developed under 29 CFR 1910.1200(g). The term SDS replaces the term ''material safety data sheet'' for the name of the data sheet defined in the statute (42 U.S.C. 11049(6)).

SERC means the State Emergency Response Commission for the state in which the facility is located except when the facility is located in Indian Country, in which case, *SERC* means the Emergency Response Commission for the Tribe under whose jurisdiction the facility is located. In the absence of a SERC for a state or an Indian Tribe, the Governor or chief executive officer of the Tribe, respectively, shall be the SERC. Where there is a cooperative agreement between a state and a Tribe, the SERC shall be the entity identified in the agreement.

State means any State of the United States, the District of Columbia, the

Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Northern Mariana Islands, any other territory or possession over which the United States has jurisdiction, and Indian Country.

Threshold planning quantity (TPQ) means the quantity listed in the column ''threshold planning quantity'' for the EHSs listed in appendix A and B of 40 CFR part 355.

Subpart B—Who Must Comply

§ 370.10 Who must comply with the hazardous chemical reporting requirements of this part?

(a) You must comply with the reporting requirements of this part if the Occupational Safety and Health Administration's (OSHA) Hazard Communication Standard (HCS) requires your facility to prepare or have available a Safety Data Sheet (SDS) for a hazardous chemical and if either of the following conditions is met:

Note 1 to paragraph (a) introductory text. OSHA's Material Safety Data Sheet or MSDS requirement was renamed to be the Safety Data Sheet or SDS requirement. The terms MSDS and SDS are synonymous. The EPCRA statutory MSDS requirements will be referred to as the SDS requirements within this regulation. (77 FR 17693; March 26, 2012)

(1) A hazardous chemical that is an Extremely Hazardous Substance (EHS) is present at your facility at any one time in an amount equal to or greater than 500 pounds (227 kg—approximately 55 gallons) or the Threshold Planning Quantity (TPQ), whichever is lower. EHSs and their TPQs are listed in appendices A and B of 40 CFR part 355.

(2) A hazardous chemical that is not an EHS is present at your facility at any one time in an amount equal to or greater than the threshold level for that hazardous chemical. Threshold levels for such hazardous chemicals are:

(i) For any hazardous chemical that does not meet the criteria in paragraph (a)(2)(ii) or (iii) of this section, the threshold level is 10,000 pounds (or 4,540 kg).

(ii) For gasoline at a retail gas station (For purposes of this part, retail gas station means a retail facility engaged in selling gasoline and/or diesel fuel principally to the public for motor vehicle use on land.), the threshold level is 75,000 gallons (approximately 283,900 liters) (all grades combined). This threshold is only applicable for gasoline that was in tanks entirely underground and that were in compliance at all times during the preceding calendar year with all applicable Underground Storage Tank (UST) requirements at 40 CFR part 280 or requirements of the state UST program approved by the Agency under 40 CFR part 281.

(iii) For diesel fuel at a retail gas station (For purposes of this part, retail gas station means a retail facility engaged in selling gasoline and/or diesel fuel principally to the public for motor vehicle use on land.), the threshold level is 100,000 gallons (approximately 378,500 liters) (all grades combined). This threshold is only applicable for diesel fuel that was in tanks entirely underground and that were in compliance at all times during the preceding calendar year with all applicable UST requirements at 40 CFR part 280 or requirements of the state UST program approved by the Agency under 40 CFR part 281.

(b) The threshold level for responding to the following requests is zero.

(1) If your LEPC requests that you submit an SDS for a hazardous chemical for which you have not submitted an SDS to your LEPC; or

(2) If your LEPC, SERC, or the fire department with jurisdiction over your facility requests that you submit Tier II information.

§ 370.11 [Reserved]

§ 370.12 What hazardous chemicals must I report under this part?

(a) You must report any hazardous chemical for which you are required to prepare or have available an SDS under OSHA HCS that is present at your facility equal to or above the applicable threshold specified in § 370.10. (specific exemptions from reporting are in § 370.13)

(b) The EPA has not issued a list of hazardous chemicals subject to reporting under this part. A substance is a hazardous chemical if it is required to have an SDS and meets the definition of hazardous chemical under the OSHA regulations found at 29 CFR 1910.1200(c).

§ 370.13 What substances are exempt from these reporting requirements?

You do not have to report substances for which you are not required to have an SDS under the OSHA regulations or that are excluded from the definition of hazardous chemical under EPCRA section 311(e). Each of the following substances are excluded under EPCRA section 311(e):

(a) Any food, food additive, color additive, drug, or cosmetic regulated by the Food and Drug Administration.

(b) Any substance present as a solid in any manufactured item to the extent exposure to the substance does not occur under normal conditions of use.

(c) Any substance to the extent it is used:

(1) For personal, family, or household purposes, or is present in the same form and concentration as a product packaged for distribution and use by the general public. Present in the same form and concentration as a product packaged for distribution and use by the general public means a substance packaged in a similar manner and present in the same concentration as the substance when packaged for use by the general public, whether or not it is intended for distribution to the general public or used for the same purpose as when it is packaged for use by the general public;

(2) In a research laboratory or hospital or other medical facility under the direct supervision of a technically qualified individual; or

(3) In routine agricultural operations or is a fertilizer held for sale by a retailer to the ultimate customer.

§ 370.14 How do I report mixtures containing hazardous chemicals?

(a) For a mixture containing a hazardous chemical, use the following table to determine if a reporting threshold is equaled or exceeded, and to determine how to report:

TABLE 1 TO PARAGRAPH (a)

If your mixture contains a hazardous chemical	To determine if the threshold level for that hazardous chemical is equaled or exceeded you must	If the threshold level for that hazardous chemical is exceeded, then you must
(1) That is an EHS	Determine the total quantity of the EHS present throughout your facility at any one time, by adding together the quantities present as a component in all mixtures and all other quantities of the EHS. You must include the quantity present in a mixture even if you are also counting the quantity of that particular mixture toward the threshold level for that mixture.	*Report the EHS component:* Submit an SDS for the EHS as provided under § 370.30 or include the EHS on the list of chemicals submitted in lieu of the SDS. And submit Tier I or Tier II information for the EHS as provided under § 370.40. Or *Report the mixture itself:* Submit an SDS for the mixture as provided under § 370.30 or include the mixture on the list of chemicals submitted in lieu of the SDS. And submit Tier I or Tier II information for the mixture as provided under § 370.40. If you report the mixture itself, then provide the total quantity of that mixture
(2) That is not an EHS	Determine either: The total quantity of the hazardous chemical present throughout your facility at any one time by adding together the quantity present as a component in all mixtures and all other quantities of the hazardous chemical. You must include the quantity present in a mixture even if you are also applying that particular mixture as a whole toward the threshold level for that mixture. Or The total quantity of that mixture present throughout your facility at any one time.	*Report the non-EHS hazardous chemical component:* Submit an SDS for the non-EHS hazardous chemical as provided under § 370.30 or include the non-EHS on the list of chemicals submitted in lieu of the SDS. And submit Tier I or Tier II information for the non-EHS hazardous chemical as provided under § 370.40. Or *Report the mixture itself:* Submit an SDS for the mixture as provided under § 370.30 or include the mixture on the list of chemicals submitted in lieu of SDS. And submit Tier I or Tier II information for the mixture as provided under § 370.40. If you report the mixture itself, then provide the total quantity of that mixture.

(b) For each specific mixture, the reporting option used must be consistent for both SDS and inventory reporting, unless it is not possible to do so. This means that if you report on a specific mixture as a whole for SDS reporting, you must report on that mixture as a whole for inventory reporting too (unless it is not possible). SDS reporting and inventory reporting are discussed in detail in subpart C of this part.

(c) To determine the quantity of an EHS or a non-EHS hazardous chemical component present in a mixture, multiply the concentration of the hazardous chemical component (in weight percent) by the weight of the mixture (in pounds). You do not have to count a hazardous chemical present in a mixture if the concentration is less than or equal to 1%, or less than or equal to 0.1% for a carcinogenic chemical.

Subpart C—Reporting Requirements

§ 370.20 What are the reporting requirements of this part?

The reporting requirements of this part consist of SDS reporting and inventory reporting. If you are the owner or operator of a facility subject to the reporting requirements of this part, then you must comply with both types of reporting requirements. SDS reporting requirements are addressed in §§ 370.30 through 370.33. Inventory reporting requirements are addressed in §§ 370.40 through 370.45.

How to Comply With SDS Reporting

§ 370.30 What information must I provide and what format must I use?

(a) You must report the hazardous chemicals present at your facility that meet or exceed the applicable threshold levels (threshold levels are in § 370.10) by either:

(1) Submitting an SDS for each hazardous chemical present at your facility that meet or exceed its applicable threshold level; or

(2) Submitting a list of all hazardous chemicals present at your facility at or above the applicable threshold levels. The hazardous chemicals on your list must be grouped by the specific health and physical hazards as listed in section 2 of the SDSs. The list must contain the chemical or common name of each hazardous chemical as provided on the SDS.

(b) Within 30 days of a request by the LEPC, as provided in § 370.10(b), you must also submit an SDS for any hazardous chemical present at your facility for which you have not submitted an SDS.

§ 370.31 Do I have to update the information?

SDS reporting stated in § 370.30 is a one-time requirement. However, you must update the information in all of the following ways:

(a) Submit a revised SDS after you discover significant new information concerning a hazardous chemical for which an SDS was submitted.

(b) Submit an SDS, or a list as described in § 370.30(a), for any new hazardous chemical for which you become subject to these reporting requirements.

(c) Submit, as requested by the LEPC, an SDS for any hazardous chemical present at your facility which you have not already submitted, as provided in § 370.30(b).

§ 370.32 To whom must I submit the information?

(a) You must submit an SDS or a list to the LEPC, SERC, and fire department with jurisdiction over your facility, as provided in § 370.30(a).

(b) You must submit an SDS to the LEPC if requested, as provided in § 370.30(b).

§ 370.33 When must I submit the information?

(a) You must submit an SDS or a list, as provided in § 370.30(a), for a hazardous chemical subject to the reporting requirements of this part within three (3) months after you first become subject to the reporting requirements of this part, as provided in §§ 370.30 and 370.31(b).

(b) You must submit a revised SDS, as provided in § 370.31(a), within three (3) months after discovering significant new information about a hazardous chemical for which an SDS was submitted.

(c) You must submit an SDS requested by the LEPC, as provided in §§ 370.30(b) and 370.31(c), within 30 days of receiving the request.

How to Comply With Inventory Reporting

§ 370.40 What information must I provide and what format must I use?

(a) If you are required to comply with the hazardous chemical reporting requirements of this part, then by March 1 every year you must submit inventory information regarding any hazardous chemical present at your facility at any time during the previous calendar year in an amount equal to or in excess of its threshold level. Threshold levels are provided in § 370.10.

(b) Tier I information is the minimum information that you must report to be in compliance with the inventory reporting requirements of this part as described in § 370.41. You may choose to report the Tier II information described in § 370.42 for any hazardous chemical at your facility. You must submit Tier II information to the SERC, LEPC, or fire department with jurisdiction over your facility if they request it. EPA publishes Tier I and Tier II Inventory Forms that provide uniform formats for reporting the Tier I and Tier II information. You may use a state or local format for reporting inventory information if the state or local format contains at least the Tier I information described in § 370.41. EPA's Tier I and Tier II forms are available at *https://www.epa.gov/epcra.*

Note 1 to paragraph (b). Some states require Tier II information annually under state law.

(c) You should contact the SERC to determine that state's requirements for inventory reporting formats, procedures, and to obtain inventory forms.

§ 370.41 What is Tier I inventory information?

Tier I information provides state and local officials and the public with information on the general types and locations of hazardous chemicals present at your facility during the previous calendar year. The Tier I information is the minimum information that you must provide to be in compliance with the inventory reporting requirements of this part. If you are reporting Tier I information, you must report aggregate information on hazardous chemicals by hazard category. The hazard categories (physical and health hazards) are available on the Tier I form for you to select. The Tier I inventory form includes the following data elements:

(a) The owner or operator or the officially designated representative of the owner or operator must certify that all information included in the Tier I submission is true, accurate, and complete as follows: ''I certify under penalty of law that I have personally examined and am familiar with the information and that based on my inquiry of those individuals responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete.'' This certification shall be accompanied by your full name, official title, signature, date signed, and total number of pages in the submission including all attachments. All other pages must also contain your signature or signature stamp, the date you signed the certification, and the total number of pages in the submission.

Note 1 to paragraph (a). Some states require electronic reporting and electronic certification. Contact your state for its specific requirements.

(b) The calendar year for the reporting period.

(c) An indication whether the information being reported on page one of the form is identical to that submitted last year.

(d) The complete name and address of the location of your facility (include the full street address or state road, city, county, state, and zip code), latitude, and longitude.

(e) An indication if the location of your facility is manned or unmanned.

(f) An estimate of the maximum number of occupants present at any one time. If the location of your facility is unmanned, check the box marked N/A, not applicable.

(g) The phone number of your facility (optional).

(h) The North American Industry Classification System (NAICS) code for your facility.

(i) The Dun & Bradstreet number of your facility.

(j) Facility identification numbers assigned under the Toxic Release Inventory (TRI) and Risk Management Program. If your facility has not been assigned an identification number under these programs or if your facility is not subject to reporting under these programs, check the box marked N/A, not applicable.

(k) An indication whether your facility is subject to the emergency planning notification requirement under EPCRA section 302, codified in 40 CFR part 355.

(l) An indication whether your facility is subject to the chemical accident prevention requirements under section 112(r) of the Clean Air Act, codified in 40 CFR part 68, also known as the Risk Management Program.

(m) The name, mailing address, phone number, and email address of the owner or operator of the facility.

(n) The name, mailing address, phone number, Dun & Bradstreet number, and email address of the facility's parent company. These are optional data elements.

(o) The name, title, phone number, 24-hour phone number, and email address of the facility emergency coordinator, if applicable.

Note 2 to paragraph (o). EPCRA section 303(d)(1) requires facilities subject to the emergency planning notification requirement under EPCRA section 302 to designate a facility representative who will participate in the local emergency planning process as a facility emergency coordinator. This includes additional facilities designated by the Governor or SERC under EPCRA section 302(b)(2). EPA encourages facilities not subject to the emergency planning notification requirement also to provide this information, if available, for effective emergency planning in your community.

(p) The name, title, phone number, and email address of the person to contact for the information contained in the Tier I form.

(q) The name, title, phone number, and email address of at least one local individual who can act as a referral if emergency responders need assistance in responding to a chemical accident at your facility. You must also provide an emergency phone number that will be available 24 hours a day, every day.

(r) An indication whether the information being reported on page two of the form is identical to that submitted last year.

(s) An estimate (in ranges) of the maximum amount of hazardous chemicals in each hazard category present at your facility at any time during the preceding calendar year. You must use codes that correspond to different ranges. The range codes are provided in § 370.43.

(t) An estimate (in ranges) of the average daily amount of hazardous chemicals in each hazard category present at your facility during the preceding calendar year. You must use codes that correspond to different ranges. The range codes are provided in § 370.43.

(u) The maximum number of days that any single hazardous chemical within each hazard category was present at your facility during the reporting period.

(v) The general location of hazardous chemicals in each hazard category within your facility. General locations should include the names or identification of buildings, tank fields, lots, sheds, or other such areas. You may also attach one or more of the following with your Tier I inventory form:

(1) A site plan with site indicated for buildings, lots, areas, etc. throughout your facility.

(2) A list of site coordinate abbreviations that correspond to buildings, lots, areas, etc., throughout your facility.

(3) A description of dikes and other safeguard measures for storage locations throughout your facility.

(w) An indication whether you are including any attachments (optional).

§ 370.42 What is Tier II inventory information?

Tier II information provides state and local officials and the public with specific information on the amounts and locations of hazardous chemicals present at your facility during the previous calendar year. Some states may require you to use a state reporting format including electronic reporting and certification for submitting your hazardous chemical inventory. Contact your state for its specific requirements. The Tier II inventory form includes the following data elements:

(a) The owner or operator or the officially designated representative of the owner or operator must certify that all information included in the Tier II submission is true, accurate, and complete as follows: ''I certify under penalty of law that I have personally examined and am familiar with the information and that based on my inquiry of those individuals responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete.'' This certification must be accompanied by your full name, official title, signature, date signed, and total number of pages in the submission including all Confidential and Non-Confidential Information Sheets and all attachments. All other pages must also contain your signature or signature stamp, the date you signed the certification, and the total number of pages in the submission.

Note 1 to paragraph (a). Some states require electronic reporting and electronic certification. Contact your state for the specific requirements in that state.

(b) The calendar year of the reporting period.

(c) An indication whether the information being reported on page one of the form is identical to that submitted last year.

(d) The complete name and address of the location of your facility (include the full street address or state road, city, county, state, and zip code), latitude, and longitude.

(e) An indication if the location of your facility is manned or unmanned.

(f) An estimate of the maximum number of occupants present at any one time. If the location of your facility is unmanned, check the box marked N/A, not applicable.

(g) The phone number of your facility (optional).

(h) The North American Industry Classification System (NAICS) code for your facility.

(i) The Dun & Bradstreet number of your facility.

(j) Facility identification numbers assigned under the Toxic Release Inventory (TRI) and Risk Management Program. If your facility has not been assigned an identification number under these programs or if your facility is not subject to reporting under these programs, check the box marked N/A, not applicable.

(k) An indication if your facility is subject to the emergency planning notification requirement under section 302 of EPCRA, codified in 40 CFR part 355.

(l) An indication whether your facility is subject to the chemical accident prevention requirements under section 112(r) of the Clean Air Act (CAA), codified in 40 CFR part 68, Chemical Accident Prevention Provisions, also known as the Risk Management Program.

(m) The name, mailing address, phone number, and email address of the owner or operator of the facility.

(n) The name, mailing address, phone number, Dun & Bradstreet number, and email address of the facility's parent company. These are optional data elements.

(o) The name, title, phone number, 24-hour phone number, and email address of the facility emergency coordinator, if applicable.

Note 2 to paragraph (o). EPCRA section 303(d)(1) of EPCRA requires facilities subject to the emergency planning notification requirement (including additional facilities designated by the Governor or SERC under EPCRA section 302(b)(2)) to designate a facility representative who will participate in the local emergency planning process as a facility emergency coordinator. This includes additional facilities designated by the Governor or SERC under EPCRA section 302(b)(2). EPA encourages facilities not subject to the emergency planning notification requirement also to provide this information, if available, for effective emergency planning in your community.

(p) The name, title, phone number, and email address of the person to contact regarding information contained in the Tier II form.

(q) The name, title, phone number and email address of at least one local individual who can act as a referral if emergency responders need assistance in responding to a chemical accident at your facility. You must also provide an emergency phone number that will be available 24 hours a day, every day.

(r) An indication whether the information being reported on page two of the form is identical to that submitted last year.

(s) For each hazardous chemical that you are required to report, you must:

(1) Provide the chemical name (or the common name of the chemical) as provided on the SDS and provide the Chemical Abstract Service (CAS) registry number of the chemical provided on the SDS.

Note 3 to paragraph (s)(1). If you are withholding the name in accordance with trade secret criteria, you must provide the generic class or category that is structurally descriptive of the chemical and indicate that the name is withheld because of trade secrecy. Trade secret criteria are addressed in § 370.64(a)

(2) Indicate whether the chemical is a solid, liquid, or gas; and whether the chemical is an EHS.

(3) If you are reporting a mixture, enter the mixture name, product name or trade name, and CAS registry number as provided on the SDS. If there is no CAS number provided or it is not known, check the box ''Not Available.''

(4) If the mixture you are reporting contains EHS(s), provide the name of each EHS in the mixture. As provided in § 370.14(a), you also have an option to report the non-EHS hazardous components in the mixture.

(5) Indicate which hazard categories apply to the chemical or mixture. The hazard categories are available for you to select on the Tier II form and found in section 2 of the SDSs.

(6) Provide an estimate (in ranges) of the maximum amount of the hazardous chemical present at your facility on any single day during the preceding calendar year. If you are reporting a mixture, provide an estimate of the total amount of the mixture present at your facility on any single day during the preceding calendar year. If the mixture contains any EHSs, provide the total amount of each EHS in that mixture. You must use the codes that correspond to different ranges. The amounts and associated range codes are in § 370.43.

(7) Provide an estimate (in ranges) of the average daily amount of the hazardous chemical present at your facility during the preceding calendar year. If you are reporting a mixture, provide an estimate of the average daily amount of the mixture. You must use the codes that correspond to different ranges. The amounts and associated range codes are in § 370.43.

(8) Provide the maximum number of days that the hazardous chemical or mixture was present at your facility during the preceding calendar year.

(9) Provide the type of storage for the hazardous chemical or the mixture containing the hazardous chemical at your facility. Examples of types of storage: above-ground tank, plastic or non-metallic drum, steel drum, cylinder, rail car, etc.

Note 4 to paragraph (s)(9). Your SERC or LEPC may have specific instructions for reporting types of storage and/or storage conditions.

(10) Provide the storage conditions for the hazardous chemical or mixture containing the hazardous chemical at your facility. Examples for types of storage conditions: Ambient pressure, ambient temperature, less than ambient temperature/pressure, cryogenic conditions, etc.

Note 5 to paragraph (s)(10). Your SERC or LEPC may have specific instructions for reporting types of storage and/or storage conditions.

(11) Provide a brief description of the precise location(s) of the hazardous chemical(s) or mixture(s) at your facility. You may also attach one of the following with your Tier II inventory form:

(i) A site plan with site coordinates indicated for buildings, lots, areas, etc. throughout your facility.

(ii) A list of site coordinate abbreviations that correspond to buildings, lots, areas, etc., throughout your facility.

(iii) A description of dikes and other safeguard measures for storage locations throughout your facility.

(12) Under EPCRA section 324, you may choose to withhold from disclosure to the public the location information for a specific chemical. If you choose to withhold the location information from disclosure to the public, you must clearly indicate that the information is ''confidential.'' You must provide the confidential location information on a separate sheet from the other Tier II information (which will be disclosed to the public) and attach the Confidential Location Information Sheet to the other Tier II information. Indicate any attachments you are including.

(13) You may provide additional reporting. For example, if your state or local agencies require you to provide inventory information on additional chemicals or if you wish to report any hazardous chemical below the reporting thresholds specified in § 370.10, check the appropriate box.

(t) An indication whether you are including any attachments (optional).

§ 370.43 What codes are used to report Tier I and Tier II inventory information?

(a) Except as provided in paragraph (b) of this section, you must use the following codes to report the maximum amount and average daily amount when reporting Tier I or Tier II inventory information:

TABLE 1 TO PARAGRAPH (A)

Range codes	Weight range in pounds	
	From	To
01	0	99
02	100	499
03	500	999
04	1,000	4,999
05	5,000	9,999
06	10,000	24,999
07	25,000	49,999
08	50,000	74,999
09	75,000	99,999
10	100,000	499,999
11	500,000	999,999
12	1,000,000	9,999,999
13	10,000,000	(*)

** Greater than 10 million.*

Note 1 to paragraph (a). To convert gas or liquid volume to weight in pounds, multiply by an appropriate density factor.

(b) Your SERC or LEPC may provide other range codes for reporting maximum amount and average daily amount or may require reporting of specific amounts. You may use your SERC's or LEPC's range codes (or specific amounts) provided the ranges are not broader than the ranges in paragraph (a) of this section.

§ 370.44 To whom must I submit the inventory information?

You must submit the required inventory information to your SERC, LEPC, and the fire department with jurisdiction over your facility.

§ 370.45 When must I submit the inventory information?

(a) You must submit the required inventory information on or before March 1st of each year after your facility becomes subject to this part. Your submission must contain the required inventory information on hazardous chemicals present at your facility during the preceding calendar year at or above the threshold levels. Threshold levels are in § 370.10. The minimum required inventory information under EPCRA section 312 is Tier I information. Tier I information requirements are described in § 370.41.

(b) You must submit Tier II information within 30 days of the receipt of a request from the SERC, LEPC, or fire department with jurisdiction over your facility, as provided in § 370.10(b). Tier II information requirements are described in § 370.42.

Subpart D—Community Access to Information

§ 370.60 How does a person obtain SDS information about a specific facility?

Any person may obtain an SDS for a specific facility by writing to the LEPC and asking for it.

(a) If the LEPC has the SDS it must provide it to the person making the request.

(b) If the LEPC does not have the SDS it must request it from the facility's owner or operator.

§ 370.61 How does a person obtain inventory information about a specific facility?

(a) Any person may request Tier II information for a specific facility by writing to the SERC or LEPC.

(1) If the SERC or LEPC has the Tier II information, the SERC or LEPC must provide it to the person making the request.

(2) If the SERC or LEPC does not have the Tier II information, it must request it from the facility owner or operator in either of the following cases:

(i) The person making the request is a state or local official acting in an official capacity.

(ii) The request is for hazardous chemicals in amounts greater than 10,000 pounds stored at the facility at

any time during the previous calendar year.

(3) If the SERC or LEPC does not have the Tier II information, it may request it from the facility owner or operator when neither condition in paragraph (a)(2) of this section is met but the person's request includes a general statement of need.

(b) A SERC or LEPC must respond to a request for Tier II information under this section within 45 days of receiving such a request.

§ 370.62 What information may a state or local official request from a facility?

The LEPC may ask a facility owner or operator to submit an SDS for a hazardous chemical present at the facility. The SERC, LEPC, or fire department with jurisdiction over a facility may ask a facility owner or operator to submit Tier II information. The owner or operator must provide the SDS (unless the owner or operator has already submitted an SDS to the LEPC for that hazardous chemical) or Tier II information within 30 days of receipt of such request.

§ 370.63 What responsibilities do the SERC and LEPC have to make requested information available?

Under this subpart, the SERC or LEPC must make the following information (except for confidential location information discussed in § 370.64(b)) available if a person requests it:

(a) All information obtained from an owner or operator in response to a request under this subpart.

(b) Any requested Tier II information or SDS otherwise in possession of the SERC or the LEPC.

§ 370.64 What information can I claim as trade secret or confidential?

(a) *Trade secrets.* You may be able to withhold the name of a specific chemical when submitting SDS reporting or inventory reporting information if that chemical name is claimed as a trade secret. The requirements for withholding trade secret information are set forth in EPCRA section 322 and implemented in 40 CFR part 350. If you are withholding the name of a specific chemical as a trade secret in accordance with trade secrecy requirements, you must report the generic class or category that is structurally descriptive of the chemical along with all other required information. You must also submit the withheld information to EPA and must adequately substantiate your claim. A Form for substantiating trade secret claims is available at the Agency website at *https://www.epa.gov/epcra.*

(b) *Confidential location information.* You may request that the SERC and LEPC not disclose to the public the location of any specific chemical required to be submitted in Tier II information. If you make such a request, the SERC and LEPC must not disclose the location of the specific chemical. Although you may request that location information (with respect to a specific chemical) be withheld from the public, you may not withhold this information from the SERC, LEPC, and the local fire department. If you use the Tier II Form to report your inventory information, you can choose to report the confidential location information for the specific chemical on the Tier II Confidential Location Form and attach this form to the other Tier II information you are reporting. The Tier II Confidential Location Form is available on the Agency website at *https://www.epa.gov/epcra.*

§ 370.65 Must I allow the local fire department to inspect my facility, and must I provide specific location information about hazardous chemicals at my facility?

If you are the owner or operator of a facility that has submitted inventory information under this part, you must comply with the following two requirements upon request by the fire department with jurisdiction over your facility:

(a) You must allow the fire department to conduct an on-site inspection of your facility; and

(b) You must provide the fire department with information about the specific locations of hazardous chemicals at your facility.

§ 370.66 [Reserved]

[FR Doc. 2026–12426 Filed 6–18–26; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1, 73, 90, and 95

[GN Docket No. 25–133; FCC 26–15; FR ID 351498]

Deletion of Obsolete Regulations

AGENCY: Federal Communications Commission.

ACTION: Direct final rule.

SUMMARY: In this document, the Federal Communications Commission (Commission) acts to eliminate certain outdated, obsolete, and unnecessary rules to modernize its regulatory framework.

DATES: These rules are effective August 21, 2026 without further action, unless adverse comment is received by July 13, 2026. If adverse comment is received, the Commission will publish a timely withdrawal of the rule in the **Federal Register**.

ADDRESSES: You may submit comments, identified by GN Docket No. 25–133, electronically or on paper. See **SUPPLEMENTARY INFORMATION** for specific information and addresses for electronic or paper filings.

FOR FURTHER INFORMATION CONTACT: Michelle Schaefer, Federal Communications Commission, Office of Economics and Analytics, *Michelle.Schaefer@fcc.gov,* (202) 418–2683.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Direct Final Rule, GN Docket No. 25–133, FCC 26–15, adopted on March 26, 2026, and released on March 26, 2026. The full text of this document is available for public inspection and can be downloaded at *https://www.fcc.gov/document/deleting-obsolete-and-duplicative-wireless-rules-0.* Alternative formats are available for people with disabilities (Braille, large print, electronic files, audio format) by sending an email to *fcc504@fcc.gov* or calling the Commission's Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

Comment Period and Filing Procedures. Interested parties may file comments on or before the dates provided in the **DATES** section of this document. Comments must be filed in GN Docket No. 25–133. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). See Electronic Filing of Documents in Rulemaking Proceedings, 63 FR 24121 (1998).

- All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
- *Electronic Filers:* Comments may be filed electronically using the internet by accessing the ECFS: *https://www.fcc.gov/ecfs/.*
- *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.

• U.S. Postal Service first-class, Express, and Priority mail must be addressed to 45 L Street NE, Washington, DC 20554.

Procedural Matters

Paperwork Reduction Act of 1995 Analysis: This document does not contain new or modified information collections subject to the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501–3521. In addition, therefore, it does not contain any new or modified information collection burden for small business concerns with fewer than 25 employees, pursuant to the Small Business Paperwork Relief Act of 2002, 44 U.S.C. 3506(c)(4).

Congressional Review Act: The Commission has determined, and the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget concurs, that this rule is ''non-major'' under the Congressional Review Act, 5 U.S.C. 804(2). The Commission will send a copy of this Direct Final Rule to Congress and the Government Accountability Office pursuant to 5 U.S.C. 801(a)(1)(A).

Synopsis

I. Introduction

1. The Federal Communications Commission's (FCC) first *Direct Final Rule* of 2026 marks the seventh part in the Commission's series to repeal rules in order to modernize our regulatory framework by rescinding obsolete provisions of our rules. In this series of *Direct Final Rule* proceedings, we have undertaken a sweeping review of our regulations to eliminate outdated rules, reduce unnecessary regulatory burdens, accelerate infrastructure deployment, promote network modernization, and spur innovation.[1] Our objective is to streamline, simplify, and smartly deregulate across multiple fronts simultaneously to better serve the public and support technological progress. With this seventh *Direct Final Rule,* the Commission will have eliminated approximately 1,274 rule provisions, 149,566 words, and more than 338 pages from the Code of Federal Regulation.

2. In initiating this proceeding, we generally sought to identify rules that are obsolete, outdated, unlawful, anticompetitive, or otherwise no longer in the public interest. In today's decision, we repeal certain provisions of the Commission's part 1 rules managed by the Office of Economics and Analytics or the Office of International Affairs for which prior notice and comment are unnecessary, but for which we elect to provide an opportunity for input on that assessment. Absent any significant adverse comments in response to this *Direct Final Rule,* these rules will be repealed.

II. Discussion

3. *Good Cause to Forgo Notice and Comment.* Under the Administrative Procedure Act (APA), when an agency for good cause finds that notice and public comment ''are impracticable, unnecessary, or contrary to the public interest,'' it need not follow notice and comment procedures before modifying or repealing rules.[2] Prior notice and comment are ''unnecessary'' when ''the administrative rule is a routine determination, insignificant in nature and impact, and inconsequential to the industry and to the public.'' [3]

4. We have identified 18 rule provisions, covering approximately 6,400 words and covering more than 10 pages in the Code of Federal Regulations, that no longer serve the public interest because they are no longer used in practice by the FCC, industry, or the public,[4] or are otherwise outdated or unnecessary.[5] Applying the ''good cause'' standard discussed above, we conclude that prior notice and comment are unnecessary before repealing the rules identified in the Appendix.[6]

5. *Direct Final Rule Process.* In this *Direct Final Rule,* we follow the processes previously outlined by the Commission regarding direct final rules, which we briefly summarize here.[7] When the Commission has found that prior notice and comment is unnecessary before modifying or repealing rules, it has adopted the relevant rule change without any additional process.[8] Although we

[1] *See, e.g., In Re: Delete, Delete, Delete,* GN Docket No. 25–133, Public Notice, 40 FCC Rcd 1601 (OMR 2025); *Consumer and Governmental Affairs Bureau Seeks Comment on Termination of Certain Proceedings as Dormant,* CG Docket No. 25–165, Public Notice, 40 FCC Rcd 2893 (CGB 2025); *see also In re: Delete, Delete, Delete,* GN Docket No. 25–133, Direct Final Rule, 40 FCC Rcd 5585, 5586, para. 4 (July 28, 2025) (*First Direct Final Rule*) (repealing 11 rules that govern obsolete technology, outdated marketplace conditions, expired deadlines, or repealed legal obligations); *Delete, Delete, Delete,* GN Docket No. 25–133, Direct Final Rule, FCC 25–51, at 2, para. 4 (Aug. 8, 2025) (*Second Direct Final Rule*) (repealing 71 rule provisions, including 98 rules and requirements, that plainly no longer serve the public interest because they regulate obsolete technology, are no longer used in practice by the FCC or licensees, or are otherwise outdated or unnecessary); *Delete, Delete, Delete,* GN Docket No. 25–133, Direct Final Rule, FCC 25–68, at 2, para. 4 (Sept. 30, 2025) (*Third Direct Final Rule*) (repealing 89 rule provisions, including 386 rules and requirements, that plainly no longer serve the public interest because they regulate obsolete technology, are no longer used in practice by the FCC or carriers, or are otherwise outdated or unnecessary); *Delete, Delete, Delete,* GN Docket No. 25–133, Direct Final Rule, FCC 25–77, at 2, para. 4 (Oct. 28, 2025) (*Fourth Direct Final Rule*) (repealing 396 rule provisions and rule parts that plainly no longer serve the public interest); *Delete, Delete, Delete,* GN Docket No. 25–133, Direct Final Rule, FCC 25–80, at 2, para. 4 (Nov. 24, 2025) (*Fifth Direct Final Rule*) (repealing 21 rule public safety and homeland security-related rule provisions that that govern obsolete technology, are no longer used in practice, or are otherwise duplicative, outdated, or unnecessary); *Delete, Delete, Delete,* GN Docket No. 25–133, Direct Final Rule, FCC 25–85, at 2, para. 4 (Dec. 19, 2025) (*Sixth Direct to Final Rule*) (repealing 36 rule provisions in order to modernize our regulatory framework by rescinding facially obsolete provisions of our rules).

[2] 5 U.S.C. 553(b)(B).

[3] *Util. Solid Waste Activities Grp.* v. *EPA,* 236 F.3d 749, 755 (D.C. Cir. 2001) (quoting *South Carolina* v. *Block,* 558 F. Supp. 1004, 1016 (D.S.C. 1983)).

[4] 47 CFR 1.790 (directs international carriers to file reports that complied with a Part 43 requirement that was eliminated several years ago and are therefore no longer required); 47 CFR 1.21001(e) (rule requiring upfront payments or bonds for Universal Service Fund (USF) auctions, which the Commission has not required for any USF auction to date); 47 CFR 1.2110(g) (rule on designated entity installment payments, which the Commission ceased using in 1997); 47 CFR 1.2110(n) (rule on designated entity annual reports, which requires information already captured in other rules); 47 CFR 90.709(e) (this rule is now obsolete because of the deletion of 47 CFR 90.1017 in the *Fourth Direct Final Rule,* FCC 25–77, para. 4, fn.8 (Oct. 28, 2025) and the deletion of 47 CFR 1.2111(a) in this direct final rule in footnote 5).

[5] 47 CFR 1.2111(a) (rule defining unjust enrichment for installment payments, which have not been used since 1997); 47 CFR 1.2111(c)(1) (rule regarding unjust enrichment for partitioning and disaggregation installment payments, which have not been in use since 1997); 47 CFR 1.2200–2209 (rules regarding the broadcast television spectrum reverse auction, which concluded in 2017); 47 CFR 1.2105(c)(6) (rule prohibiting certain types of communications for the broadcast incentive auction, which concluded in 2017). We move the definitions of ''channel sharing bid'' and ''license relinquishment bid'' formerly in 47 CFR 1.2200(d) and 47 CFR 1.2200(g) respectively into 47 CFR 73.3700(a)(3).

[6] We also amend certain other rules to remove cross-references to the rules repealed by this Direct Final Rule. *See* Appendix.

[7] *First Direct Final Rule,* 40 FCC Rcd at 5586–88, paras. 5–9; *Second Direct Final Rule* at 2–4, paras. 5–9; *Third Direct Final Rule* at 2–4, paras. 5–9.

[8] *See First Direct Final Rule,* 40 FCC Rcd at 5586, para. 5 n.9 (citing *Promoting Telehealth in Rural America,* WC Docket No. 17–310, Order on Reconsideration, Second Report and Order, Order, and Second Further Notice of Proposed Rulemaking, 38 FCC Rcd 827, 855–56 (2023); *Modernization of Media Regulation Initiative, et al.,* MB Docket No. 17–105 et al., Further Notice of Proposed Rulemaking and Report and Order, 33 FCC Rcd 10549, 10569–70, para. 41 (2018); *Delete, Delete, Delete et al.,* Order, DA 25–621 (CGB 2025); *Delete, Delete, Delete et al.,* Order, DA 25–613 (WCB 2025); *2014 Quadrennial Regulatory Review—Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996,* et al., MB Docket No. 14–50 et al., Order, 36 FCC Rcd 9354, 9355, para. 2 (MB 2021); *Amendment of Section 1.80 of the Commission's Rules; Implementing Section 2 of the Preventing Illegal Radio Abuse Through Enforcement Act*

reserve the right to proceed in this manner, we elect in this decision to proceed using what is known as a ''direct final rule'' process.[9] By proceeding through a direct final rule, we choose to provide expanded opportunities for public comment even though the ''good cause'' standard does not legally require us to do so.[10] Under a direct final rule process, rule changes are adopted without prior notice and comment, but are accompanied by an opportunity for the public to file comments—and if we conclude that significant adverse comments have been filed, the relevant rule changes would not take effect until after a full notice and comment process.[11]

6. In particular, we will publish this item adopting direct final rules in the **Federal Register**, and allow for comment from interested parties within 20 days of **Federal Register** publication.[12] Until 20 days after **Federal Register** publication, this shall be a ''permit-but-disclose'' proceeding for purposes of our *ex parte* rules.[13] Because this comment process is directed toward the discrete objective of the direct final rule process, and to avoid unwarranted delay in that process, we prohibit filings addressing the rule changes contemplated in this *Direct Final Rule* more than 20 days after **Federal Register** publication, absent further direction from the Commission published in the **Federal Register**.[14] This both accords with the purpose of the comment process for direct final rules, and is similar (though not identical) to actions the Commission has taken in other contexts to provide a defined end-point for public filings to enable the Commission to focus its attention on the submissions already before it.[15]

7. The rule revisions in this *Direct Final Rule* will go into effect 60 days after **Federal Register** publication. If the Commission receives comments on these rule revisions, it will evaluate whether there are significant adverse comments that warrant further procedures before changing the rules. In our assessment, we plan to be guided by the recommendation of the Administrative Conference of the United States (ACUS) that ''[a]n agency should consider any comment received during direct final rulemaking to be a significant adverse comment if the comment explains why: a. The [direct final] rule would be inappropriate, including challenges to the rule's underlying premise or approach; or b. The [direct final] rule would be ineffective or unacceptable without a change.'' [16]

8. If we conclude that a significant adverse comment has been filed, the Office of Economics and Analytics or the Office of International Affairs will publish a timely withdrawal in the **Federal Register** to prevent the rule revisions from going into effect until any appropriate additional procedures have been followed. If a significant adverse comment is filed only with respect to a subset of the rule revisions addressed by this *Direct Final Rule,* the Office of Economics and Analytics or the Office of International Affairs will withdraw the portions of the *Direct Final Rule* that were subject to the significant adverse comment. For example, if a significant adverse comment is filed regarding a single rule within this *Direct Final Rule,* which contains multiple rule revisions, we will publish a withdrawal of only the rule addressed by the significant adverse comment.

9. In the event that no comments are filed in response to this *Direct Final Rule,* we do not anticipate publishing a confirmation of the effective date in the **Federal Register** but will simply allow the rule changes to take effect as originally specified. If comments are filed but none are deemed significant adverse comments, where warranted by the record, the Office of Economics and Analytics or the Office of International Affairs will issue a Public Notice that briefly explains why the comments filed were not determined to be significant adverse comments.[17]

III. Ordering Clauses

10. Accordingly, *it is ordered* that, pursuant to sections 4(i), 4(j), and 303(r) of the Communications Act, 47 U.S.C. 154(i), 154(j), and 303(r), this Direct Final Rule *is adopted.* Except as specified in paragraph 8, this Direct Final Rule shall be effective upon **Federal Register** publication of the rule changes set forth in the Appendix, which shall also serve as the date of public notice of that action.[18]

(Pirate Act), Order, 35 FCC Rcd 14591, 14591, para. 1 (EB, OMD 2020); *Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment,* WT Docket No. 17–79, Order, 34 FCC Rcd 9366 (WTB 2019); *see also Second Direct Final Rule* at 2, para. 5, n.8 (citing same); *Third Direct Final Rule* at 2, para. 5, n.8.

[9] *See First Direct Final Rule,* 40 FCC Rcd at 5586, para. 5 n.10 (citing Administrative Conference of the United States, Recommendation 2024–6, Public Engagement in Agency Rulemaking Under the Good Cause Exemption, 89 FR 106406, 106408–09 (Dec. 30, 2024) (*ACUS Public Engagement and Good Cause Recommendation*); *Sierra Club* v. *EPA,* 99 F.3d 1551, 1554 n.4 (10th Cir. 1996)); *see also Second Direct Final Rule* at 3, para. 5, n.9 (citing same); *Third Direct Final Rule* at 3, para. 5, n.9.

[10] Although the Commission has adopted specific rules codified in the Code of Federal Regulations related to notice and-comment rulemaking procedures, *see* 47 CFR pt. 1, subpt. C, there is no legal requirement that we adopt rules before employing processes permitted by the APA and the Communications Act. *See, e.g.,* 47 U.S.C. 154(j) (absent previously-specified procedural obligations to the contrary, ''[t]he Commission may conduct its proceedings in such manner as will best conduce to the proper dispatch of business and to the ends of justice'').

[11] *ACUS Public Engagement and Good Cause Recommendation,* 89 FR at 106409, paras. 2(d)–(e), 6.

[12] *See, e.g.,* 47 CFR 1.45(b) (''Oppositions to any motion, petition, or request may be filed within 10 days after the original pleading is filed.''); 47 CFR 1.106(g) (''Oppositions to a petition for reconsideration shall be filed within 10 days after the petition is filed.''); 47 CFR 1.302(b) (''Any party who desires to preserve the right to appeal [a presiding officer's ruling terminating a hearing proceeding] shall file a notice of appeal within 10 days after the ruling is released.'').

[13] 47 CFR 1.1206.

[14] *See* 47 CFR 1.1200(a) (''Where the public interest so requires in a particular proceeding, the Commission and its staff retain the discretion to modify the applicable *ex parte* rules by order, letter, or public notice.''). Up until that date, we find it in the public interest to continue to operate under permit-but-disclosure procedures in this regard, consistent with the status of the *In Re: Delete, Delete, Delete* proceeding more generally.

[15] *See, e.g.,* 47 CFR 1.58 (adopting a quiet period for forbearance proceeding based on ''[t]he prohibition in § 1.1203(a) on contacts with decisionmakers concerning matters listed in the Sunshine Agenda''). In the event that a petition for reconsideration of this action is filed, we will subsequently specifically address any comment process associated with such a petition in light of the prohibition on filings addressing the rule changes more than 30 days after **Federal Register** publication. *See* 47 CFR 1.4(b)(1) (date of ''public notice'' for non-notice and comment rulemaking proceedings required to be published in the **Federal Register** is the date of **Federal Register** publication); 47 U.S.C. 405(a) (establishing a deadline of 30 days from public notice for petitions for reconsideration of actions by the Commission).

[16] *ACUS Public Engagement and Good Cause Recommendation,* 89 FR at 106409. The touchstone for analysis is whether a comment materially calls into question the conclusion that prior notice and comment is unnecessary under the APA, which is the predicate for use of direct final rule procedures. While we expect the formulation provided by ACUS to be a useful guide for conducting that analysis, our statutory determination of ''good cause'' to forgo notice and comment ultimately represents the critical issue, rather than the particular language used by ACUS.

[17] Although the Public Notice is a document in a non-notice and comment rulemaking proceeding, nothing in that document is required to be published in the **Federal Register** by the APA given that the Public Notice is not itself adopting new or modified rules. As a result, the Bureau also need not publish the Public Notice in the **Federal Register** to establish the date of ''public notice'' for the Public Notice under section 1.4(b)(1) of the rules—which is limited to documents in rulemaking proceedings ''required by the Administrative Procedure Act, 5 U.S.C. 552, 553, to be published in the **Federal Register**,'' 47 CFR 1.4(b)(1)—and instead the date of public notice of the Public Notice will be the release date. *See* 47 CFR 1.4(b)(4).

[18] Pursuant to Executive Order 14215, 90 FR 10447 (Feb. 20, 2025), this regulatory action has been determined to be not significant under Executive Order 12866, 58 FR 68708 (Dec. 28, 1993).

11. *It is further ordered* that the amendments of the Commission's rules as set forth in Appendix A shall be effective 60 days after **Federal Register** publication. In the event that significant adverse comments are filed, the Office of Economics and Analytics or the Office of International Affairs shall publish a timely document in the **Federal Register** withdrawing the rule so that the rule change does not become effective until any additional procedures have been followed. In the event that significant adverse comments are filed with respect to only a subset of the rule revisions, we direct the Office of Economics and Analytics or the Office of International Affairs to publish a timely document in the **Federal Register** withdrawing only such rule(s) so that the rule change does not become effective until any additional procedures have been followed.

12. *It is further ordered* that the Office of the Managing Director, Performance Program Management, *shall send* a copy of this Direct Final Rule in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, 5 U.S.C. 801(a)(1)(A).

List of Subjects

47 CFR Part 1

Practice and Procedure.

47 CFR Part 73

Radio Broadcast Services0

47 CFR Part 90

Private Land Mobile Radio Services.

47 CFR Part 95

Personal Radio Services.

Federal Communications Commission.

Marlene Dortch,

Secretary.

Final Rules

For the reasons set forth above, the Federal Communications Commission amends part 1 of Title 47 of the Code of Federal Regulations as follows:

PART 1—PRACTICE AND PROCEDURE

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

Authority: 47 U.S.C. chs. 2, 5, 9, 13; 28 U.S.C. 2461 note; 47 U.S.C. 1754, unless otherwise noted.

Subpart A—General Rules of Practice and Procedure

§ 1.790 [Removed and Reserved]

■ 2. Remove and reserve § 1.790.

■ 3. Amend § 1.1901 by revising paragraph (i) to read as follows:

§ 1.1901 Definitions and construction.

* * * * *

(i) The term ''delinquent'' means a claim or debt which has not been paid by the date specified by the agency unless other satisfactory payment arrangements have been made by that date, or, at any time thereafter, the debtor has failed to satisfy an obligation under a payment agreement or instrument with the agency, or pursuant to a Commission rule. The rules set forth in this subpart in no way affect the Commission's rules, as may be amended, regarding payment for licenses (including installment, down, or final payments) or automatic cancellation of Commission licenses (see § 1.1902(f)).

* * * * *

■ 4. Amend § 1.1914 by revising paragraph (a) to read as follows:

§ 1.1914 Collection in installments.

(a) Subject to the Commission's rules pertaining to the installment loan program in subpart Q of this part or other agreements among the parties, the terms of which will control, whenever feasible, the Commission shall collect the total amount of a debt in one lump sum. If a debtor is financially unable to pay a debt in one lump sum, the Commission, in its sole discretion, may accept payment in regular installments. The Commission will obtain financial statements from debtors who represent that they are unable to pay in one lump sum and which are able to verify independently such representations (see 31 CFR 902.2(g)). The Commission will require and obtain a legally enforceable written agreement from the debtor that specifies all of the terms of the arrangement, including, as appropriate, sureties and other indicia of creditworthiness (see Federal Credit Reform Act of 1990, 2 U.S.C. 661, *et seq.,* OMB Circular A–129), and that contains a provision accelerating the debt in the event of default.

* * * * *

§ 1.2105 [Amended]

■ 5. In § 1.2105 remove and reserve paragraph (c)(6).

§ 1.2110 [Amended]

■ 6. In § 1.2110 remove and reserve paragraphs (g) and (n).

§ 1.2111 [Amended]

■ 7 . In § 1.2111 remove and reserve paragraphs (a) and (c)(1).

§§ 1.2200 through 1.2209 [Removed and Reserved]

■ 8. Remove and reserve §§ 1.2200 through 1.2209.

§ 1.21001 [Amended]

■ 9. In § 1.21001 remove and reserve paragraph (e).

PART 73—RADIO BROADCAST SERVICES

■ 10. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 155, 301, 303, 307, 309, 310, 334, 336, 339.

Subpart H—Rules Applicable to All Broadcast Stations

■ 11. Amend § 73.3700 by revising paragraph (a)(3) to read as follows:

§ 73.3700 Post-incentive auction licensing and operation.

(a) * * *

(3) *Channel sharee station.* For purposes of this section, *channel sharee station* means a broadcast television station for which a winning channel sharing bid—a bid to relinquish all spectrum usage rights with respect to a particular television channel in order to share a television channel with another broadcast television licensee by an applicant that submits an executed channel sharing agreement with its application—was submitted, or a broadcast television station for which a winning license relinquishment bid—a bid to relinquish all spectrum usage rights with respect to a particular television channel without receiving in return any spectrum usage rights with respect to another television channel—was submitted where the station licensee executes and implements a post-auction channel sharing agreement.

* * * * *

PART 90—PRIVATE LAND MOBILE RADIO SERVICES

■ 12. The authority citation for part 90 continues to read as follows:

Authority: 47 U.S.C. 154(i), 161, 303(g), 303(r), 332(c)(7), 1401–1473.

Subpart T—Regulations Governing Licensing and Use of Frequencies in the 220–222 MHz Band

§ 90.709 [Amended]

■ 13. In § 90.709 remove and reserve paragraph (e)

PART 95—PERSONAL RADIO SERVICES

■ 14. The authority citation for part 95 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 307.

Subpart F—218–219 Mhz Service

■ 15. Amend § 95.1923 is by revising paragraph (c)(1)(iii) to read as follows:

§ 95.1923 Geographic partitioning and spectrum disaggregation.

* * * * *

(c) * * *

(1) * * *

(iii) The partitionor or disaggregator shall be permitted to continue to pay its pro rata share of the outstanding balance and, if applicable, shall receive loan documents evidencing the partitioning and disaggregation. The original interest rate-shall continue to be applied to the partitionor's or disaggregator's portion of the remaining government obligation.

* * * * *

[FR Doc. 2026–12510 Filed 6–18–26; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

49 CFR Parts 383 and 384

[Docket No. FMCSA–2025–0111]

RIN 2126–AC85

Removal of Self-Reporting Requirement

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: FMCSA amends the regulations requiring commercial driver's license (CDL) holders to self-report motor vehicle violations to their State of domicile. With the implementation of the exclusive electronic exchange (EEE) of violations between State Drivers Licensing Agencies (SDLAs) in 2024, self-reporting is no longer necessary. This action supports the Administration's deregulatory efforts.

DATES: Effective July 22, 2026.

Petitions for reconsideration of this final rule must be submitted to the FMCSA Administrator no later than July 22, 2026.

FOR FURTHER INFORMATION CONTACT: Mr. Bryan Price, Acting Chief, Commercial Drivers License Division, DOT, FMCSA, 1200 New Jersey Avenue SE, Washington, DC, 20590; (202) 680–4831; *bryan.price@dot.gov.* If you have questions on viewing or submitting material to the docket, call Dockets Operations at (202) 366–9826.

SUPPLEMENTARY INFORMATION:

FMCSA organizes this final rule as follows:

I. Availability of Rulemaking Documents
II. Abbreviations
III. Legal Basis
IV. Discussion of Proposed Rulemaking and Comments
A. Proposed Rulemaking
B. Comments and Responses
V. Changes from the NPRM
VI. International Impacts
VII. Section-by-Section Analysis
VIII. Regulatory Analyses
A. E.O. 12866 (Regulatory Planning and Review) and DOT Rulemaking Procedures
B. E.O. 14192 (Unleashing American Prosperity Through Deregulation)
C. Congressional Review Act
D. Regulatory Flexibility Act
E. Assistance for Small Entities
F. Unfunded Mandates Reform Act of 1995
G. Paperwork Reduction Act
H. E.O. 13132 (Federalism)
I. Privacy
J. E.O. 13175 (Indian Tribal Governments)
K. National Environmental Policy Act of 1969

I. Availability of Rulemaking Documents

To view any documents mentioned as being available in the docket, go to *https://www.regulations.gov/docket/FMCSA-2025-0111/document* and choose the document to review. To view comments, click this final rule, then click ''Document Comments.'' If you do not have access to the internet, you may view the docket online by visiting Dockets Operations in Room W58–213 of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

II. Abbreviations

CDL Commercial driver's license
CFR Code of Federal Regulations
CMV Commercial motor vehicle
CMVSA Commercial Motor Vehicle Safety Act of 1986
DOT Department of Transportation
EEE Exclusive Electronic Exchange
FHWA Federal Highway Administration
FMCSA Federal Motor Carrier Safety Administration
FMCSR Federal Motor Carrier Safety Regulations
FR Federal Register
MCSIA Motor Carrier Safety Improvement Act of 1999
NEPA National Environmental Policy Act
NPRM Notice of proposed rulemaking
OMB Office of Management and Budget
PIA Privacy Impact Assessment
PII Personally Identifiable Information
PTA Privacy Threshold Assessment
SDLA State Drivers Licensing Agency
UMRA Unfunded Mandates Reform Act of 1995
U.S.C. United States Code

III. Legal Basis

Congress enacted the Commercial Motor Vehicle Safety Act (CMVSA) of 1986 (Pub. L. 99–570, Title XII, 100 Stat. 3207–170, 49 U.S.C. chapter 313) to improve highway safety by ensuring that drivers of large trucks and buses are qualified to operate those vehicles and to remove unsafe and unqualified drivers from the highways. To achieve these goals, the CMVSA established the CDL program and required States to ensure that drivers convicted of certain serious traffic violations are prohibited from operating a commercial motor vehicle (CMV). One of the CMVSA's CDL program requirements was that States report CDL holders' out-of-State traffic convictions to their licensing States within 10 days of the conviction (CMVSA sec.12009(a)(9), codified at 49 U.S.C. 31311(a)).

The CMVSA also established a requirement for CDL holders to report these same out-of-State traffic convictions to their licensing States within 30 days of the conviction (CMVSA sec. 12003(a)(1), codified at 49 U.S.C. 31303(a)). Congress authorized the Secretary to issue regulations to implement these provisions (CMVSA sec. 12018(a), codified at 49 U.S.C. 31317). The Federal Highway Administration (FHWA), FMCSA's predecessor, subsequently issued regulations, including 49 CFR 383.31(a), which implemented the requirement that CDL holders report out-of-State traffic convictions to their licensing States (52 FR 20574, June 1, 1987). FHWA did not issue regulations implementing the States' reporting requirement at that time.

On July 5, 1994, Congress recodified title 49 of the U.S.C. (Pub. L. 103–272, 108 Stat. 745 (the 1994 Recodification Act)). Among other things, the 1994 Recodification Act clarifies who had the obligation to report CDL holders' out-of-State violations: the State or the driver.

The 1994 Recodification Act added language making it explicit that States must report an out-of-State CDL holder's traffic conviction to the licensing State within 10 days of the conviction (108 Stat. 1024, 49 U.S.C. 31311(a)(9)). However, Congress did not repeal the

requirement that individual CDL holders report the same information within 30 days of conviction. The Motor Carrier Safety Improvement Act of 1999 (MCSIA) (Pub. L. 106–159, 113 Stat. 1748) amended numerous provisions of title 49 U.S.C. related to the licensing and sanctioning of CMV drivers required to hold a CDL and directed the Secretary to amend regulations to correct specific weaknesses in the CDL program. One such provision directed the Secretary to develop a uniform system for the State-to-State electronic transmission of out-of-State CDL holders' traffic conviction information. FMCSA subsequently issued regulations implementing MCSIA and other statutory requirements, including CMVSA section 12009(a)(9). Those regulations included 49 CFR 384.209, which requires States to report out-of-State CDL holders' traffic convictions to their licensing States as a minimum requirement of maintaining a certified CDL program (67 FR 49742, July 31, 2002).

The FMCSA Administrator has been delegated authority under 49 CFR 1.87(e)(1) to carry out the CMVSA functions vested in the Secretary.

IV. Discussion of Proposed Rulemaking and Comments

A. Proposed Rulemaking

On May 30, 2025, FMCSA published in the **Federal Register** (Docket No. FMCSA–2025–0111, 90 FR 22902) an NPRM titled ''Removal of Self-Reporting Requirement.'' The NPRM proposed removing the requirement that CDL holders self-report motor vehicle violations to their State of domicile. With the implementation of the EEE of violations between SDLAs in 2024, self-reporting is no longer necessary.

B. Comments and Responses

FMCSA solicited comments concerning the NPRM for 60 days ending on July 29, 2025. By that date, eight comments were received. One of these comments was withdrawn, as it was submitted to the wrong docket. The remaining comments were from two individuals and five organizations: the American Trucking Associations (ATA), Energy Marketers of America (EMA), the National Association of Pupil Transport (NAPT), the Owner-Operator Independent Driver Association (OOIDA), and Veolia North America.

Comments

All of the commenters, except NAPT, expressed support for the proposal. Their support noted reporting redundancies (with the EEE Federal mandate in place as of April 26, 2013, 78 FR 24684) and focused on the fact that States have established systems for EEE of driver history record information via the Commercial Driver's License Information System. Commenters stated that the existing requirement for CDL holders to also self-report is therefore not necessary.

NAPT said that their members did not believe that the mandate was being applied consistently across States, and that several States do, in fact, continue to rely on self-reporting. NAPT requested a clear and consistent direction for what to do if the self-reporting requirement were eliminated from the FMCSR, but a driver's State of domicile still requires the report. It also requested the creation of a resource that would list all of the States still requiring driver reports.

FMCSA Response

FMCSA appreciates that commenters took the time to share their support of this rulemaking. As no commenter asked for any modifications or clarifications, FMCSA did not change the substance of the final rule from what was proposed in the NPRM.

FMCSA agrees with the comment from NAPT that having the information on which States continue to require drivers to notify their SDLAs of convictions outside of their State of domicile would be helpful. However, FMCSA will not be compiling this list. The Agency advises CDL holders to continue to check and comply with the requirements of their State of domicile. Nothing in this rule absolves a CDL holder from having to comply with a State requirement if that requirement exists.

V. Changes From the NPRM

There are no substantive changes made from the NPRM in this final rule, but this rule does finalize an additional deletion of the phrase ''State official and'' as a conforming change, as it is no longer necessary.

VI. International Impacts

Motor carriers and drivers are subject to the laws and regulations of the countries in which they operate, unless an international agreement states otherwise. Foreign-domiciled drivers and motor carriers operating in the United States must comply with all applicable U.S. Federal regulations. Drivers and carriers should be aware of the regulatory differences between nations.

VII. Section-by-Section Analysis

This section-by-section analysis describes the changes to the regulatory text in numerical order. This rule makes changes to 49 CFR 383.31, Notification of convictions for driver violations. It removes current paragraph (a), which requires CDL holders who are convicted of certain motor vehicle violations to notify the SDLA in their State of domicile of the violation. As discussed above, this notification now happens at the State/SDLA level, therefore it is redundant to require the CDL holder to also make the notification. Current paragraph (b) is redesignated as paragraph (a), but the last sentence is deleted, and a phrase is removed as a conforming change. Paragraph (c) is redesignated as paragraph (b) and is revised to refer only to employer notifications. Current paragraph (d) is removed, as it is no longer necessary.

This rule also makes a minor change to section 384.409, to remove a sentence referencing section 383.31(a).

VIII. Regulatory Analyses

A. Executive Order (E.O.) 12866 (Regulatory Planning and Review) and DOT Rulemaking Procedures

FMCSA has considered the impact of this final rule under E.O. 12866 (58 FR 51735, Oct. 4, 1993), Regulatory Planning and Review, and DOT's Rulemaking Procedures, 49 CFR part 5, subpart B. The Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB) determined that this final rulemaking is not a significant regulatory action under section 3(f) of E.O. 12866, and has not reviewed it under that E.O.

FMCSA removes the redundant requirement that a CDL holder notify their State of domicile when they are convicted of certain motor vehicle violations. States have been fulfilling this task exclusively using electronic reporting requirements since 2024. FMCSA has determined that it is not necessary to continue to have a regulatory back-up mechanism in place. This final rule would not result in additional costs on regulated entities, but would result in cost savings for CDL holders, who would no longer be required to notify their SDLA of certain convictions. CDL holders currently submit this information to their State of domicile, and not to FMCSA. As such, FMCSA does not capture the information needed to quantify the reduction in reporting burden. This final rule would not impact safety because the reporting requirement is redundant, and the notification will

continue to occur at the State (SDLA) level.

B. E.O. 14192 (Unleashing Prosperity Through Deregulation)

E.O. 14192, Unleashing Prosperity Through Deregulation, was issued on January 31, 2025 (90 FR 9065, Jan. 31, 2025). E.O. 14192 requires that, for every one new regulation issued by an Agency, at least 10 prior regulations be identified for elimination, and that the cost of planned regulations be prudently managed and controlled through a budgeting process. Implementation guidance addressing the requirements of E.O. 14192 (Memorandum M–25–20) was issued by OMB on March 26, 2025. This final rule is expected to have total costs of less than zero, and therefore is an E.O. 14192 deregulatory action. FMCSA is unable to quantify the cost savings that would result from this rulemaking.

C. Congressional Review Act

This rule is not a *major rule* as defined under the Congressional Review Act (5 U.S.C. 801–808).'' [1]

D. Regulatory Flexibility Act (Small Entities)

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996,[2] 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 (5 U.S.C. 601(6)). Accordingly, DOT policy requires an analysis of the impact of all regulations on small entities, and mandates that agencies strive to lessen any adverse effects on these businesses. No regulatory flexibility analysis is required, however, if the head of an agency or an appropriate designee certifies that the rule will not have a significant economic impact on a substantial number of small entities.

This rule will impact drivers. Drivers are not considered small entities because they do not meet the definition of a small entity in 5 U.S.C. 601. Specifically, drivers are considered neither a small business under 5 U.S.C. 601(3), nor are they considered a small organization under 5 U.S.C. 601(4). Drivers are also not small governmental entities under 5 U.S.C. 601(5). Therefore, this rulemaking will not impact a substantial number of small entities. Consequently, I certify that the action will not have a significant economic impact on a substantial number of small entities.

E. Assistance for Small Entities

In accordance with section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121, 110 Stat. 857), FMCSA wants to assist small entities in understanding this final rule so they can better evaluate its effects on themselves and participate in the rulemaking initiative. If the final rule will affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

Small businesses may send comments on the actions of Federal employees who enforce or otherwise determine compliance with Federal regulations to the Small Business Administration's Small Business and Agriculture Regulatory Enforcement Ombudsman (Office of the National Ombudsman, see *https://www.sba.gov/about-sba/oversight-advocacy/office-national-ombudsman*) and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small businesses. If you wish to comment on actions by employees of FMCSA, call 1–888–REG–FAIR (1–888–734–3247). DOT has a policy regarding the rights of small entities to fairness in regulatory enforcement and an explicit policy against retaliation for exercising these rights.

F. Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) (UMRA) requires Federal agencies to assess the effects of their discretionary regulatory actions. The Act addresses actions that may result in the expenditure by a State, local, or Tribal government, in the aggregate, or by the private sector of $206 million (which is the value equivalent of $100 million in 1995, adjusted for inflation to 2024 levels) or more in any one year. Though this final rule would not result in such an expenditure, and the analytical requirements of UMRA do not apply as a result, the Agency discusses the effects of this rule elsewhere in this preamble.

G. Paperwork Reduction Act

This final rule contains no new information collection requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The currently approved information collection titled ''Commercial Driver Licensing and Test Standards'' (OMB approval number 2126–0011) includes burden estimates for the State-to-State reporting but does not include a specific burden estimate for driver reporting to their SDLA. As such, there is no need to revise the already approved collection.

H. E.O. 13132 (Federalism)

A rule has implications for federalism under section 1(a) of E.O. 13132 if it has ''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.''

FMCSA has determined that this rule will not have substantial direct costs on or for States, nor will it limit the policymaking discretion of States. Nothing in this document preempts any State law or regulation. Therefore, this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Impact Statement.

I. Privacy

The Consolidated Appropriations Act, 2005,[3] requires the Agency to assess the privacy impact of a regulation that will affect the privacy of individuals. This rule will not require the collection of personally identifiable information (PII).

The Privacy Act (5 U.S.C. 552a) applies only to Federal agencies and any non-Federal agency that receives records contained in a system of records from a Federal agency for use in a matching program.

The E-Government Act of 2002,[4] requires Federal agencies to conduct a PIA for new or substantially changed technology that collects, maintains, or disseminates information in an identifiable form.

[1] A *major rule* means any rule that OMB finds has resulted in or is likely to result in (a) an annual effect on the economy of $100 million or more; (b) a major increase in costs or prices for consumers, individual industries, geographic regions, Federal, State, or local government agencies; or (c) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets (5 U.S.C. 804(2)).

[2] Public Law 104–121, 110 Stat. 857, (Mar. 29, 1996).

[3] Public Law 108–447, 118 Stat. 2809, 3268, note following 5 U.S.C. 552a (Dec. 4, 2014).

[4] Public Law 107–347, sec. 208, 116 Stat. 2899, 2921 (Dec. 17, 2002).

In addition, the Agency submitted a Privacy Threshold Assessment (PTA) to evaluate the risks and effects the rulemaking might have on collecting, storing, and sharing PII. The PTA has been submitted to FMCSA's Privacy Officer for review and preliminary adjudication and will be submitted to DOT's Privacy Officer for review and final adjudication.

J. E.O. 13175 (Indian Tribal Governments)

This rule does not have Tribal implications under E.O. 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.

K. National Environmental Policy Act of 1969

FMCSA analyzed this rule pursuant to the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*) and determined this action is categorically excluded from further analysis and documentation in an environmental assessment or environmental impact statement under FMCSA Order 5610.1D,[5] Subpart B, paragraph (e)(6)(b). The Categorical Exclusion (CE) in paragraph (6)(b) relates to regulations which are editorial or procedural, such as those updating addresses or establishing application procedures, and procedures for acting on petitions for waivers, exemptions and reconsiderations, including technical or other minor amendments to existing FMCSA regulations.

List of Subjects

49 CFR Part 383

Administrative practice and procedure, Alcohol abuse, Drug abuse, Drug testing, Highway safety, Motor carriers, Penalties, Safety, Transportation.

49 CFR Part 384

Administrative practice and procedure, Alcohol abuse, Drug abuse, Highway safety, Motor carriers.

Accordingly, FMCSA amends 49 CFR parts 383 and 384 as follows:

[5] Available at: *https://www.transportation.gov/mission/dots-procedures-considering-environmental-impacts.*

PART 383—COMMERCIAL DRIVER'S LICENSE STANDARDS; REQUIREMENTS AND PENALTIES

■ 1. The authority citation for part 383 continues to read as follows:

Authority: 49 U.S.C. 521, 31136, 31301 *et seq.,* and 31502; secs. 214 and 215 of Pub. L. 106–159, 113 Stat. 1748, 1766, 1767; sec. 1012(b) of Pub. L. 107–56, 115 Stat. 272, 397, sec. 4140 of Pub. L. 109–59, 119 Stat. 1144, 1746; sec. 32934 of Pub. L. 112–141, 126 Stat. 405, 830; secs, 5401 and 7208m Pub. L. 114–94, 129 Stat. 1312, 1546, 1593 (49 U.S.C. 31305(d)), sec. 23019 of Pub. L. 117–58, 135 Stat. 429, 777; and 49 CFR 1.87.

§ 383.31 [Amended]

■ 2. Amend § 383.31 by:

■ a. Removing paragraph (a);

■ b. Redesignating paragraphs (b) and (c) as (a) and (b), respectively;

■ c. Amending newly redesignated paragraph (a) by removing the last sentence;

■ d. Amending newly redesignated paragraph (b) by removing the phrase ''State official and;''; and

■ e. Removing paragraph (d).

PART 384—STATE COMPLIANCE WITH COMMERCIAL DRIVER'S LICENSE PROGRAM

■ 3. The authority citation for part 384 continues to read as follows:

Authority: 49 U.S.C. 31136, 31301, *et seq.,* and 31502; secs. 103 and 215 of Pub. L. 106–159, 113 Stat. 1748, 1753, 1767; sec. 32934 of Pub. L. 112–141, 126 Stat. 405, 830; sec. 5524 of Pub. L. 114–94, 129 Stat. 1312, 1560; and 49 CFR 1.87.

§ 384.409 [Amended]

■ 4. Amend § 384.409 by removing the second sentence.

Issued under authority delegated in 49 CFR 1.87.

Derek Barrs,

Administrator.

[FR Doc. 2026–12449 Filed 6–18–26; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

49 CFR Part 395

[Docket No. FMCSA–2025–0114]

RIN 2126–AC88

Rescinding the Requirement for Electronic Logging Device Operator's Manual Located in Commercial Motor Vehicles

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: FMCSA amends the Federal Motor Carrier Safety Regulations (FMCSR) to rescind the requirement for a copy of the electronic logging device (ELD) operator's manual to be kept in a commercial motor vehicle (CMV). Drivers are required to understand the operation of the ELD on the vehicle to ensure the accuracy of their electronic records of duty status and to present this information during inspections by enforcement officials. There is no readily apparent benefit to continuing to require that the user's manual be in the CMV given the use of ELDs since December 2019. This final rule eliminates a regulatory burden on motor carriers without compromising safety.

DATES: Effective July 22, 2026.

Petitions for reconsideration of this final rule must be submitted to the FMCSA Administrator no later than July 22, 2026.

FOR FURTHER INFORMATION CONTACT: Mr. Bill Mahorney, Chief, Enforcement Division, FMCSA, (202) 493–0001, *bill.mahorney@dot.gov.* If you have questions on viewing or submitting material to the docket, call Dockets Operations at (202) 366–9826.

SUPPLEMENTARY INFORMATION:

FMCSA organizes this final rule as follows:

I. Availability of Rulemaking Documents
II. Abbreviations
III. Legal Basis
IV. Discussion of Proposed Rulemaking and Comments
A. Proposed Rulemaking
B. Comments and Responses
V. International Impacts
VI. Section-by-Section Analysis
VII. Regulatory Analyses
A. E.O. 12866 (Regulatory Planning and Review) and DOT Rulemaking Procedures
B. E.O. 14192 (Unleashing American Prosperity Through Deregulation)
C. Congressional Review Act
D. Regulatory Flexibility Act

E. Assistance for Small Entities
F. Unfunded Mandates Reform Act of 1995
G. Paperwork Reduction Act
H. E.O. 13132 (Federalism)
I. Privacy
J. E.O. 13175 (Indian Tribal Governments)
K. National Environmental Policy Act of 1969

I. Availability of Rulemaking Documents

To view any documents mentioned as being available in the docket, go to *https://www.regulations.gov/docket/FMCSA-2025-0114/document* and choose the document to review. To view comments, click this final rule, then click '' Document Comments.'' If you do not have access to the internet, you may view the docket online by visiting Dockets Operations in Room W58–213 of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

II. Abbreviations

CFR Code of Federal Regulations
CMV Commercial motor vehicle
DOT Department of Transportation
ELD Electronic logging device
FMCSA Federal Motor Carrier Safety Administration
FMCSR Federal Motor Carrier Safety Regulations
FR Federal Register
HOS Hours of service
NPRM Notice of Proposed Rulemaking
OMB Office of Management and Budget
PIA Privacy Impact Assessment
PII Personally identifiable information
PTA Privacy Threshold Assessment
Secretary Secretary of Transportation
U.S.C. United States Code

III. Legal Basis

Section 32301(b) of the Commercial Motor Vehicle Safety Enhancement Act, enacted as part of the Moving Ahead for Progress in the 21st Century Act (Pub. L. 112–141, 126 Stat. 405, 786–788, July 6, 2012), mandated that the Secretary adopt regulations requiring that CMVs involved in interstate commerce, operated by drivers who are required to keep a Record of Duty Status, be equipped with ELDs. The statute, which may be found at 49 U.S.C. 31137, sets out provisions that the regulations must address, including device performance, design standards, and certification requirements. In adopting regulations, the Agency must consider how the need for supporting documents might be reduced, to the extent data is captured on an ELD, without diminishing hours of service (HOS) enforcement.

The Motor Carrier Safety Act of 1984 (Pub. L. 98–554, Title II, 98 Stat. 2832, Oct. 30, 1984) (the 1984 Act), as amended, provides authority to the Secretary of Transportation (Secretary) to regulate drivers, motor carriers, and vehicle equipment. As codified, at 49 U.S.C. 31136, it requires the Secretary to prescribe minimum safety standards for CMVs to ensure that—(1) CMVs are maintained, equipped, loaded, and operated safely; (2) responsibilities imposed on CMV drivers do not impair their ability to operate the vehicles safely; (3) drivers' physical condition is adequate to operate the vehicles safely; (4) the operation of CMVs does not have a deleterious effect on drivers' physical condition; and (5) CMV drivers are not coerced by a motor carrier, shipper, receiver, or transportation intermediary to operate a CMV in violation of regulations promulgated under 49 U.S.C. 31136 or under 49 U.S.C. chapters 51 or 313. Under 49 U.S.C. § 31133(a)(8) and (10), the Secretary is granted broad power in carrying out motor carrier safety statutes and regulations to ''prescribe recordkeeping and reporting requirements'' and to ''perform other acts the Secretary considers appropriate.''

In 49 CFR 1.87(f), the Secretary delegated to the FMCSA Administrator the authority to carry out the functions vested in the Secretary by subchapters I, III, and IV of chapter 311, title 49, U.S.C.

IV. Discussion of Proposed Rulemaking and Comments

A. Proposed Rulemaking

On May 30, 2025, FMCSA published in the **Federal Register** (Docket No. FMCSA–2025–0114, 90 FR 22953) an NPRM titled ''Rescinding the Requirement for Electronic Logging Device Operator's Manual Located in Commercial Motor Vehicles.'' The NPRM proposed to rescind the requirement for motor carriers to maintain an in-vehicle copy of the ELD user's manual as found in 49 CFR 395.22(h)(1).

B. Comments and Responses

FMCSA solicited comments concerning the NPRM for 60 days ending on July 29, 2025. By that date, 24 comments were received from the American Trucking Association, Energy Marketers of America, North American Transportation Consultants, Inc., Owner-Operator Independent Drivers Association, Veolia North America, 11 individuals, and 8 anonymous commenters. Eighteen comments were in support of the proposal, four opposed the proposal, and two were out of scope.

A majority of the commenters supporting the proposal indicated the requirement to retain a user's manual in the vehicle does not provide a safety benefit for several reasons. ELDs routinely have an electronic version of the user's manual built into the device. Commenters also mentioned that maintaining a user's manual in the vehicle is a burden on motor carriers which can affect their safety measurement system scores in terms of violations cited during inspections. The commenters stated that its absence is usually not cited as a violation but could be.

Those opposed to the proposal indicated that the requirement to maintain a user's manual in the vehicle is not a major burden. The commenters stated that drivers and law enforcement often do not know how to access the electronic version of the user's manual, which can be complicated further by the various types of ELDs in use.

FMCSA Response

The availability of electronic versions of ELD user's manuals makes the requirement for a paper manual redundant. Motor carriers assume costs, from both making copies and taking the time to ensure a paper copy is placed in each CMV in operation for the carrier. Drivers are already required under section 395.24(d) to demonstrate the ability to operate the device upon request of an enforcement officer so they should not need to use the ELD user manual unless they face a rare request. A commenter noted ELDs routinely have an electronic version of the user's manual built into the device. This is true for many devices, but in the event a device does not have an electronic manual accessible within the device, FMCSA has a copy of each user manual on file as part of the documentation process for ELD registration. All of these manuals are readily available to motor carriers, drivers, enforcement personnel, and the public through FMCSA's list of approved ELD devices on its website, *https://eld.fmcsa.dot.gov.* Finally, while this regulatory change removes the requirement to carry a printed user manual, it does not forbid motor carriers or drivers from continuing to carry a user's manual for their ELD.

V. International Impacts

Motor carriers and drivers are subject to the laws and regulations of the countries where they operate, unless an international agreement states otherwise. Foreign-domiciled drivers and motor carriers operating in the

United States must comply with all applicable U.S. Federal regulations. Drivers and carriers should be aware of the regulatory differences between nations.

VI. Section-by-Section Analysis

Section 395.22 is amended by removing paragraph (h)(1) and redesignating paragraphs (h)(2) though (h)(4) as paragraphs (h)(1) through (h)(3).

VII. Regulatory Analyses

A. Executive Order (E.O.) 12866 (Regulatory Planning and Review) and DOT Rulemaking Procedures

FMCSA has considered the impact of this final rule under E.O. 12866 (58 FR 51735, Oct. 4, 1993), Regulatory Planning and Review, and DOT's Rulemaking Procedures, 49 CFR part 5, subpart B. The Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB) determined that this final rule is not a significant regulatory action under section 3(f) of E.O. 12866 and has not reviewed it under that E.O.

FMCSA rescinds the requirement for the ELD operator's manual to be kept in CMVs. In 2024, over 3,000 drivers were found to be in violation of this requirement. FMCSA anticipates that this will result in cost savings for motor carriers and drivers that are currently required to use ELDs and maintain a copy of the manual in the vehicle. FMCSA anticipates that the impact of removing ELD manuals will be de minimis and that the final rule will not impact safety. The regulations will still require that the motor carrier ensure that drivers possess an instruction sheet describing the data transfer mechanisms supported by the ELD and step-by-step instructions for producing and transferring drivers' HOS records to an authorized safety official.

B. E.O. 14192 (Unleashing Prosperity Through Deregulation)

E.O. 14192 (90 FR 9065, Jan. 31, 2025), Unleashing Prosperity Through Deregulation, requires that for ''each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be identified for elimination.'' [1] Implementation guidance for E.O. 14192 issued by OMB (Memorandum M–25–20, March 26, 2025) defines two different types of E.O. 14192 actions: an E.O. 14192 deregulatory action, and an E.O. 14192 regulatory action.[2] An E.O. 14192 deregulatory action is defined as ''an action that has been finalized and has total costs less than zero.'' This final rule is expected to have total costs of less than zero as it will remove the requirement to keep a copy of the ELD manual in each CMV and therefore is an E.O. 14192 deregulatory action. The cost savings of this rulemaking could not be quantified.

C. Congressional Review Act

This rule is not a *major rule* as defined under the Congressional Review Act (5 U.S.C. 801–808).'' [3]

D. Regulatory Flexibility Act (Small Entities)

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996,[4] requires Federal agencies to consider the effects of the regulatory action on small businesses 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 (5 U.S.C. 601(6)). Accordingly, DOT policy requires an analysis of the impact of all regulations on small entities, and mandates that agencies strive to lessen any adverse effects on these businesses.

No regulatory flexibility analysis is required, however, if the head of an agency or an appropriate designee certifies that the rule will not have a significant economic impact on a substantial number of small entities. This final rule will impact all entities that are required to use an ELD and keep a manual in the vehicle. As such, FMCSA anticipates that it will impact a substantial number of small entities. However, the impact of having the option of removing the ELD manual from the vehicle is de minimis and will not result in a significant impact on the impacted entities. Consequently, I certify that this action will not have a significant economic impact on a substantial number of small entities.

E. Assistance for Small Entities

In accordance with section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121, 110 Stat. 857), FMCSA wants to assist small entities in understanding this final rule so they can better evaluate its effects on themselves and participate in the rulemaking initiative. If the final rule will affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

Small businesses may send comments on the actions of Federal employees who enforce or otherwise determine compliance with Federal regulations to the Small Business Administration's Small Business and Agriculture Regulatory Enforcement Ombudsman (Office of the National Ombudsman, see *https://www.sba.gov/about-sba/oversight-advocacy/office-national-ombudsman*) and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small businesses. If you wish to comment on actions by employees of FMCSA, call 1–888–REG–FAIR (1–888–734–3247). DOT has a policy regarding the rights of small entities to fairness in regulatory enforcement and an explicit policy against retaliation for exercising these rights.

F. Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. The Act addresses actions that may result in the expenditure by a State, local, or Tribal government, in the aggregate, or by the private sector of $206 million (which is the value equivalent of $100 million in 1995, adjusted for inflation to 2024 levels) or more in any one year. Because this final rule will not result in such an expenditure, a written statement is not required.

G. Paperwork Reduction Act

This final rule does not impact the approved information collection covering ELDs and HOS (Hours of Service (HOS) of Drivers Regulations,

[1] Executive Office of the President, *Executive Order 14192 of January 31, 2025, Unleashing Prosperity Through Deregulation,* 90 FR 9065–9067 (Feb. 6, 2025).

[2] Executive Office of the President, Office of Management and Budget, *Guidance Implementing Section 3 of Executive Order 14192, Titled ''Unleashing Prosperity Through Deregulation,''* Memorandum M–25–20 (Mar. 26, 2025).

[3] A *major rule* means any rule that OMB finds has resulted in or is likely to result in (a) an annual effect on the economy of $100 million or more; (b) a major increase in costs or prices for consumers, individual industries, geographic regions, Federal, State, or local government agencies; or (c) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets (5 U.S.C. 804(2)).

[4] Public Law 104–121, 110 Stat. 857 (Mar. 29, 1996).

OIRA approval # 2126–0001). There are no new or revised information collection requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501).

H. E.O. 13132 (Federalism)

A rule has implications for federalism under section 1(a) of E.O. 13132 if it has ''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.''

FMCSA has determined that this rule will not have substantial direct costs on or for States, nor will it limit the policymaking discretion of States. Nothing in this document preempts any State law or regulation. Therefore, this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Impact Statement.

I. Privacy

The Consolidated Appropriations Act, 2005,[5] requires the Agency to assess the privacy impact of a regulation that will affect the privacy of individuals. This rule will not require the collection of personally identifiable information (PII).

The Privacy Act (5 U.S.C. 552a) applies only to Federal agencies and any non-Federal agency that receives records contained in a system of records from a Federal agency for use in a matching program.

The E-Government Act of 2002,[6] requires Federal agencies to conduct a Privacy Impact Assessment (PIA) for new or substantially changed technology that collects, maintains, or disseminates information in an identifiable form.[7] No new or substantially changed technology will collect, maintain, or disseminate information as a result of this rule. Accordingly, FMCSA has not conducted a PIA.

In addition, the Agency submitted a Privacy Threshold Assessment (PTA) to evaluate the risks and effects the proposed rulemaking might have on collecting, storing, and sharing PII. The PTA was adjudicated by DOT's Chief Privacy Officer on August 28, 2025.

J. E.O. 13175 (Indian Tribal Governments)

This rulemaking does not have Tribal implications under E.O. 13175 (65 FR 67249, Nov. 9, 2000), 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.

K. National Environmental Policy Act of 1969

FMCSA analyzed this rule pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and determined this action is categorically excluded from further analysis and documentation in an environmental assessment or environmental impact statement under DOT Order 5610.1D,[8] Subpart B, paragraph (e) (6)(q) and (e)(6)(bb). The categorical exclusions in paragraphs (c)(6)(q) and (c)(6)(bb) cover regulations pertaining to records preservation and vehicle operation safety standards, respectively.

List of Subjects in 49 CFR Part 395

Highway safety, Motor carriers, Reporting and recordkeeping requirements.

Accordingly, FMCSA amends 49 CFR part 395 to read as follows:

PART 395—HOURS OF SERVICE FOR DRIVERS

■ 1. The authority citation for part 395 continues to read as follows:

Authority: 49 U.S.C. 504, 21104(e), 31133, 31136, 31137, 31502; sec. 113, Pub. L. 103–311, 108 Stat. 1673, 1676; sec. 229, Pub. L. 106–159 (as added and transferred by sec. 4115 and amended by secs. 4130–4132, Pub. L. 109–59, 119 Stat. 1144, 1726, 1743, 1744), 113 Stat. 1748, 1773; sec. 4133, Pub. L. 109–59, 119 Stat. 1144, 1744; sec. 32934, Pub. L. 112–141, 126 Stat. 405, 830; sec. 5206(b), Pub. L. 114–94, 129 Stat. 1312, 1537; and 49 CFR 1.87.

§ 395.22 [Amended]

■ 2. Amend § 395.22 by:

■ a. Removing paragraph (h)(1); and

■ b. Redesignating paragraphs (h)(2) though (4) as paragraphs (h)(1) through (3), respectively.

Issued under authority delegated in 49 CFR 1.87.

Derek D. Barrs,

Administrator.

[FR Doc. 2026–12448 Filed 6–18–26; 8:45 am]

BILLING CODE 4910–EX–P

[5] Public Law 104–121, 110 Stat. 857, (Mar. 29, 1996).

[6] Public Law 107–347, 116 Stat. 2899, (Dec. 17, 2002).

[7] Public Law 107–347, sec. 208, 116 Stat. 2899, 2921 (Dec. 17, 2002).

[8] Available at: *https://www.transportation.gov/mission/dots-procedures-considering-environmental-impacts.*

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

49 CFR Part 396

[Docket No. FMCSA–2025–0116]

RIN 2126–AC90

Completed Inspection Report Disposition

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: FMCSA amends the regulations to revise the requirement that motor carriers and intermodal equipment providers sign and return a completed roadside inspection form to the issuing State agency. FMCSA is aware that not all issuing State agencies require the return of these reports, and that requiring motor carriers and intermodal equipment providers to submit these reports to a State that does not require, or even request, the return of the form creates an unnecessary burden. Through this change, completed forms will only be returned to those States that request them. This action is in response to a petition for rulemaking from the Commercial Vehicle Safety Alliance (CVSA).

DATES: Effective July 22, 2026.

Petitions for reconsideration of this final rule must be submitted to the FMCSA Administrator no later than July 22, 2026.

FOR FURTHER INFORMATION CONTACT: Mr. Bill Mahorney, Chief, Enforcement Division, FMCSA, (202) 493–0001, *bill.mahorney@dot.gov.* If you have questions on viewing or submitting material to the docket, call Dockets Operations at (202) 366–9826.

SUPPLEMENTARY INFORMATION: FMCSA organizes this final rule as follows:

I. Availability of Rulemaking Documents
II. Abbreviations
III. Legal Basis
IV. Discussion of Proposed Rulemaking and Comments
  A. Proposed Rulemaking
  B. Comments and Responses
V. Changes from the NPRM
VI. International Impacts
VII. Section-by-Section Analysis
VIII. Regulatory Analyses
  A. E.O. 12866 (Regulatory Planning and Review) and DOT Rulemaking Procedures
  B. E.O. 14192 (Unleashing American Prosperity Through Deregulation)
  C. Congressional Review Act
  D. Regulatory Flexibility Act
  E. Assistance for Small Entities

F. Unfunded Mandates Reform Act of 1995
G. Paperwork Reduction Act
H. E.O. 13132 (Federalism)
I. Privacy
J. E.O. 13175 (Indian Tribal Governments)
K. National Environmental Policy Act of 1969

I. Availability of Rulemaking Documents

To view any documents mentioned as being available in the docket, go to *https://www.regulations.gov/docket/FMCSA-2025-0116/document* and choose the document to review. To view comments, click this final rule, then click ''Document Comments.'' If you do not have access to the internet, you may view the docket online by visiting Dockets Operations in Room W58–213 of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

II. Abbreviations

ATA American Trucking Associations
CBI Confidential Business Information
CFR Code of Federal Regulations
CMV Commercial motor vehicle
CVSA Commercial Vehicle Safety Alliance
DOT Department of Transportation
FMCSA Federal Motor Carrier Safety Administration
FR Federal Register
IC Information Collection
NATC North American Transportation Consultants, Inc.
NPRM Notice of proposed rulemaking
OMB Office of Management and Budget
PIA Privacy Impact Assessment
PII Personally Identifiable Information
PTA Privacy Threshold Assessment
UMRA Unfunded Mandates Reform Act of 1995
U.S.C. United States Code

III. Legal Basis

The Motor Carrier Safety Act of 1984 (Pub. L. 98–554, Title II, 98 Stat. 2832, October 30, 1984), as amended, (the 1984 Act) provides broad authority to regulate drivers, motor carriers, and vehicle equipment. Section 211 of the 1984 Act grants the Secretary broad power, in carrying out motor carrier safety statutes and regulations, to ''prescribe recordkeeping and reporting requirements'' and to ''perform other acts the Secretary considers appropriate'' (49 U.S.C. 31133(a)(8) and (10)). The FMCSA Administrator has been delegated authority under 49 CFR 1.87(f) to carry out the functions vested in the Secretary of Transportation by 49 U.S.C. chapter 311, subchapters I and III, relating to commercial motor vehicle (CMV) programs and safety regulation.

IV. Discussion of Proposed Rulemaking and Comments

A. Proposed Rulemaking

On May 30, 2025, FMCSA published in the **Federal Register** (Docket No. FMCSA–2025–0116, 90 FR 22960) an NPRM titled ''Driver Vehicle Examination Report Disposition.'' The NPRM proposed to revise the requirement that motor carriers and intermodal equipment providers sign and return a completed roadside inspection form to the issuing State agency.

B. Comments and Responses

FMCSA solicited comments concerning the NPRM for 60 days ending on July 29, 2025. By that date, seven comments were received, including from one individual, the CVSA, the Energy Marketers of America, the Owner-Operator Independent Drivers Association, Gemini Motor Transport, the American Trucking Associations (ATA), and the North American Transportation Consultants, Inc. (NATC). All commenters expressed support for the NPRM. However, NATC also suggested that FMCSA publish a list of those States that require the return of the completed roadside inspection report.[1] FMCSA appreciates this suggestion, however, FMCSA will not be compiling this list. The Agency advises motor carriers to continue to check and comply with the requirements of the States in which they operate.

V. Changes From the NPRM

FMCSA makes no substantive changes to the regulation from those proposed in the NPRM. This rule does, however, update the title of the rule to more accurately reflect the subject matter, and adds in a clarifying cross-reference to section 396.9(d)(3)(i), which requires a motor carrier to certify that there are no defects or deficiencies on the DVIR.

VI. International Impacts

Motor carriers and drivers are subject to the laws and regulations of the countries in which they operate, unless an international agreement states otherwise. Foreign-domiciled drivers and motor carriers operating in the United States must comply with all applicable U.S. Federal regulations. Drivers and motor carriers should be aware of the regulatory differences between nations.

VII. Section-by-Section Analysis

This section-by-section analysis describes the changes to the regulatory text in numerical order. The regulation at 49 CFR 396.9(d)(3)(ii) is revised to require only that a signed inspection form be returned to the issuing State agency if that agency requests the form's return. The requirement that the motor carrier or intermodal equipment provider retain a copy at their principal place of business remains unchanged except for a clarifying cross-reference to section 396.9(d)(3)(i).

VIII. Regulatory Analyses

A. Executive Order (E.O.) 12866 (Regulatory Planning and Review) and DOT Rulemaking Procedures

FMCSA has considered the impact of this final rule under E.O. 12866 (58 FR 51735, Oct. 4, 1993), Regulatory Planning and Review, and DOT's Rulemaking Procedures, 49 CFR part 5, subpart B. The Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB) determined that this final rulemaking is not a significant regulatory action under section 3(f) of E.O. 12866 and has not reviewed it under that E.O.

This rule revises the regulations to require that a completed roadside inspection form be returned to the issuing State agency only if that agency requests the form's return. This revision will result in cost savings for those entities that will no longer be required to return the form to the issuing agency.

In order to quantify the cost savings, FMCSA would need to know the number of States that currently do *not* request the reports to be returned, and the average number of inspections conducted by those States where there are vehicle defects or deficiencies cited. This would give an estimate of the number of completed roadside inspection forms that would no longer need to be returned. FMCSA does not possess this data. In addition, FMCSA would also need the number of issuing agencies that will choose to stop requesting the return of the completed roadside inspection form following this final rule, and the degree to which motor carriers comply with the current requirement. Without this information, FMCSA cannot accurately quantify the cost savings.

FMCSA acknowledges ATA's comment estimating that current signature and return requirements impose administrative costs of $20 to $50 per inspection. However, FMCSA

[1] NATC also made suggestions regarding DataQs and the Safety Measurement System that are outside of the scope of the NPRM.

believes the administrative costs per inspection to be less than this range as most of the administrative burden associated with handling the completed roadside inspection form will remain. This final rule only removes the requirement to return the completed roadside inspection form to a State agency if that agency does not request the form's return.

FMCSA does not anticipate that this rulemaking will impact safety. Motor carriers and intermodal equipment providers are still required to undergo inspections and correct all violations found.

B. E.O. 14192 (Unleashing Prosperity Through Deregulation)

E.O. 14192, Unleashing Prosperity Through Deregulation, was issued on January 31, 2025 (90 FR 9065, Jan. 31, 2025). E.O. 14192 requires that, for ''each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be identified for elimination.'' [2] Implementation guidance addressing the requirements of E.O. 14192 was issued by OMB on March 26, 2025 (Memorandum M–25–20). An E.O. 14192 deregulatory action is defined as ''an action that has been finalized and has total costs less than zero.'' This rulemaking will have total costs of less than zero as some entities will no longer return the completed inspection report to the issuing Agency, and therefore is an E.O. 14192 deregulatory action. As discussed above, FMCSA is unable to quantify the cost savings that will result from this rulemaking.

C. Congressional Review Act

This rule is not a *major rule* as defined under the Congressional Review Act (5 U.S.C. 801–808).'' [3]

D. Regulatory Flexibility Act (Small Entities)

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996,[4] 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 (5 U.S.C. 601(6)). Accordingly, DOT policy requires an analysis of the impact of all regulations on small entities, and mandates that agencies strive to lessen any adverse effects on these businesses.

No regulatory flexibility analysis is required, however, if the head of an agency or an appropriate designee certifies that the rule will not have a significant economic impact on a substantial number of small entities. This rulemaking will impact some motor carriers and intermodal equipment providers by eliminating the requirement to return completed roadside inspection forms to State agencies that do not request, or require, the return of these forms. FMCSA does not know how many small entities will be impacted by this rulemaking and cannot determine if that number would be substantial. The cost to return the form to the issuing agency is not overly burdensome or costly and will not represent one percent of revenue for a motor carrier.

Therefore, FMCSA has determined that this rulemaking will not have a significant impact. Consequently, I certify that this action will not have a significant economic impact on a substantial number of small entities.

E. Assistance for Small Entities

In accordance with section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121, 110 Stat. 857), FMCSA wants to assist small entities in understanding this final rule so they can better evaluate its effects on themselves and participate in the rulemaking initiative. If the final rule will affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

Small businesses may send comments on the actions of Federal employees who enforce or otherwise determine compliance with Federal regulations to the Small Business Administration's Small Business and Agriculture Regulatory Enforcement Ombudsman (Office of the National Ombudsman, see *https://www.sba.gov/about-sba/oversight-advocacy/office-national-ombudsman*) and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small businesses. If you wish to comment on actions by employees of FMCSA, call 1–888–REG–FAIR (1–888–734–3247). DOT has a policy regarding the rights of small entities to fairness in regulatory enforcement and an explicit policy against retaliation for exercising these rights.

F. Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) (UMRA) requires Federal agencies to assess the effects of their discretionary regulatory actions. The UMRA addresses actions that may result in the expenditure by a State, local, or Tribal government, in the aggregate, or by the private sector of $206 million (which is the value equivalent of $100 million in 1995, adjusted for inflation to 2024 levels) or more in any one year. Though this final rule would not result in such an expenditure, and the analytical requirements of UMRA do not apply as a result, the Agency discusses the effects of this rule elsewhere in this preamble.

G. Paperwork Reduction Act

This final rule contains no new information collection requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The currently approved information collection titled ''Inspection, Repair and maintenance'' (OMB approval number 2126–0003) does not include burden estimates for the transmission of the completed roadside inspection form to a State agency. As such, there is no need to revise the already approved collection.

H. E.O. 13132 (Federalism)

A rule has implications for federalism under section 1(a) of E.O. 13132 if it has ''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.''

FMCSA has determined that this rule will not have substantial direct costs on or for States, nor will it limit the policymaking discretion of States. Nothing in this document preempts any State law or regulation. Therefore, this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Impact Statement.

[2] Executive Office of the President, *Executive Order 14192 of January 31, 2025, Unleashing Prosperity Through Deregulation,* 90 FR 9065–9067 (Feb. 6, 2025).

[3] A *major rule* means any rule that OMB finds has resulted in or is likely to result in (a) an annual effect on the economy of $100 million or more; (b) a major increase in costs or prices for consumers, individual industries, geographic regions, Federal, State, or local government agencies; or (c) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets (5 U.S.C. 804(2)).

[4] Public Law 104–121, 110 Stat. 857 (Mar. 29, 1996).

I. Privacy

The Consolidated Appropriations Act, 2005,[5] requires FMCSA to assess the privacy impact of a regulation that will affect the privacy of individuals. This rule will not require the collection of personally identifiable information (PII). The Privacy Act (5 U.S.C. 552a) applies only to Federal agencies and any non-Federal agency that receives records contained in a system of records from a Federal agency for use in a matching program.

The E-Government Act of 2002 [6] requires Federal agencies to conduct a Privacy Impact Assessment (PIA) for new or substantially changed technology that collects, maintains, or disseminates information in an identifiable form. This rule does not involve new or substantially changed technology, therefore a PIA is not necessary.

In addition, FMCSA submitted a Privacy Threshold Assessment (PTA) to evaluate the risks and effects the rulemaking might have on collecting, storing, and sharing PII. The PTA has been submitted to FMCSA's Privacy Officer for review and preliminary adjudication and will be submitted to DOT's Privacy Officer for review and final adjudication.

J. E.O. 13175 (Indian Tribal Governments)

This rule does not have Tribal implications under E.O. 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.

K. National Environmental Policy Act of 1969

FMCSA analyzed this rule pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and believes this final rule will not have a reasonably foreseeable significant effect on the quality of the human environment. This action falls under a published categorical exclusion and is thus excluded from further analysis and documentation in an environmental assessment or environmental impact statement under DOT Order 5610.1D,[7] Subpart B, paragraph (e)(6)(f)(1), (e)(6)(q), and (e)(6)(aa) apply, which cover regulations pertaining to driver/vehicle inspections; implementing record preservation procedures; and requiring motor carriers, their officers, drivers, agents, representatives, and employees directly in control of CMVs to inspect, repair, and provide maintenance for every CMV used on a public road, respectively.

List of Subjects in 49 CFR Part 396

Highway safety, Motor carriers, Motor vehicle safety, Reporting and recordkeeping requirements.

Accordingly, FMCSA amends 49 CFR part 396 to read as follows:

PART 396—INSPECTION, REPAIR, AND MAINTENANCE

■ 1. The authority citation for part 396 continues to read as follows:

Authority: 49 U.S.C. 504, 31133, 31136, 31151, 31502; sec. 32934, Pub. L. 112–141, 126 Stat. 405, 830; sec. 5524, Pub. L. 114–94, 129 Stat. 1312, 1560; and 49 CFR 1.87.

■ 2. Amend § 396.9 by revising paragraph (d)(3)(ii) to read as follows:

§ 396.9 Inspection of motor vehicles and intermodal equipment in operation.

* * * * *

(d) * * *

(3) * * *

(ii) If requested by the issuing State agency, return the completed roadside inspection form to the issuing State agency at the address indicated on the form and, in all instances, retain a copy at the motor carrier's principal place of business, at the intermodal equipment provider's principal place of business, or where the vehicle is housed for 12 months from the date of the inspection, in accordance with paragraph (d)(3)(i) of this section.

Issued under authority delegated in 49 CFR 1.87.

Derek Barrs,

Administrator.

[FR Doc. 2026–12450 Filed 6–18–26; 8:45 am]

BILLING CODE 4910–EX–P

[5] Public Law 108–447, 118 Stat. 2809, 3268, note following 5 U.S.C. 552a (Dec. 4, 2014).

[6] Public Law 107–347, sec. 208, 116 Stat. 2899, 2921 (Dec. 17, 2002).

[7] Available at: *https://www.transportation.gov/mission/dots-procedures-considering-environmental-impacts.*

Proposed Rules

Federal Register
Vol. 91, No. 118
Monday, June 22, 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 TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–4658; Project Identifier MCAI–2026–00014–R]

RIN 2120–AA64

Airworthiness Directives; Bell Textron Canada Limited Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain Bell Textron Canada Limited Model 505 helicopters. This proposed AD was prompted by reports that the identification plate affixed to certain tail cone assemblies contains an incorrect part number (P/N), which may not accurately convey the life limit. This proposed AD would require verifying the tail cone assembly part number and, if necessary, replacing the incorrect tail cone assembly identification plate with a new tail cone assembly identification plate containing the correct P/N and updating the existing log card or equivalent record for the helicopter. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this NPRM by August 6, 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–2026–4658; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, 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 Transport Canada material identified in this AD, contact Transport Canada, Transport Canada National Aircraft Certification, 159 Cleopatra Drive, Nepean, Ontario, K1A 0N5, Canada; phone: (888) 663–3639; email: *TC.AirworthinessDirectives-Consignesdenavigabilite.TC@tc.gc.ca;* website: *tc.canada.ca/en/aviation.*
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 10101 Hillwood Parkway, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110.

FOR FURTHER INFORMATION CONTACT: Brande Ali-Turner, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (847) 294–7132; email: *brande.ali-turner@faa.gov*.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments using a method listed under **ADDRESSES**. Include ''Docket No. FAA–2026–4658; Project Identifier MCAI–2026–00014–R'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Brande Ali-Turner, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

Transport Canada, which is the aviation authority for Canada, has issued Transport Canada AD CF–2026–01, dated January 26, 2026 (Transport Canada AD CF–2026–01) (also referred to as the MCAI), to correct an unsafe condition on certain Bell Textron Canada Limited Model 505 helicopters. The MCAI states that there are reports that the identification plate affixed to some Bell 505 helicopter tail cone assemblies (P/N SLS–030–600–007 and P/N SLS–030–600–009) mistakenly contains an incorrect P/N. The MCAI further states that the tail cone assembly is subject to a life limit published in the Airworthiness Limitations Schedule, and if the P/N on the identification plate remains uncorrected, it could be incorrectly determined that the tail cone assembly has an unlimited airworthiness life. If the tail cone assembly is not replaced because of the incorrect identification plate, it could lead to fatigue cracking of the tailboom and loss of control of the helicopter.

You may examine the MCAI in the AD docket at regulations.gov under Docket No. FAA–2026–4658.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed Transport Canada AD CF–2026–01, dated January 26, 2026, which specifies procedures for verifying and, if necessary, replacing the tail cone assembly identification plate with a new plate marked with the correct part number. 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 NPRM after determining that the unsafe condition described previously is likely to exist or develop on other products of the same type design.

Proposed AD Requirements in this NPRM

This proposed AD would require accomplishing the actions specified in the material already described, 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, the FAA proposes to incorporate Transport Canada AD CF–2026–01 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with Transport Canada AD CF–2026–01 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Material required by Transport Canada AD CF–2026–01 for compliance will be available at *regulations.gov* under Docket No. FAA–2026–4658 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 182 helicopters of U.S. registry.

The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Verify tail cone assembly part number	1 work-hour × $85 per hour = $85	$0	$85	$15,470

The FAA estimates the following costs to do any replacement that would be required based on the results of the proposed inspection. The agency has no way of determining the number of helicopters that might need this replacement.

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replace tail cone assembly identification plate	2 work-hours × $85 per hour = $170	$5	$175
Update existing log card	1 work-hour × $85 per hour = $85	0	85

The FAA has included all known costs in its cost estimate. According to the manufacturer, however, some of the costs of this proposed 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

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

For the reasons discussed above, I certify this proposed regulation:

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Bell Textron Canada Limited: Docket No. FAA–2026–4658; Project Identifier MCAI–2026–00014–R.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by August 6, 2026.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Bell Textron Canada Limited Model 505 helicopters, certificated in any category, as identified in Transport Canada AD CF–2026–01, dated January 26, 2026 (Transport Canada AD CF–2026–01)

(d) Subject

Joint Aircraft System Component (JASC) Code 5302, Rotorcraft Tail Boom.

(e) Unsafe Condition

This AD was prompted by reports that the identification plate affixed to certain tail cone assemblies contains an incorrect part number. The FAA is issuing this AD to ensure proper identification of the tail cone assembly and compliance with its approved life limit. The unsafe condition, if not addressed, could lead to non-replacement of the tail cone assembly within the life limit, which could result in possible fatigue cracking of the tailboom and loss of control of the helicopter.

(f) Compliance

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

(g) Required Actions

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, Transport Canada AD CF–2026–01.

(h) Exceptions to Transport Canada AD CF–2026–01

(1) Where Transport Canada AD CF–2026–01 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where Transport Canada AD CF–2026–01 requires compliance in terms of air time, this AD requires using hours time-in-service.

(3) Where Transport Canada AD CF–2026–01 referenced material requires scrapping or destroying certain parts, this AD requires removing those parts from service.

(4) Where the material referenced in Transport Canada AD CF–2026–01 specifies making an entry in the helicopter's log book and historical service records, this AD requires making an entry of the tail cone assembly part number and serial number of the replacement identification plate in the existing helicopter log book or equivalent document but you are not required to make an entry of compliance with the material.

(i) Alternative Methods of Compliance (AMOCs)

(1) 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 local Flight Standards District 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 (j) 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.

(j) Additional Information

For more information about this AD, contact Brande Ali-Turner, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (847) 294–7132; email: *brande.ali-turner@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 the AD specifies otherwise.

(i) Transport Canada AD CF–2026–01, dated January 26, 2026.

(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; phone: (888) 663–3639; email: *TC.AirworthinessDirectives-Consignesdenavigabilite.TC@tc.gc.ca.* You may view 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, 10101 Hillwood Parkway, Fort Worth, TX 76177. 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 17, 2026.

Paul R. Bernado,

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

[FR Doc. 2026–12480 Filed 6–18–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2026–7033; Airspace Docket No. 26–ASO–4]

RIN 2120–AA66

Establishment of Class E Airspace; Belmont, MS

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to establish Class E airspace extending upward from 700 feet above the surface at Tishomingo Airport, Belmont, MS. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations at this airport.

DATES: Comments must be received on or before August 6, 2026.

ADDRESSES: Send comments identified by FAA Docket No. FAA–2026–7033 and Airspace Docket No. 26–ASO–4 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:* 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 for 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 the Docket Operations in Room W58–213 of the West Building, 5th Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except for 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, 800 Independence

Avenue SW, Washington, DC 20591; Telephone: (202) 267–8783.

FOR FURTHER INFORMATION CONTACT: Rachel Cruz, Operations Support Group, Eastern Service Center, Federal Aviation Administration, 1701 Columbia Avenue, College Park, GA 30337; Telephone: (404) 305–5571.

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 establish Class E airspace in Belmont, MS.

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 receives 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 edits, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

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 Operations office (see **ADDRESSES** section for address, phone number, and hours of operations). An informal docket may also be examined during regular business hours at the office of the Eastern Service Center, Federal Aviation Administration, Room 210, 1701 Columbia Ave., College Park, GA 30337.

Incorporation by Reference

Class E airspace designations 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, Airspace Designations and Reporting Points, 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 proposes an amendment to 14 CFR part 71 to establish Class E airspace extending upward from 700 feet above the surface within a 6.9-mile radius of Tishomingo County Airport, and within 2 miles each side of the 168° bearing from the airport extending from the 6.9-mile radius to 12.8 miles south of the airport. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations in the area.

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, ''Rulemaking and Guidance Procedure'' (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 final regulatory action by the FAA.

Lists 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 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.

* * * * *

ASO MS E5 Belmont, MS [New]

Tishomingo Airport, NC
(Lat. 34°29′30″ N, long. 88°12′04″ W)

That airspace extending upward from 700 feet or more above the surface within a 6.9-

mile radius of Tishomingo County Airport, and within 2 miles each side of the 168° bearing from the airport extending from the 6.9-mile radius to 12.8 miles south of the airport.

* * * * *

Issued in College Park, Georgia, on June 17, 2026

Kristen Leake,

Acting Manager, Airspace & Procedures South Team, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2026–12535 Filed 6–18–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2026–4886; Airspace Docket No. 25–ANM–165]

RIN 2120–AA66

Establishment of Canadian Area Navigation Route Q–827, Amendment of Jet Route J–7 and Revocation of Jet Route J–530 in the Vicinity of Great Falls, MT.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to establish Canadian Area Navigation (RNAV) Route Q–827, amend Jet Route J–7 and revoke Jet Route J–530 in the vicinity of Great Falls, MT. The FAA is proposing these actions to provide enroute continuity with NAV Canada's ongoing route structure modernization efforts.

DATES: Comments must be received on or before August 6, 2026.

ADDRESSES: Send comments identified by FAA Docket No. FAA–2026–4886 and Airspace Docket No. 25–ANM–165 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; U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W58–213, West Building, 5th Floor, Washington, DC, 20590.

* *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, 20590 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 the Docket Operations in Room W58–213 of the West Building, 5th Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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: Steven Roff, Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

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 the 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 airway structure as necessary to preserve the safe and efficient flow of air traffic within the National Airspace System.

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 receives 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–14 FDMS), 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 Operations office (see **ADDRESSES** section for address, phone number, and hours of operations). An informal docket may also be examined during normal business hours at the office of the Western Service Center, Federal Aviation Administration, 2200 South 216th St., Des Moines, WA 98198.

Incorporation by Reference

Canadian Area Navigation Routes are published in paragraph 2007 and Jet Routes are published in paragraph 2004 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.

Background

The proposed actions are necessary to accommodate Nav Canada's multi-year ongoing NAVAID Modernization Plan (NMP), which reduces reliance upon ground-based navigation aids (NAVAIDs) and transitions to a more efficient and cost-effective system using satellite/Performance Based Navigation (PBN). This shift away from ground-based NAVAIDs impacts the existing cross-border U.S. Federal Airway structure, and the FAA is proposing these actions to provide enroute continuity with NAV Canada's ongoing route structure modernization efforts.

Q–827 would replace J–530 and a segment of J–7, which is currently NOTAM'd out of service due to the decommissioning of the Swift Current, SK, Canada, Very High Frequency Omnidirectional Range/Distance Measuring Equipment (VOR/DME). Q–827 would connect with NAV Canada's existing Q–827 at the new RAWZY, MT, Waypoint (WP) located on the U.S./Canadian border. The current computer navigation fix, GGRBI, would also be removed from the database.

The Proposal

The FAA is proposing an amendment to 14 CFR part 71 to establish Canadian Area Navigation (RNAV) Route Q–827, amend J–7 and revoke Jet Route J–530 in the vicinity of Great Falls, MT.

Q–827: Q–827 would extend between the Great Falls, MT, VOR/tactical air navigation (VORTAC) and the RAWZY, MT, WP.

J–7: J–7 currently extends between the Los Angeles, CA, VORTAC and the Swift Current, SK, Canada, VOR, excluding the airspace within Canada. Due to the decommissioning of the Swift Current VOR, the portion of J–7 between Great Falls VORTAC and the Swift Current VOR is unusable. As amended, J–7 would extend between the Los Angeles VORTAC and the Great Falls VORTAC.

J–530: J–530 currently extends between the Great Falls VORTAC and the Swift Current, SK, Canada, VOR. The FAA is proposing to revoke J–530 in its entirety.

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, ''Rulemaking and Guidance Procedure'' (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 2007 Canadian Area Navigation Routes.

* * * * *

Q–827 Great Falls, MT (GTF), to RAWZY, MT [NEW]

Great Falls, MT (GTF)	VORTAC	(lat. 47°26′59.93″ N, long. 111°24′43.79″ W)
RAWZY, MT	WP	(lat. 49°00′01.32″ N, long. 109°27′27.06″ W)

* * * * *

Paragraph 2004 Jet Routes.

* * * * *

J–7 [Amended]

From Los Angeles, CA, via Fillmore, CA; INT Fillmore 325° and Friant, CA, 181° radials; Friant; Mustang, NV; Rome, OR; Boise, ID; Salmon, ID; to Great Falls, MT.

* * * * *

J–530 [Revoked]

* * * * *

Issued in Washington, DC, on June 17, 2026.

Alex W. Nelson,

Manager, Airspace Rules and Regulations.

[FR Doc. 2026–12437 Filed 6–18–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2026–7096; Airspace Docket No. 26–ASO–11]

RIN 2120–AA66

Amendment of Domestic Very High Frequency Omnidirectional Range (VOR) Federal Airways V–16, V–94, V–159, and Revocation of V–535; Eastern United States

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend domestic Very High Frequency Omnidirectional Range (VOR) Federal Airways V–16, V–94, and V–159, and revoke V–535 in the eastern United States. The FAA is proposing these actions due to the planned decommissioning of the Holly Springs, MS (HLI), VOR/Tactical Air Navigation (VORTAC).

DATES: Comments must be received on or before August 6, 2026.

ADDRESSES: Send comments identified by FAA Docket No. FAA–2026–7096 and Airspace Docket No. 26–ASO–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.

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

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, Policy Directorate, Federal Aviation Administration, 800 Independence Avenue SW, Washington DC 20591; telephone: (202) 267–8783.

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

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 the 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 airway structure as necessary to preserve the safe and efficient flow of air traffic within the National Airspace System.

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 receives 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–14 FDMS), 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 Operations office (see **ADDRESSES** section for address, phone number, and hours of operations). An informal docket may also be examined during normal business hours at the office of the Eastern Service Center, Federal Aviation Administration, Room 210, 1701 Columbia Avenue, College Park, GA 30337.

Incorporation by Reference

Domestic VOR Federal Airways are published in paragraph 6010(a) 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.

Background

There are two Federal airways, also known as routes, with the identifier V–16, one located in the state of Hawaii, and one located between the states of California and New York. This action only proposes to affect the V–16 located between the states of California and New York.

The FAA is planning to decommission the Holly Springs VORTAC on April 15, 2027. The Air Traffic Service (ATS) routes affected by the planned navigational aid (NAVAID) decommissioning are VOR Federal Airways V–16, V–94, V–159, and V–535. With the planned decommissioning of the Holly Springs VORTAC, the remaining ground-based NAVAID coverage in the area is insufficient to enable the continuity of the affected ATS routes. As such, the proposed modifications would result in V–94 being shortened; V–159 being adjusted to avoid gaps in the airway; and V–535 being revoked.

To mitigate any impacts from these changes, instrument flight rules (IFR) traffic could alternatively use adjacent VOR Federal Airways V–9, V–159, and V–278 or receive air traffic control (ATC) radar vectors to fly through or circumnavigate the affected area. Additionally, IFR pilots with area navigation (RNAV)-equipped aircraft could also use the adjacent RNAV Routes T–239, T278, and T–398; or navigate point-to-point using the existing fixes that will remain in place to support continued operations through the affected area. Visual flight rules (VFR) pilots who elect to navigate via airways through the affected area could also take advantage of ATC services listed previously.

The Proposal

The FAA is proposing an amendment to 14 CFR part 71 to amend domestic VOR Federal Airways V–16, V–94, V–159, and revoke V–535 to support the planned decommissioning of the Holly Springs VORTAC.

V–16: V–16 currently extends between the Los Angeles, CA (LAX), VORTAC and the Holly Springs VORTAC; between the Shelbyville, TN (SYI), VOR/DME and the Pulaski, VA (PSK), VORTAC; between the Lynchburg, VA (LYH), VOR/DME and the Richmond, VA (RIC), VORTAC; and between the Smyrna, DE (ENO), VORTAC and the intersection of the Calverton, NY (CCC), VOR/DME 044° and Madison, CT (MAD), VOR/DME 142° radials (CREAM Fix), the airspace within Mexico and the airspace below 2,000 feet mean sea level (MSL) outside the United States is excluded. The airspace within Restricted Areas R–5002A, R–5002C, R–5002D, and R–5002F is excluded during their times of use.

The FAA proposes to remove the airway segment between the Marvell, AR (UJM), VOR/DME and the Holly Springs VORTAC. As amended, the airway would be changed to extend between the Los Angeles VORTAC and the Marvell VOR/DME; between the Shelbyville VOR/DME and the Pulaski VORTAC; between the Lynchburg VOR/DME and the Richmond VORTAC; and between the Smyrna VORTAC and the CREAM Fix, the airspace within Mexico and the airspace below 2,000 feet mean sea level (MSL) outside the United States is excluded. The airspace within Restricted Areas R–5002A, R–5002C, R–5002D, and R–5002F is excluded during their times of use.

Concurrent changes to V–16 have been proposed in a separate rulemaking docket, Docket No. FAA 2026–2452 published in the **Federal Register** (91 FR 10979; March 6, 2026).

V–94: V–94 currently extends between the Blythe, CA (BLH), VORTAC and the Tuscola, TX (TQA), VOR/DME; and between the Cedar Creek, TX (CQY), VORTAC and the Holly Springs VORTAC.

The FAA proposes to remove the airway segment between the Greenville, MS (GLH) VOR/DME and the Holly Springs VORTAC. As amended, the airway would be changed to extend between the Blythe VORTAC and the Tuscola VOR/DME; and between the Cedar Creek VORTAC and the Greenville VOR/DME.

V–159: V–159 currently extends between the intersection of the Melbourne, FL (MLB), VOR/DME 269° and Orlando, FL (ORL), VORTAC 140° radials and the Ocala, FL (OCF), VORTAC; between the Greenville, FL (GEF), VORTAC and the Vulcan, AL (VUZ), VORTAC; between the Holly Springs VORTAC and the Omaha, IA (OVR), VORTAC.

The FAA proposes to remove the airway segment between the Holly Springs VORTAC and the Gilmore, AR (GQE), VOR/DME. As amended, the airway would be changed to extend between the intersection of the Melbourne VOR/DME 269° and Orlando VORTAC 140° radials and the Ocala VORTAC; between the Greenville VORTAC and the Vulcan VORTAC; and between the Gilmore VOR/DME and the Omaha VORTAC.

V–535: V–535 currently extends between the Sidon, MS (MQS), VORTAC and the Holly Springs VORTAC. The FAA proposes to remove the airway in its entirety.

The full proposed descriptions of the above routes are set forth below in the proposed text amendments to part 71. The NAVAID radials listed in the VOR Federal airway description regulatory text of this NPRM are stated in degrees True north.

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, ''Rulemaking and Guidance Procedure'' (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 6010(a) Domestic VOR Federal Airways.

* * * * *

V–16 [Amended]

From Los Angeles, CA; Paradise, CA; Palm Springs, CA; Blythe, CA; Buckeye, AZ; Phoenix, AZ; INT Phoenix 155° and Stanfield, AZ, 105° radials; Tucson, AZ; San Simon, AZ; INT San Simon 119° and Columbus, NM, 277° radials; Columbus; El Paso, TX; Salt Flat, TX; Wink, TX; INT Wink 066° and Big Spring, TX, 260° radials; Big Spring; Abilene, TX; Bowie, TX; Bonham, TX; Paris, TX; Texarkana, AR; Pine Bluff, AR; to Marvell, AR. From Shelbyville, TN; Hinch Mountain, TN; Volunteer, TN; Holston Mountain, TN; to Pulaski, VA. From Lynchburg, VA; Flat Rock, VA; to Richmond, VA. From Smyrna, DE; Cedar Lake, NJ; Coyle, NJ; INT Coyle 036° and Kennedy, NY, 209° radials; Kennedy; INT Kennedy 040° and Calverton, NY, 261° radials; Calverton; to INT Calverton 044° and Madison, CT, 142° radials. The airspace within Mexico and the airspace below 2,000 feet MSL outside the United States is excluded. The airspace within Restricted Areas R–5002A, R–5002C, R–5002D, and R–5002F is excluded during their times of use.

* * * * *

V–94 [Amended]

From Blythe, CA; INT Blythe 094° and Gila Bend, AZ, 299° radials; Gila Bend; Stanfield, AZ; 55 miles, 74 miles, 95 MSL, San Simon, AZ; Deming, NM; Newman, TX; Salt Flat, TX; Wink, TX; Midland, TX; to Tuscola, TX. From Cedar Creek, TX; Gregg County, TX; Elm Grove, LA; Monroe, LA; to Greenville, MS.

* * * * *

V–159 [Amended]

From INT Melbourne, FL, 269° and Orlando, FL, 140° radials; Orlando; to Ocala, FL. From Greenville, FL; Pecan, GA; Eufaula, AL; INT Eufaula 320° and Vulcan, AL, 139° radials; to Vulcan. From Gilmore, AR; Walnut Ridge, AR; Dogwood, MO; Springfield, MO; Napoleon, MO; INT Napoleon 005° and St. Joseph, MO, 122° radials; St. Joseph; to Omaha, IA.

* * * * *

V–535 [Removed]

* * * * *

Issued in Washington, DC, on June 17, 2026.

Alex W. Nelson,

Manager, Rules and Regulations Group.

[FR Doc. 2026–12491 Filed 6–18–26; 8:45 am]

BILLING CODE 4910–13–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[EPA–HQ–OAR–2025–1348; FRL–5732–04–OAR]

RIN 2060–AS13

National Emission Standards for Hazardous Air Pollutants: National Emission Standards for Hazardous Air Pollutants: Crude Oil and Natural Gas Production Facilities and Natural Gas Transmission and Storage Facilities; Technology Review and Reconsideration; Extension of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; extension of public comment period.

SUMMARY: On April 22, 2026, the U.S. Environmental Protection Agency (EPA) proposed a rule titled ''National Emission Standards for Hazardous Air Pollutants: Crude Oil and Natural Gas Production Facilities and Natural Gas Transmission and Storage Facilities; Technology Review and Reconsideration.'' The EPA is extending the comment period on this proposed rule, which is scheduled to close on June 22, 2026. The comment period will now end on August 6, 2026, to allow additional time for stakeholders to review and comment on the proposal.

DATES: The EPA is extending the comment period for the proposed rule that published in the **Federal Register** (FR) on April 22, 2026, at 91 FR 21672. The EPA must receive written comments on or before August 6, 2026.

ADDRESSES: You may send comments, identified by Docket ID No. EPA–HQ–OAR–2025–1348, by any of the following methods:

- *Federal eRulemaking Portal: https://www.regulations.gov* (our preferred method). Follow the online instructions for submitting comments.
- *Email: a-and-r-docket@epa.gov.* Include Docket ID No. EPA–HQ–OAR–2025–1348 in the subject line of the message.
- *Mail:* U.S. Environmental Protection Agency, EPA Docket Center, Docket ID No. EPA–HQ–OAR–2025–1348, Mail Code 28221T, 1200 Pennsylvania Avenue NW, Washington, DC 20460.
- *Fax:* (202) 566–9744. Attention Docket ID No. EPA–HQ–OAR–2025–1348
- *Mail:* U.S. Environmental Protection Agency, EPA Docket Center, WJC West Building, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20004. The Docket Center's hours of operation are 8:30 a.m. to 4:30 p.m., Monday through Friday (except Federal holidays).

Instructions: All submissions received must include the Docket ID No. EPA–HQ–OAR–2025–1348 for this rulemaking. Comments received may be posted without change on *https://www.regulations.gov,* including any personal information provided. For detailed instructions on sending comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: For information about this comment period extension, contact U.S. EPA, Attn: Matthew Witosky, Mail Drop: D243–04, 109 T.W. Alexander Drive, P.O. Box 12055, Research Triangle Park, North Carolina 27711; telephone number: (919) 541–2865; and email address: *Witosky.matthew@epa.gov.*

SUPPLEMENTARY INFORMATION:

Rationale. On April 22, 2026, the EPA proposed a rule titled ''National Emission Standards for Hazardous Air Pollutants: National Emission Standards for Hazardous Air Pollutants: Crude Oil and Natural Gas Production Facilities and Natural Gas Transmission and Storage Facilities; Technology Review and Reconsideration.'' [1] The comment period on this proposed rule was originally scheduled to close on June 22, 2026. The EPA received requests for additional time to review and comment on this proposed rule, and the EPA has decided to extend the comment period until August 6, 2026. The public comment period will now end on August 6, 2026.

Docket. The EPA established a docket for this rulemaking under Docket ID No. EPA–HQ–OAR–2025–1348. All documents in the docket are listed at *https://www.regulations.gov.* Although listed, some information is not publicly available, *e.g.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The EPA does not place certain other material, such as copyrighted material, on the internet; this material is publicly available only as portable document format (PDF) versions accessible only on EPA computers in the docket office reading room. The public cannot download certain databases and physical items from the docket but may request these items by contacting the docket office at 202–566–1744. The docket office has 10 business days to respond to such requests. With the exception of such material, publicly available docket materials are available electronically at *https://www.regulations.gov.*

Written Comments. Direct your comments to Docket ID No. EPA–HQ–OAR–2025–1348. The EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *https://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be CBI or other information for which a statute restricts disclosure. Do not submit electronically to *https://www.regulations.gov* any information that you consider to be CBI or other information for which a statute restricts disclosure. You should submit this type of information as discussed below.

The EPA may publish any comment received to its public docket. A written comment must accompany multimedia submissions (audio, video, *etc.*). The EPA considers the written comment to be the official comment, and it should include discussion of all points the commenter wishes to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

The *https://www.regulations.gov* website allows you to submit your comment anonymously, which means the EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to the EPA without going through *https://www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. If you submit an electronic comment, the EPA recommends that you include your name and other contact information in the body of your comment and with any

[1] 91 FR 21672, April 22, 2026.

digital storage media you submit. If the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. Electronic files should not include special characters or any form of encryption and should be free of any defects or viruses. For additional information about the EPA's public docket, visit the EPA Docket Center homepage at *https://www.epa.gov/dockets.*

Submitting CBI. Do not submit information containing CBI to the EPA through *https://www.regulations.gov/.* Clearly mark the part or all the information that you claim to be CBI. For CBI information on any digital storage media that you mail to the EPA, note the docket ID, mark the outside of the digital storage media as CBI, and identify electronically within the digital storage media the specific information that is claimed as CBI. In addition to one complete version of the comments that includes information claimed as CBI, you must submit a copy of the comments that does not contain the information claimed as CBI directly to the public docket through the procedures outlined in Instructions above. If you submit any digital storage media that does not contain CBI, mark the outside of the digital storage media clearly that it does not contain CBI and note the docket ID. Information not marked as CBI will be included in the public docket and the EPA's electronic public docket without prior notice. Information marked as CBI will not be disclosed except in accordance with procedures set forth in 40 Code of Federal Regulations (CFR) part 2.

Our preferred method to receive CBI is for it to be transmitted electronically using email attachments, File Transfer Protocol (FTP), or other online file sharing services (*e.g.,* Dropbox, OneDrive, Google Drive). Electronic submissions must be transmitted directly to the Office of Clean Air Programs (OCAP) at the email address *ocapcbi@epa.gov* and, as described above, should include clear CBI markings and note the docket ID. If assistance is needed with submitting large electronic files that exceed the file size limit for email attachments, and if you do not have your own file sharing service, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to receive instructions.

Panagiotis Tsirigotis,

Director, Office of Clean Air Programs.

[FR Doc. 2026–12481 Filed 6–18–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 174 and 180

[EPA–HQ–OPP–2026–0332; FRL–13201–03–OCSPP]

Receipt of Pesticide Petitions Filed for Residues of Pesticide Chemicals in or on Various Commodities—March 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 2024 and 2025 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 22, 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, are available at *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Each application summary in Unit II. specifies a contact division. The appropriate division contacts are identified as follows:

- BPPD (Biopesticides and Pollution Prevention Division) (Mail Code 7511M); Alan Reynolds; main telephone number: (202) 566–1471; email address: *BPPDFRNotices@epa.gov.*
- RD (Registration Division) (Mail Code 7505T); Charles Smith; main telephone number: (202) 566–1030; email address: *RDFRNotices@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//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 3F9099.* (EPA–HQ–OPP–2025–0110). Ascribe Bioscience, Inc, 95 Brown Rd., Suite 202. Ithaca, NY 14850 (c/o SciReg, Inc., 12733 Director's Loop, Woodbridge, VA, 22192), requests to establish an exemption from the requirement of a tolerance in 40 CFR part 180 for residues of the (10R)-10-[(2R,3R,5R,6S)-3,5-dihydroxy-6-methyloxan-2-yl]oxyundecanoic acid (Ascr#18) in or on raw agricultural commodities or processed food. The petitioner believes no analytical method is needed because Ascr#18 is naturally occurring and is non-toxic as demonstrated through acute, subchronic, and developmental toxicity and mutagenicity studies. The end-use product containing Ascr#18 is to be applied per acre is very low (20 fl. oz. per acre). Therefore, exposure to any residues of Ascr#18 in agricultural commodities or processed foods should not be of concern for human health. *Contact:* BPPD.
- *PP 4F9133.* (EPA–HQ–OPP–2025–0094). CH Biotech R&D Co., c/o CH Biotech LLC, 601 Kettering Drive, Ontario, CA 91761, requests to establish an exemption from the requirement of a tolerance in 40 CFR part 180 for residues of the melatonin in or on all raw agricultural commodities. The petitioner believes no analytical method is needed because CH Biotech requests that EPA establish an exemption from the requirement of a tolerance without any numerical limitation. As a result, no analytical method for measuring residues of melatonin in crops for enforcement purposes are required. *Contact:* BPPD.
- *PP 6F9228.* (EPA–HQ–OPP–2026–1818). Corteva Agriscience, 9330 Zionsville Road, Indianapolis, IN 46268, requests to establish a tolerance in 40 CFR part 180 for residues of the insecticide sulfoxaflor in or on pistachio at 0.5 parts per million (ppm). The Offline Solid-Phase Extraction and Liquid Chromatography with Tandem Mass Spectrometry Detection method is used to measure and evaluate the chemical sulfoxaflor. *Contact:* RD.

Authority: 21 U.S.C. 346a.

Dated: June 16, 2026.

Edward Messina,

Director, Office of Pesticide Programs.

[FR Doc. 2026–12417 Filed 6–18–26; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register
Vol. 91, No. 118
Monday, June 22, 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

Animal and Plant Health Inspection Service

[Docket No. APHIS–2019–0002]

Notice of Availability of a Final Supplemental Environmental Assessment and Finding of No Significant Impact for the Field Release of *Aphalara itadori* (Hemiptera: Psyllidae) From Murakami, Japan, for Classical Biological Control of Japanese, Giant, and Bohemian Knotweeds *Fallopia japonica, F. sachalinedsis,* and *F.* x *bohemica* (Polygonaceae), in the Contiguous United States

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of availability.

SUMMARY: We are advising the public that the Animal and Plant Health Inspection Service has prepared a final supplemental environmental assessment (EA) and finding of no significant impact relative to a 2020 EA for the field release of the knotweed psyllid *Aphalara itadori* (Hemiptera: Psyllidae) from Murakami, Japan, for the classical biological control of Japanese, giant, and Bohemian knotweeds (*Fallopia japonica, F. sachalinensis,* and *F.* x *bohemica* (Polygonaceae)), significant invasive weeds, within the contiguous United States. Based on our finding of no significant impact, we have determined that an environmental impact statement need not be prepared.

FOR FURTHER INFORMATION CONTACT: Ms. Kirsten Dyer, Agriculturist, Pests, Pathogens and Biocontrol Permitting, Pest Exclusion and Import Programs, PPQ, APHIS, 5601 Sunnyside Ave, Beltsville, MD 20705; (352) 554–0556; email: *Kirsten.Dyer@usda.gov.*

SUPPLEMENTARY INFORMATION: The Animal and Plant Health Inspection Service (APHIS) has prepared a final supplemental environmental assessment (EA) and finding of no significant impact (FONSI) relative to the field release of *Aphalara itadori* sourced from Murakami, Japan, for the classical biological control of Japanese, giant, and Bohemian knotweeds (*Fallopia japonica, F. sachalinensis,* and *F.* x *bohemica* (Polygonaceae)), significant invasive weeds, within the contiguous United States. After completion of the environmental analysis, APHIS authorized issuance of permits for the release.

Invasive knotweeds in North America are a complex of three closely related species in the family Polygonaceae that were introduced from Japan during the late 19th century. They include *Fallopia japonica* (Japanese knotweed), *F. sachalinensis* (giant knotweed), and the hybrid between the two, *F.* x *bohemica* (Bohemian knotweed). These large herbaceous perennials have spread throughout much of North America, with the greatest infestations in the Pacific Northwest, the northeast of the United States, and eastern Canada. While capable of growing in diverse habitats, the knotweeds have become especially problematic along the banks and floodplains of rivers and streams, where they crowd out native plants and potentially affect stream nutrients and food webs.

Previously, the Hokkaido and Kyushu biotypes of the insect, *Aphalara itadori,* were chosen as potential biological control organisms. These biotypes were expected to reduce the severity of infestations of Japanese, giant, and Bohemian knotweed, and they are known to be highly host specific due to their intimate relationship with their host plants.

On May 28, 2019, APHIS published in the **Federal Register** (84 FR 24463–24464, Docket No. APHIS–2019–0002) [1] a notice in which we announced the availability, for public review and comment, of the EA that examined the potential environmental impacts associated with the release of *A. itadori* from Kyushu and Hokkaido, Japan, for the biological control of Japanese, giant, and Bohemian knotweed within the contiguous United States. After soliciting and reviewing comments on the EA, we prepared a FONSI. On November 30, 2020, we published in the **Federal Register** (85 FR 76515–76516, Docket No. APHIS–2019–0002) a notice in which we announced the availability of the final EA and FONSI.

In June 2021, APHIS received a request to issue permits for the environmental release of *A. itadori* sourced from Murakami, Japan, into the contiguous United States. The permit applicant suggested that the environmental release of the Murakami line of *A. itadori* may be more effective than the Hokkaido and Kyushu lines. It is native to a climate and photoperiod better matched to the primary target knotweed regions of the United States. It is recently collected and thus field-adapted (not lab-adapted as are the currently permitted lines). It also performs particularly well on hybrid knotweed (*F.* x *bohemica*), the most abundant knotweed type in the United States.

On February 10, 2023, we published in the **Federal Register** (88 FR 8794–8795, Docket No. APHIS–2019–0002) a notice [2] in which we announced the availability, for public review and comment, of a supplemental EA titled ''Field Release of the Knotweed Psyllid *Aphalara itadori* (Hemiptera: Psyllidae) from Murakami, Japan for Classical Biological Control of Japanese, Giant, and Bohemian Knotweeds, *Fallopia japonica, F. sachalinensis,* and *F.* x *bohemica* (Polygonaceae), in the Contiguous United States, Supplemental Environmental Assessment,'' which analyzed the potential environmental impacts of the release of *A. itadori* from Murakami, Japan. Comments on the notice were required to be received on or before March 13, 2023. We received nine comments by that date, and all were supportive of the release. Comments were from State, Tribal, and local agricultural agencies, non-governmental organizations, and individuals. One commenter suggested introduction of *A. itadori* should be gradual with monitoring to ensure that there are no unexpected effects before wider release. This is APHIS' plan for the release, and it is described in Appendix 2 of the final supplemental EA.

[1] To view the notice, supporting documents, and the comments we received, go to *https://www.regulations.gov.* Enter APHIS–2019–0002 in the Search field.

[2] The notice, supporting documents, and the comments we received may also be viewed at *Regulations.gov* as directed in footnote 1.

In this document, we are advising the public of the availability of the final supplemental EA and our FONSI regarding the release of *A. itadori* from Murakami, Japan, for the biological control of Japanese, giant, and Bohemian knotweed within the contiguous United States. Our finding, which is based on the analysis in the supplemental EA, reflects our determination that release of *A. itadori* from Murakami, Japan, for the biological control of Japanese, giant, and Bohemian knotweed within the contiguous United States will not have a significant impact on the quality of the human environment. Based on this finding, we have authorized permits for the release of *A. itadori* from Murakami, Japan, for the biological control of Japanese, giant, and Bohemian knotweed within the contiguous United States.

The final supplemental EA and FONSI may be viewed on the *Regulations.gov* website (see footnote 1). Copies of the final supplemental EA and FONSI are also available for public inspection at room 1620 of the USDA South Building, 14th Street and Independence Avenue SW, Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect copies are requested to call ahead at (202) 799–7039 to facilitate entry into the reading room. In addition, copies may be obtained by calling or writing to the individual listed under **FOR FURTHER INFORMATION CONTACT**.

The final supplemental EA and FONSI have been prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*); (2) the former regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508) as of February 25, 2021; (3) USDA regulations implementing NEPA (7 CFR part 1b) effective through July 2, 2025; and (4) APHIS' former NEPA Implementing Procedures (7 CFR part 372) effective through July 2, 2025.

Done in Washington, DC, this 16th day of June 2026.

Kelly Moore,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2026–12429 Filed 6–18–26; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Economic Research Service

Agency Information Collection Activities: Comment Request

AGENCY: Economic Research Service (ERS), US Department of Agriculture (USDA).

ACTION: Notice of Information Collection; request to comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, (Pub. L. 104–12), ERS is proposing a new information collection to study farmers' adoption of precision and digital agriculture, ''Survey of Precision and Digital Agriculture use in Specialty Crops.''

DATES: Written comments on this notice must be received by August 21, 2026 to be assured of consideration. Comments received after that date will be considered to the extent practicable. Send comments to the address below.

ADDRESSES: Address all comments concerning this notice to *julie.parker3@usda.gov* and *ers.pra@usda.gov* identified by docket number 0536–NEW.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this information collection should be directed to Julie Parker at *ers.pra@usda.gov* or 202–868–7945.

SUPPLEMENTARY INFORMATION:

Title of collection: Survey of Precision and Digital Agriculture use in Specialty Crops.

OMB Control Number: 0536–NEW.

Type of Request: A new information collection.

Abstract

The proposed data collection will survey specialty crop producers or their designated crop consultants across the United States to study farmers' use of precision and digital agriculture (PA) in the reference year and two previous years. These data will provide new information on the U.S. specialty crop sector about PA adoption and its drivers, and its relationships with labor use, automation and artificial intelligence, pest management practices, and impacts on productivity and net returns. USDA agencies are interested in supporting research on PA adoption in specialty crops to increase farmer profitability, protect U.S. agriculture from invasive species, and promote soil health to regenerate land productivity. This survey will collect new information from operations of specialty crops such as potatoes, fruits, vegetables, and tree nuts.

This survey will rely on questions about individual technology use to produce crop-specific adoption rates; summaries of adoption barriers (*e.g.,* costs, internet connectivity, skills); and summaries of adoption drivers (*e.g.,* expected savings, risk management). The survey will also measure pest pressure perceptions, monitoring approaches, constraints, and PA use for pest management (*e.g.,* precision pesticide applications). Pest management, labor use, productivity, and net returns of farms adopting PA will be compared to farms not adopting PA.

Participation in the survey will be voluntary, and subjects will be recruited online and by phone. Sampling will be done randomly, and the survey will be designed to be representative of the production of multiple specialty crops. Data will be analyzed using regression models that control for farm and farmer attributes, and methods will be used to reduce potential statistical bias in the regression estimates arising from farmers' non-random technology use. Results from the survey will be used in academic and Federal research publications to provide information to stakeholders and the public regarding farmers' PA adoption, its drivers and barriers, and its effects on productivity and net returns.

Authority: These data will be collected under the authority of US Code (U.S.C.) 7 U.S.C. 2204(a); General duties of Secretary, advisory functions, research and development and 7 U.S.C 6971, Under Secretary of Agriculture for Research, Education, and Economics, as implemented under the Code of Federal Regulations (CFR) 7 CFR 2.21 which delegates to the Under Secretary, as Chief Scientist, the responsibility for agricultural systems and technology, including emerging agricultural research, education, and extension needs. This Notice is submitted in accordance with the Paperwork Reduction Act of 1995 (at 44 U.S.C. 3501, *et seq.*) and Office of Management and Budget regulations at 5 CFR part 1320. 5 CFR part 1320.

Confidentiality: All ERS employees and ERS contractors must also fully comply with all provisions of the Confidential Information Protection and Statistical Efficiency Act (CIPSEA) of 2018, Title III of Public Law 115–435, codified in 44 U.S.C. Ch. 35.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average approximately 30 minutes per respondent.

Respondents: The respondents will be farmers, or their designated crop consultants, who grow specialty crops in the United States.

Estimated Number of Annual Respondents: 1,050 respondents.

Estimated Total Annual Burden on Respondents: 1,500 hours.

Comments: Comments are invited on (a) whether the proposed collection of information is necessary for the proper performance of the functions of ERS, including whether the information will have practical utility; (b) the accuracy of ERS's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, use, and clarity of the information for respondents, including through the use of automated collection techniques or other forms of information technology; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Kelly Maguire,

Administrator, Economic Research Service, United States Department of Agriculture.

[FR Doc. 2026–12360 Filed 6–18–26; 8:45 am]

BILLING CODE 3410–18–P

DEPARTMENT OF AGRICULTURE

National Institute of Food and Agriculture

Notice of Intent To Extend and Revise a Previously Approved Information Collection

AGENCY: National Institute of Food and Agriculture, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 and Office of Management and Budget (OMB) regulations, this notice announces the National Institute of Food and Agriculture's (NIFA) intention to extend and revise a previously approved information collection, entitled ''*Small Business Innovation Research* (SBIR)/*Small Business Technology Transfer (STTR) Programs Lifecycle Certification.*''

DATES: Written comments on this notice must be received by August 21, 2026 to be assured of consideration. Comments received after that date will be considered to the extent practicable.

ADDRESSES: You may submit comments through the Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments.

Instructions: All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Laura Givens, 816–527–5379, *Laura.Givens@usda.gov.*

SUPPLEMENTARY INFORMATION:

Title of Collection: Small Business Innovation Research (SBIR)/Small Business Technology Transfer (STTR) Programs Lifecycle Certification.

OMB Control Number: 0524–0053.

Expiration Date of Current Approval: 10/31/2026.

Type of Request: Notice of intent to extend a previously approved information collection for three years.

Abstract: The SBIR/STTR program at the U.S. Department of Agriculture (USDA) makes competitively awarded grants to qualified small businesses to support high quality, advanced concepts research related to important scientific problems and opportunities in agriculture that could lead to significant public benefit if successful.

The objectives of the SBIR/STTR Program are to: stimulate technological innovations in the private sector; strengthen the role of small businesses in meeting Federal research and development needs; increase private sector commercialization of innovations derived from USDA-supported research and development efforts; and foster and encourage participation of new entrants and emerging states. The USDA SBIR/STTR program is carried out in three separate phases:

1. Phase I awards to determine, insofar as possible, the scientific and technical merit and feasibility of ideas that appear to have commercial potential.

2. Phase II awards to further develop work from Phase I that meets particular program needs and exhibits potential for commercial application.

3. Phase III awards where commercial applications of SBIR and STTR-funded R/R&D are funded by non-Federal sources of capital; or where products, services or further research intended for use by the Federal Government are funded by follow-on non-SBIR/STTR Federal Funding Agreements.

The USDA SBIR/STTR Programs are administered by the National Institute of Food and Agriculture (NIFA) of the USDA. NIFA exercises overall oversight for the policies and procedures governing SBIR/STTR grants awarded to the U.S. small business community, representing approximately 2.5% to 2.8% of the USDA extramural R/R&D budget. This represents approximately $201M in Phase II grants awarded to the U.S. small business community from 1994 to 2014.In 1982, the Small Business Innovation Research (SBIR) Grants Program (Pub. L. 97–219, 96 Stat. 217) was authorized. In 1992, the Small Business Technology Transfer (STTR) Grants Program was authorized by the Small Business Research and Development Enhancement Act (Pub. L. 102–564, 106 Stat. 4249) and is codified at 15 U.S.C. 638. In 2026, the Small Business Innovation and Economic Security Act, enacted on April 14, 2026, reauthorized the SBIR and STTR programs through September 30, 2031.

The Lifecycle Certification form is used by USDA to ensure Small Business Concerns continue to meet specific program requirements during the life of the Funding Agreement. The Lifecycle Certification form is based on the Small Business Administration (SBA) model language.

Estimate of Burden: The annual public reporting burden for the collection of information is estimated to average one (1) hour per response. Respondents include businesses or other for-profit concerns.

Estimated Number of Respondents: 180.

Annual responses: 2.

Average time to complete each response: 1 hour.

Burden hours: 360 hours.

Comments: Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (b) the accuracy of the Agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All responses to this notice will be summarized and included in the request to OMB for approval. All comments will become a matter of public record.

Obtaining a Copy of the Information Collection: A copy of the information collection and related instructions may be obtained free of charge by contacting Laura Givens as directed above.

Done at Washington, DC, this day of June 5, 2026.

Drenda Williams,

Associate Director for Operations, National Institute of Food and Agriculture, U.S. Department of Agriculture.

[FR Doc. 2026–12478 Filed 6–18–26; 8:45 am]

BILLING CODE 3410–22–P

DEPARTMENT OF AGRICULTURE

National Institute of Food and Agriculture

Notice of Intent To Revise a Currently Approved Information Collection

AGENCY: National Institute of Food and Agriculture, USDA. ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 and Office of Management and Budget (OMB) regulations, this notice announces the National Institute of Food and Agriculture's (NIFA) intention to request a revision of collection titled *Veterinary Medicine Loan Repayment Program (VMLRP).*

DATES: Written comments on this notice must be received by August 21, 2026 to be assured of consideration. Comments received after that date will be considered to an extent practicable.

ADDRESSES: You may submit comments through the Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments.

Instructions: All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Laura Givens, 816–527–5379, *Laura.Givens@usda.gov.*

SUPPLEMENTARY INFORMATION:

Title of Collection: Veterinary Medicine Loan Repayment Program (VMLRP).

OMB Control Number: 0524–0050.

Expiration Date of Current Approval: 03/31/2029.

Type of Request: Notice of intent to revise a currently approved information collection.

NIFA is requesting a renewal and revision for the current collection entitled ''Veterinary Medicine Loan Repayment Program.''

NIFA is proposing to update the VMLRP application forms to ensure that the requirements align with 7 U.S.C. 3151a and 7 CFR 3431, relevant Executive Orders and OMB Guidance, as well as the latest VMLRP program policies. In addition, NIFA is transitioning various components of the VMLRP application and participant submission process into a new electronic system within the electronic Research Administration (eRA) platform. This notice serves to inform the public of these updates, which will modify the collection, management, and storage of applicant and participant records under the VMLRP.

Abstract: In January 2003, the National Veterinary Medical Services Act (NVMSA) was passed into law adding section 1415A to the National Agricultural Research, Extension, and Teaching Policy Act of 1997. This law established a new Veterinary Medicine Loan Repayment Program (VMLRP) (7 U.S.C. 3151a)authorizing the Secretary of Agriculture to carry out a program of entering into agreements with veterinarians under which they agree to provide veterinary services in veterinarian shortage situations. The purpose of the program is to ensure an adequate supply of trained food animal veterinarians in shortage situations.

NIFA is requesting to renew and revise a currently approved information collection. NIFA will collect information from current VMLRP applicants and participants, recommenders, employers and State Animal Health Officials. NIFA will use this information to assess the VMLRP program and to improve oversight of the program. NIFA proposes to revise all forms in the collection to align with the VMLRP requirements as found in 7 U.S.C. 3151a and 7 CFR 3431, as well as relevant Executive Orders and OMB Guidance. In addition, NIFA is transitioning the VMLRP application forms, participant forms, and record-management processes into a new electronic system within the eRA platform. As part of this transition, Application Part 1: Program, Application Part 2: Financial, and Service Verification will be migrated into eRA. Forms related to State Animal Health Officials (SAHOs), the Recommendation form, Annual and Final Progress Reports are not included in this transition and will continue to follow existing processes. The Recommendation form will be retitled. This notice serves to inform the public of these updates and the associated changes to the collection, management, and storage of applicant and participant records.

Total Estimate of Burden: The estimated annual reporting burden for all VMLRP collection is as follows:

Type of respondents	Number of respondents	Estimated number of responses per respondent	Estimated burden per response (hours)	Estimated total annual burden on respondents (hours)
Applicants:	.....	.....	.....	.....
eRA Commons				
eRA ASSIST	300	1	.5	150
	300	1	7	2,100
Applicants subtotal				2,250
Employers:	.....	.....	.....	.....
eRA Commons	300	1	.5	150
Active Employers subtotal	.....	.....	.....	150
Recommenders:	.....	.....	.....	.....
eRA Commons				
Recommendation Form	900	1	.5	450
	900	1	1	900
Active Recommenders subtotal	.....	.....	.....	1,350
State Animal Health Officials:	.....	.....	.....	.....
Veterinary Medicine Loan Repayment Program Shortage Situation Nomination (NIFA 2009–0001)	60	4	2	480
State Animal Health Officials subtotal	.....	.....	.....	480
Active Participants:	.....	.....	.....	.....
eRA Commons	300	4	.25	300
Active Participants subtotal	.....	.....	.....	300
Grand Total	.....	.....	.....	4,530

Comments: Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (b) the accuracy of the Agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All responses to this notice will be summarized and included in the request to OMB for approval. All comments will become a matter of public record.

Obtaining a Copy of the Information Collection: A copy of the information collection and related instructions may be obtained free of charge by contacting Laura Givens as directed above.

Done at Washington, DC this day of June 9,2026.

Drenda Williams,

Associate Director for Operations, National Institute of Food and Agriculture, U.S. Department of Agriculture.

[FR Doc. 2026–12477 Filed 6–18–26; 8:45 am]

BILLING CODE 3410–22–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–75–2026]

Foreign-Trade Zone (FTZ) 18, Notification of Proposed Production Activity; Super Micro Computer, Inc.; (High-Performance Computing Systems); San Jose, Fremont, and Milpitas, California

Super Micro Computer, Inc. submitted a notification of proposed production activity to the FTZ Board (the Board) for its facilities in San Jose, Milpitas, and Fremont, California within FTZ 18. The notification conforming to the requirements of the Board's regulations (15 CFR 400.22) was received on June 16, 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: liquid cooling systems for servers; artificial intelligence computer server systems; data storage servers; server subassemblies; and, data networking servers (duty rate ranges from duty-free to 4.2%).

The proposed foreign-status materials/components include: cooling fans for server rack; thermal management system subassemblies; hard disk drives; server processing units; steel chassis; metal rack server enclosures; graphics processing units; dynamic random access memory modules; printed circuit assemblies; copper CPU heat sinks; rack network switches; solid state drives; advanced control boards; power distribution units; central processing units; copper cable cartridges; and, wiring cables (duty rate ranges from duty-free to 4.2%).

The request indicates that certain materials/components are subject to duties under section 122 of the Trade Act of 1974 (Section 122), section 232 of the Trade Expansion Act of 1962 (section 232), or section 301 of the Trade Act of 1974 (section 301), depending on the country of origin. The applicable section 122, section 232, 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 August 3, 2026.

A copy of the notification will be available for public inspection in the ''Online FTZ Information System'' section of the Board's website.

For further information, contact Brian Warnes at *brian.warnes@trade.gov.*

Dated: June 17, 2026.

Elizabeth Whiteman,

Executive Secretary.

[FR Doc. 2026–12508 Filed 6–18–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[S–198–2026]

Approval of Subzone Status; Phillips 66 Company; Billings, Montana

On April 6, 2026, the Executive Secretary of the Foreign-Trade Zones (FTZ) Board docketed an application submitted by the City and County of Butte–Silver Bow, grantee of FTZ 274, requesting subzone status subject to the existing activation limit of FTZ 274, on behalf of Phillips 66 Company, in Billings, Montana.

The application was processed in accordance with the FTZ Act and Regulations, including notice in the **Federal Register** inviting public comment (91 FR 17938–17939, April 9, 2026). The FTZ staff examiner reviewed the application and determined that it meets the criteria for approval. Pursuant to the authority delegated to the FTZ Board Executive Secretary (15 CFR 400.36(f)), the application to establish Subzone 274A was approved on June 17, 2026, subject to the FTZ Act and the Board's regulations, including section 400.13, and further subject to FTZ 274's 2,000-acre activation limit.

Dated: June 17, 2026.

Elizabeth Whiteman,

Executive Secretary.

[FR Doc. 2026–12485 Filed 6–18–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–32–2025]

Foreign-Trade Zone (FTZ) 193; Authorization of Production Activity; Lithionics Battery, LLC; (Lithium-Ion Battery Systems and Accessories); Clearwater, Florida

On June 13, 2025, Lithionics Battery, LLC submitted a notification of proposed production activity to the FTZ Board for its facilities within Subzone 193C, in Clearwater, Florida.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (90 FR 27279, June 26, 2025). On June 17, 2026, the applicant was notified of the FTZ Board's decision that no further review of the activity is warranted at this time. The production activity described in the notification on a limited basis, subject to the FTZ Act and the Board's regulations, including section 400.14, and further subject to a one-year time limit and a restriction requiring that the following component be admitted in domestic (duty paid) status (19 CFR Sec. 146.43): lithium-ion battery modules. For benefits or activity not authorized by the FTZ Board at this time, the applicant could submit a production application requesting such additional authority.

Dated: June 17, 2026.

Elizabeth Whiteman,

Executive Secretary.

[FR Doc. 2026–12501 Filed 6–18–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–044]

1,1,1,2- Tetrafluoroethane (R–134a) From the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2024–2025

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) finds that Zhejiang Sanmei Chemical Industry Co., Ltd. Jiangsu Sanmei Chemicals Co., Ltd.; and Fujian Qingliu Dongying Chemical Ind. Co. Ltd (collectively, Sanmei), the only mandatory respondent in this administrative review of the antidumping duty (AD) order on 1,1,1,2-Tetrafluoroethane (R–134a) from the People's Republic of China (China) covering the period of review (POR), April 1, 2024, through March 31, 2025, and 23 additional companies under review are not eligible to receive a separate rate and are, therefore, determined to be part of the China-wide entity.

DATES: Applicable June 22, 2026.

FOR FURTHER INFORMATION CONTACT: John Conniff, 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) 482–1009.

SUPPLEMENTARY INFORMATION:

Background

On March 12, 2026, Commerce published the *Preliminary Results* of this review in the **Federal Register** and invited interested parties to comment on those results.[1] We received no comments and made no changes to the *Preliminary Results.* Accordingly, no decision memorandum accompanies this notice and the final results are unchanged from the *Preliminary Results.* Commerce conducted this administrative review in accordance with section 751(a)(1)(B) of the Tariff Act of 1930, as amended (the Act).

Scope of the Order [2]

The merchandise covered by the *Order* is 1,1,1,2-Tetrafluoroethane, R134a, or its chemical equivalent, regardless of form, type, or purity level. For a complete description of the scope, *see* the Preliminary Decision Memorandum.[3]

No Changes Since the Preliminary Results

In the *Preliminary Results,* Commerce preliminarily determined that Sanmei [4] did not establish its eligibility for a separate rate because it failed to provide a complete response to Commerce's initial questionnaire.[5] Moreover, we preliminarily found that none of the other 23 companies under review were eligible for a separate-rate because they had failed to timely file a separate rate application or separate rate certification. Because we received no comments and made no changes from the *Preliminary Results,* we continue to find that Sanmei and the other 23 companies are not eligible for separate rates. As such, we find that Sanmei and the other 23 companies under review are part of the China-wide entity.

The China-Wide Entity

Commerce considers all companies for which a review was requested, and which did not demonstrate separate rate eligibility, to be part of the China-wide entity.[6] Moreover, as stated above, we determine that Sanmei and the 23 other companies under review are not eligible for a separate rate and are part of the China-wide entity because they did not provide the requisite documentation to establish separate rate eligibility.

Because no party requested a review of the China-wide entity, and Commerce no longer considers the China-wide entity as an exporter conditionally subject to administrative reviews,[7] we did not conduct a review of the China-wide entity. Thus, the weighted-average dumping margin for the China-wide entity rate (*i.e.,* 167.02 percent) is not subject to change.[8]

Disclosure

Normally Commerce discloses to interested parties the calculations performed for these final results in this review within five days of the date of publication of this notice in the **Federal Register**, in accordance with 19 CFR 351.224(b). However, because Commerce did not calculate any dumping margins in this review, there are no calculations to disclose.

Assessment Rate

Pursuant to section 751(a)(2)(A) of the Act, and 19 CFR 351.212(b)(1), Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries covered by this review. Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

Because we determine that certain companies under review did not demonstrate separate rate eligibility and are part of the China-wide entity, we will instruct CBP to apply an *ad valorem* assessment rate of 167.02 percent to all entries of subject merchandise during the POR that were exported by companies listed in the Appendix.

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) for previously examined China and non-China exporters not listed in the Appendix that have separate rates, the cash deposit rate will continue to be the exporter-specific rate published for the most recently completed segment of this proceeding; (2) for all China exporters of subject merchandise that have not been

[1] *See 1,1,1,2-Tetrafluorothane (R–134a) from the People's Republic of China: Preliminary Results and Partial Rescission of Antidumping Duty Administrative Review; 2024–2025,* 91 FR 12142 (March 12, 2026) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum (PDM).

[2] *See 1,1,1,2-Tetrafluoroethane (R–134a) from the People's Republic of China: Antidumping Duty Order,* 82 FR 18422 (April 19, 2017) (*Order*).

[3] *See Preliminary Results* PDM.

[4] Commerce previously determined that Zhejiang Sanmei Chemical Ind. Co. Ltd., Jiangsu Sanmei Chemical Ind. Co., Ltd., and Fujian Qingliu Dongying Chemical Ind. Co. Ltd. (collectively, Sanmei) comprise a single entity. *See 1,1,1,2-Tetrafluoroethane (R–134a) from the People's Republic of China: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2021– 2022,* 88 FR 60639 (September 5, 2023).

[5] *See Preliminary Results* PDM at 5.

[6] *See* Appendix.

[7] *See Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings,* 78 FR 65963, 65969–70 (November 4, 2013).

[8] *See Order,* 82 FR 18422.

found to be entitled to a separate rate, the cash deposit rate will be the rate for the China-wide entity (*i.e.,* 167.02 percent); and (3) for all non-China exporters of subject merchandise which have not received their own separate rate, the cash deposit rate will be the rate applicable to the China exporter that supplied that non-China exporter. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties has occurred and the subsequent assessment of double antidumping duties.

Administrative Protective Order (APO)

This notice also serves as a final reminder to parties subject to an APO of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

Notification to Interested Parties

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(5) and 19 CFR 351.213(h)(1).

Dated: June 16, 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

Companies Not Eligible for a Separate Rate

1. Bestcool Inc., Ltd.
2. Electrochemical Factory of Zhejiang Juhua Co., Ltd.
3. Hongkong Richmax Ltd.
4. Huantai Dongyue International Trade Co. Ltd.
5. ICOOL Chemical Co., Ltd.
6. Jinhua Binglong Chemical Technology Co., Ltd.
7. Jinhua Yonghe Fluorochemical Co., Ltd.
8. Ningbo FTZ ICOOL Prime International
9. Quzhou Jinyan Hongtai Refrigerant Co., Ltd.
10. Shandong Dongyue Chemical Co., Ltd.
11. Shandong Huaan New Material Co., Ltd.
12. Sinochem Environmental Protection Chemicals (Taicang) Co., Ltd.
13. Weichang Refrigeration Equipment (Kunshan) Co., Ltd.
14. Zhejiang Juhua Co., Ltd.
15. Zhejiang Morita New Materials Co., Ltd.
16. Zhejiang Organic Fluor-Chemistry Plant, Zhejiang Juhua Co., Ltd.
17. Zhejiang Quhua Fluor-Chemistry Co., Ltd.
18. Zhejiang Quhua Juxin Fluorochemical Industry Co., Ltd.
19. Zhejiang Quzhou Juxin Fluorine Chemical Co., Ltd.
20. Zhejiang Quzhou Lianzhou Refrigerants Co., Ltd.
21. Zhejiang Sanmei Chemical Industry Co. Ltd.; Jiangsu Sanmei Chemicals Co., Ltd.; Fujian Qingliu Dongying Chemical Ind. Co., Ltd.
22. Zhejiang Yonghe Refrigerant Co., Ltd.
23. Zhejiang Zhonglan Refrigeration Technology Co., Ltd.
24. Zibo Feiyuan Chemical Co., Ltd.

[FR Doc. 2026–12506 Filed 6–18–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–469–821]

Prestressed Concrete Steel Wire Strand From Spain: Preliminary Results of Antidumping Duty Administrative Review; 2024–2025

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that Global Special Steel Products S.A.U. (d.b.a. Trenzas y Cables de Acero PSC, S.L.) (TYCSA) made sales of subject merchandise at less than normal value (NV) during the period of review (POR), June 1, 2024, through May 31, 2025. Interested parties are invited to comment on these preliminary results of review.

DATES: Applicable June 22, 2026.

FOR FURTHER INFORMATION CONTACT: Lilit Astvatsatrian, 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) 482–6412.

SUPPLEMENTARY INFORMATION:

Background

On July 25, 2025, based on timely requests for review, in accordance with 19 CFR 351.221(c)(1)(i), we initiated an administrative review of the antidumping duty order on prestressed concrete steel wire strand (PC strand) from Spain.[1] On August 8, 2025, we issued the questionnaire to TYCSA.[2]

Due to the lapse in appropriations and Federal Government shutdown, on November 14, 2025, Commerce tolled all deadlines in administrative proceedings by 47 days.[3] 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.[4] On April 24, 2026, Commerce extended the preliminary results of this review by 31 days.[5] Finally, on June 3, 2026, Commerce extended the preliminary results of this review by eight days, to no later than June 17, 2026.[6]

For a complete description of the events that followed the initiation of this review, *see* the Preliminary Decision Memorandum.[7] A list of the topics discussed in the Preliminary Decision Memorandum is attached as an appendix to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via ACCESS. ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *https://access.trade.gov/frnotices.*

[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 90 FR 35268 (July 25, 2025); *see also Prestressed Concrete Steel Wire Strand from Indonesia, Italy, Malaysia, South Africa, Spain, Tunisia, and Ukraine: Antidumping Duty Orders,* 86 FR 29998 (June 4, 2021) (*Order*).

[2] *See* Commerce's Letter, ''Request for Information,'' dated August 8, 2025.

[3] *See* Memorandum, ''Deadlines Affected by the Shutdown of the Federal Government,'' dated November 14, 2025.

[4] *See* Memorandum, ''Tolling of all Case Deadlines,'' dated November 24, 2025.

[5] *See* Memorandum, ''Extension of Deadline for Preliminary Results of 2024–2025 Antidumping Duty Administrative Review,'' dated April 24, 2025.

[6] *See* Memorandum, ''Second Extension of Deadline for Preliminary Results of 2024–2025 Antidumping Duty Administrative Review,'' dated June 3, 2026.

[7] *See* Memorandum, ''Decision Memorandum for the Preliminary Results of the Administrative Review of the Antidumping Duty Order on Prestressed Concrete Steel Wire Strand from Spain; 2024–2025,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

Scope of the Order

The merchandise subject to the *Order* is PC strand from Spain. For a complete description of the scope of the *Order, see* the Preliminary Decision Memorandum.

Methodology

Commerce is conducting this review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act). Export price and constructed export price are calculated in accordance with section 772 of the Act. NV is calculated in accordance with section 773 of the Act. For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum.

Preliminary Results of Review

As a result of this review, we preliminarily determine the following estimated weighted-average dumping margin exists for the period June 1, 2024, through May 31, 2025:

Producer/exporter	Weighted-average dumping margin (percent)
Global Special Steel Products S.A.U. (d.b.a. Trenzas y Cables de Acero PSC, S.L.)	13.57

Disclosure

Commerce intends to disclose its calculations and analysis performed to interested parties for these preliminary results within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance. Pursuant to 19 CFR 351.309(c)(1)(ii), we have modified the deadline for interested parties to submit case briefs to Commerce to no later than 21 days after the date of the publication of this notice.[8] Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.[9] Interested parties who submit case briefs or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.[10] All submissions 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.[11] Further, we request that interested parties limit their public executive summary of each issue to no more than 450 words, not including citations.[12] 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).[13]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS by 5:00 p.m. Eastern Time within 30 days after the date of publication of this notice. Requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants and whether any participants are foreign nationals; and (3) a list of issues to be discussed.[14] Oral presentations at the hearing will be limited to issues raised in the briefs.[15] If a request for a hearing is made, Commerce will inform parties of the scheduled date for the hearing.[16]

Assessment Rates

Pursuant to section 751(a)(2)(A) of the Act and 19 CFR 351.212(b)(1), Commerce will determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review.

If TYCSA's weighted-average dumping margin is not zero or *de minimis* (*i.e.,* less than 0.50 percent) in the final results of this review, Commerce intends to calculate importer-specific assessment rates on the basis of the ratio of the total amount of dumping calculated for each importer's examined sales to the total entered value of those sales.[17] 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.[18] 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 TYCSA'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.[19]

In accordance with Commerce's ''automatic assessment'' practice, for entries of subject merchandise during the POR produced by TYCSA for which it did not know that the merchandise was destined for the United States, we intend to instruct CBP to liquidate those entries at the all-others rate calculated in the less-than-fair-value (LTFV) investigation if there is no rate for the intermediate company(ies) involved in the transaction.[20]

If a timely summons is filed at the U.S. Court of International Trade, the

[8] *See* 19 CFR 351.309.

[9] *See* 19 CFR 351.309(d); *see also Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings,* 88 FR 67069, 67077 (September 29, 2023) (*APO and Service Procedures*).

[10] *See* 19 CFR 351.309(c)(2) and (d)(2).

[11] We use the term ''issue'' here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

[12] *See* 19 CFR 351.309(c)(2)(iii) and (d)(2)(iii).

[13] *See APO and Service Procedures.*

[14] *See* 19 CFR 351.310(c).

[15] *Id.*

[16] *See* 19 CFR 351.310(d).

[17] *See* 19 CFR 351.212(b)(1).

[18] *See* 19 CFR 351.212(b)(1).

[19] *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).

[20] For a full discussion of this practice, *see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

Cash Deposit Requirements

The following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for the company listed above will be that established in the final results of this review, except if the rate is less than 0.50 percent and, therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) for previously investigated or reviewed companies not covered by this review, the cash deposit rate will continue to be the company-specific cash deposit rate published for the most recently completed segment of this proceeding in which the company participated; (3) if the exporter is not a firm covered in this review, or the LTFV investigation, but the manufacturer is, then the cash deposit rate will be the rate established for the most recent segment for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 14.75 percent, the all-others rate established in the LTFV investigation.[21] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) 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).

[21] *See Order.*

Dated: June 16, 2026.

Christopher Abbott,

Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the *Order*
IV. Discussion of the Methodology
V. Recommendation

[FR Doc. 2026–12500 Filed 6–18–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–838]

Carbazole Violet Pigment 23 From India: Final Results of Antidumping Duty Administrative Review; 2023–2024

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) determines that Western Chemical Industries P Limited (Western Chemical) did not make sales of subject merchandise at prices less than normal value during the period of review (POR), December 1, 2023, through November 30, 2024.

DATES: Applicable June 22, 2026.

FOR FURTHER INFORMATION CONTACT: Henry Wolfe or Enio Guevara, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0574, and (202) 482–4986, respectively.

SUPPLEMENTARY INFORMATION:

Background

On February 13, 2026, Commerce published the *Preliminary Results* and invited interested parties to comment.[1] No interested party submitted comments on the *Preliminary Results.* Commerce made no changes from the *Preliminary Results,* which are herein adopted as the final results of review. Additionally, because these results remain unchanged from the *Preliminary Results,* no decision memorandum accompanies this notice. Commerce conducted this review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act).

Scope of the Order [2]

The product covered by the *Order* is CVP–23, in any form. For a full description of the scope of the *Order, see* the Preliminary Decision Memorandum.

Final Results of the Review

We determine that the following estimated weighted-average dumping margin exists for the period December 1, 2023, through November 30, 2024:

Producer/exporter	Weighted-average dumping margin (percent)
Western Chemical Industries P Limited	0.00

Disclosure

Normally, Commerce discloses to interested parties the calculations of the final results of an administrative review within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of the notice of the final results in the **Federal Register**, in accordance with 19 CFR 351.224(b). However, because we made no changes from the *Preliminary Results,* there are no calculations to disclose.

Assessment Rates

Pursuant to section 751(a)(2)(C) of the Act and 19 CFR 351.212(b)(1), Commerce has determined, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review. Because Western Chemical's weighted-average dumping margin is zero in the final results of this review, we intend to instruct CBP to liquidate entries without regard to antidumping duties.[3]

In accordance with Commerce's ''automatic assessment'' practice, for entries of subject merchandise during the POR for which Western Chemical did not know that their merchandise

[1] *See Carbazole Violet Pigment 23 From India: Preliminary Results of Antidumping Duty Administrative Review; 2023–2024,* 91 FR 6819 (February 13, 2026) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum (Preliminary Decision Memorandum).

[2] *See Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Carbazole Violet Pigment 23 from India,* 69 FR 77988 (December 29, 2004) (*Order*).

[3] *See Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings; Final Modification,* 77 FR 8101, 8102 (February 14, 2012).

was destined for the United States, we will instruct CBP to liquidate such entries at the all-others rate established in the original less-than-fair value (LTFV) investigation (*i.e.,* 27.48 percent) if there is no rate for the intermediate company(ies) involved in the transaction.

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of these final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication in the **Federal Register** of these final results of administrative review for all shipments of CVP–23 from India entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for each specific company listed above will be that established in the final results of this review, except if the rate is less than 0.50 percent, and therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) for merchandise exported by producers or exporters not covered in this review but covered in a prior completed segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published in the completed segment for the most recent period; (3) if the exporter is not a firm covered in this review or another completed segment of this proceeding, but the producer is, the cash deposit rate will be the company-specific rate established for the most recent completed segment for the producer of the merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 27.48 percent, the all-others rate established in the less-than-fair-value investigation.[4] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping and/or countervailing duties prior to liquidation of the relevant entries during the POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping and/or countervailing duties occurred and the subsequent assessment of double antidumping duties, and/or an increase in the amount of antidumping duties by the amount of the countervailing duties.

Administrative Protective Order (APO)

This notice also serves as a final reminder to parties subject to an APO of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation subject to sanction.

Notification to Interested Parties

Commerce is issuing and publishing the final results of this review in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(5).

Dated: June 15, 2026.

Christopher Abbott,

Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2026–12345 Filed 6–18–26; 8:45 am]

BILLING CODE 3510–DS–P

[4] *See Order.*

DEPARTMENT OF COMMERCE

International Trade Administration

[Docket No.: 260617–0145]

Revisions to User Fees for Export and Investment Promotion Services/Events

AGENCY: U.S. & Foreign Commercial Service, International Trade Administration, Department of Commerce

ACTION: Notice of implementation of fee revisions and request for comments.

SUMMARY: The International Trade Administration (ITA) is implementing new user fees for its export and investment promotion services/events to align with guidance from the Office of Management and Budget (OMB) in Circular A–25, which calls for agencies to fully recover their costs when providing services. ITA recently carried out an independent cost study which determined that the agency was not fully covering its costs when providing certain services under its current fee structure. This notice also details new services and programs that ITA will be introducing. These changes would be revisions to ITA's export and investment promotion User Fee Schedule, published on July 1, 2018. ITA is seeking comments on the revised User Fee Schedule, the additions to its menu of services, and any other topics germane to this notice.

DATES: ITA will implement the revised User Fee Schedule on July 22, 2026. ITA will accept all comments received after the publication of this notice on a rolling basis. ITA will not respond to comments received in response to this notice, but the public input collected will be used to inform any future fee schedule revisions.

ADDRESSES: Comments may be submitted by either of the following methods:

- *Email: GMCXTeam@trade.gov.*
- *Federal eRulemaking Portal: www.regulations.gov.* The identification number is ITA–2026–0034.

Instructions: Comments sent by any other method or to any other address or individual may not be considered by ITA. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. ITA will accept anonymous comments (enter ''N/A'' in required fields if you wish to remain anonymous).

FOR FURTHER INFORMATION CONTACT: Mr. Carlos Ortiz, International Trade Administration, U.S. & Foreign Commercial Service, Office of Strategy & Engagement, 245 Main Street, Suite #630, White Plains, New York 10601, Phone: (202) 768–0821.

SUPPLEMENTARY INFORMATION:

Background

The primary emphasis of ITA's U.S. & Foreign Commercial Service (USFCS) is the promotion ''of exports of goods and services from the United States, particularly by small businesses and medium-sized businesses, and on the protection of United States business interests abroad'' through activities that include assisting United States exporters (15 U.S.C. 4721(b)). Further, USFCS leads the federal government's investment promotion efforts ''to attract and retain investment in the American economy'' as provided in Executive Order (E.O.) 13577, ''SelectUSA Initiative'' (June 15, 2011). In carrying

out these objectives, ITA may collect fees from those seeking ITA services, including U.S. economic development organizations that seek to promote their locality to foreign investors.

Section 6 of OMB Circular A–25 directs agencies to assess a user fee ''[w]hen a service (or privilege) provides special benefits to an identifiable recipient beyond those that accrue to the general public.'' (OMB Circular A–25 6.a.1.). A ''user fee'' is the amount paid by a recipient of a special benefit beyond those benefits accruing to the general public. (OMB Circular A–25 6.a.1.). A ''special benefit'' may accrue and a user fee should be imposed when a government service: (a) enables the beneficiary to obtain more immediate or substantial gains or values than those that accrue to the general public; (b) is performed at the request or for the convenience of the recipient, and is beyond the services regularly received by members of the same industry or group or by the general public; or (c) provides business stability or contributes to public confidence in the business activity of the beneficiary. (OMB Circular A–25 6.a.1.(a)–(c)).

ITA offers export and investment promotion services/events that consist of Standardized Fee Services/Events and Non-Standardized Fee Services/Events. For each of these services/events, fees are collected according to the User Fee Schedule that is made available on agency publications and at: *https://www.trade.gov/us-commercial-service-user-fees.* The ''Standardized Fee Services/Events'' listed in the User Fee Schedule are services/events that are performed in the same general manner by all field units. Other ''Non-Standardized Fee Services/Events'' entail substantive variation of the scope of work with fees based on the estimated level of effort required and all direct costs incurred.

Summary of Revisions

ITA is revising the user fees and offerings for both Standardized Fee Services/Events and Non-Standardized Fee Services/Events based on an independent cost study, which concluded that ITA was not fully covering its costs for providing services under the current fee structure. Furthermore, ITA is revising the menu of service and event offerings based on direct feedback from ITA clients and partners. The revised User Fee Schedule below lists the fee for each Standardized and Non-Standardized Fee export and investment promotion service/event. Fees listed in the revised User Fee Schedule cover ITA staff time only and do not include other direct costs (*i.e.,* transportation, venue rental, catering/food, *etc.*), which will incur an additional user fee to cover the full cost.

Revisions to the user fees and offerings for both Standardized Fee Services/Events and Non-Standardized Fee Services/Events are summarized as follows:

1. The previously listed discounts for small and medium enterprises are no longer available, and the fees for several standardized services have been adjusted to comply with Federal policy on full cost recovery as established under OMB Circular A–25. See the Summary of Fee Revisions for Export and Investment Promotion Services/Events section below for more information.

2. The following services/events are added to the User Fee Schedule under the Export Promotion Services heading (see the descriptions of these services/events in the Description of the Services/Events Listed in the Revised User Fee Schedule section below):

a. Trade Missions: Non-Standardized Fee

3. The following services/events are added to the User Fee Schedule under the Rural Export Center (REC) Services heading (see the descriptions of these services/events in the Description of the Services/Events Listed in the Revised User Fee Schedule section below):

a. Matrix: Standardized Fee
b. One Country Report: Standardized Fee
c. Potential Partner List: Standardized Fee
d. REC Check: Standardized Fee

4. The following services/events are added to the User Fee Schedule under the Services for Trade Show Organizers heading (see the descriptions of these services/events in the Description of the Services/Events Listed in the Revised User Fee Schedule section below):

a. Trade Event Partnership Program (TEPP)
   i. Basic Package: Standardized Fee
   ii. Delegation Recruitment: Standardized Fee
   iii. B2B Matchmaking: Standardized Fee
   iv. Overseas Market Counseling: Standardized Fee
   v. Promotional Webinar: Standardized Fee
   vi. At-Show Market Briefing: Standardized Fee
   vii. Networking Reception: Non-Standardized Fee
   viii. Customized Solution: Non-Standardized Fee
b. Trade Event Menu of Services (TEMS)
   i. Digital Event Promotion: Standardized Fee
   ii. At-Show Export Counseling: Standardized Fee
   iii. Delegation Recruitment: Standardized Fee
   iv. B2B Matchmaking: Standardized Fee
   v. Overseas Market Counseling: Standardized Fee
   vi. Promotional Webinar: Standardized Fee
   vii. At-Show Market Briefing: Standardized Fee
   viii. Networking Reception: Non-Standardized Fee
   ix. Customized Solution: Non-Standardized Fee

Summary of Fee Revisions for Export and Investment Promotion Services/Events

The following table provides a comparison between the current fees charged to small, medium, and large/foreign companies for export promotion services/events, and their corresponding revisions for FY 2026. There are two primary reasons for these revisions.

Reason #1—Alignment With Requirements for Federal Agencies To Fully Recover Costs for Services Provided

To align with Federal policy as established under OMB Circular A–25, and consistent with government-wide best practices, ITA will charge user fees to clients that derive special benefits from ITA's assistance beyond any benefits received by the general public at a fee rate that fully recovers costs to the agency. As such, all ITA client assistance ''performed at the request or for the convenience of the recipient'' must be assessed a user fee to cover the cost.

ITA calculated the fees for its services and events with the intent of achieving full cost recovery per OMB Circular A–25. This ensures that each service is self-sustaining, promotes efficient allocation of the nation's resources, and allows the private sector to compete with the Government without disadvantage in supplying comparable services.

Reason #2—Adjustments to Standard Services To Account for Updated Level of Effort Calculations

OMB Circular A–25 requires all agencies to periodically review that the fees that are charged to the public recover an appropriate share of the full cost of delivering the service. To ensure that the user fees are ''self-sustaining,'' ITA retained an independent consultant to perform a cost analysis of the organization's cost structure. This

consultant also used an activity-based costing model to determine the true cost of standard services offered by ITA. This study found that, although the baseline hourly rate was still sufficient for full cost recovery, the actual level of effort for delivering most of the standard services (*i.e.,* services priced with a set fee, not by an hourly rate) was higher than it was calculated during the previous analysis performed in 2016 that set the current fees.

TABLE 1—FEE REVISIONS FOR EXPORT PROMOTION SERVICES AND EVENTS

Service/event	Current small company fee	Current medium company fee	Current large/foreign company fee	Revised fee (all firms)
		(Excluding all applicable direct costs [1])		
Business Service Provider	$150 per category	$250 per category	$350 per category	$480 per category.
Contact List	$150 per report	$350 per report	$450 per report	$950 per report.
Featured U.S. Exporter	$30 per market listing	$70 per market listing	$100 per market listing	$100 per market listing.
Gold Key Service (*Standard package*).	$950 + any direct costs	$2,300 + any direct costs	$3,400 + any direct costs	$3,250 + any direct costs.
Initial Market Check	$350 per report	$900 per report	$1,300 per report	$1,950 per report.
International Company Profile.	Full: $700 Partial: $150	Full: $1,200. Partial: $350	Full: $2,000 Partial: $450	Full: $2,000 Partial: $1,050.
International Partner Search.	Base: $750 Plus Virtual Introductions: $900.	Base: $1,750 Plus Virtual Introductions: $2,100.	Base: $2,250. Plus Virtual Introductions: $2,700.	Base: $2,500 Plus Virtual Introductions: $3,300.
Trade Show Representation.	$400 + any direct costs	$950 + any direct costs	$1,350 + any direct costs	$1,350 + any direct costs.
Website Globalization	$100 per review	$300 per review	$400 per review	$600 per review.
All other services/events	$30 per staff hour + any direct costs.	$70 per staff hour + any direct costs.	$90 per staff hour + any direct costs.	$90 per staff hour + any direct costs.

[1] Other direct costs not included in the description of the service must be assumed by the client. Other types of direct costs include translation, transportation, use of contractors, venue rental, catering, etc. Please note that any transportation for ITA staff beyond 80 kilometers in distance or more than 2 hours away from an ITA office will be charged an additional user fee to cover the cost.

Table 2 provides a comparison between current fees charged to U.S. Economic Development Organizations for investment promotion services/events, and their corresponding fees for FY 2026.

TABLE 2—FEE REVISIONS FOR INVESTMENT PROMOTION SERVICES AND EVENTS

Service/event	Current U.S. economic development organization fee	Revised U.S. economic development organization fee
	(Excluding all applicable direct costs [1])	
Facilitated Investment Mission (Roadshow).	Full Package: $1,200 per stop (+ any direct costs) If not Full Package: $30 per staff hour (plus any direct costs).	Full Package: $3,600 per stop (+ any direct costs) If not Full Package: $90 per staff hour (plus any direct costs).
International Company Profile	Full: $700 Partial: $150	Full: $2,000. Partial: $1,050.
Other Services/Events	$30 per staff hour + any direct costs	$90 per staff hour + any direct costs.
Seminar	$30 per staff hour + any direct costs	$90 per staff hour + any direct costs.
Single Location Promotion	$30 per staff hour + any direct costs	$90 per staff hour + any direct costs.
Trade Event	$30 per staff hour + any direct costs	$90 per staff hour + any direct costs.

[1] Other direct costs not included in the description of the service must be assumed by the client. Other types of direct costs include translation, transportation, use of contractors, venue rental, catering, etc. Please note that any transportation for ITA staff beyond 80 kilometers in distance or more than 2 hours away from an ITA office will be charged an additional user fee to cover the cost.

Description of the Services/Events Listed in the Revised User Fee Schedule

Export Promotion Services

1. *Business Service Provider:* A listing of U.S. and foreign business service providers that offer export/investment assistance, such as consultants, lawyers, freight forwarders, *etc.* The fee is paid by the business service provider to be listed on relevant ITA websites.

2. *Certified Trade Mission:* Provides a group of U.S. companies or economic development organizations with a market briefing, networking reception, one-on-one business appointments, and/or other services in-country as part of a trade mission that is planned, organized, recruited, and led by a private or public sector entity outside of the Department of Commerce. These trade missions are different from Department of Commerce-led Trade Missions.

3. *Conference:* Provides export/investment knowledge and/or market intelligence at a conference.

4. *Contact List:* Provides U.S. companies with a basic contact list of up to 5–10 agents, distributors and partners in a foreign market. The information included in the contact list will have been reviewed and verified for accuracy only and no information will be provided on the level of interest in the client's products/services.

5. *Customized Market Research:* Provides U.S. companies with answers to questions specific to the client's products/services in a market, including market structure, trends and size, customary distribution and promotion practices, and key competitors and agents, distributors, or strategic partners in the market.

6. *Featured U.S. Exporter:* Provides U.S. companies with an opportunity to enhance their international marketing

efforts through improved search engine optimization via .gov link-backs to their company's website. The service entails listing their goods/services produced in the United States and sold overseas on a trusted U.S. government website with a brief description and contact information.

7. *Foreign Buyer Delegation:* Support provided to assist foreign buyer delegates in identifying and connecting with U.S. exporters at trade shows/events and on trade missions. Typically, this support is covered by the fees paid by trade show/event/mission organizers and/or U.S. company participants. However, in some circumstances fees need to be charged to the foreign buyer delegates to cover the costs incurred by ITA.

8. *Gold Key Service:* Provides U.S. companies with matchmaking appointments with up to 5 interested partners in a foreign market. The full service includes identification and outreach to potential matching firms, sending the client's information to identified matching firms, preparing a profile of interested firms, attending the appointments and providing a report with the profile and contact information for interested firms.

9. *Initial Market Check:* Provides U.S. firms with an initial assessment of the market potential of their product or service in a targeted market. The service gauges the potential of a specific product or service in a market by gathering feedback from up to five industry participants and provides written recommendations on whether to pursue the target market. The service does not guarantee interest from the contacted industry participants.

10. *International Company Profile—Full Report:* Provides U.S. companies and economic development organizations with a comprehensive background report on a specific foreign company, including general business information, background and product information, key officials, references contacted by ITA, financial data/creditworthiness information, reputational information, a site visit and interviews with principals, information sources consulted in preparing the report, and analysis of information collected.

11. *International Company Profile—Partial Report:* Provides U.S. companies and economic development organizations with a general background report on a specific foreign company based on publicly available information, including general business information, background and product information, key officials, financial data/creditworthiness information (only when publicly available) and reputational information, information sources used in preparing the report, and brief analysis of information collected.

12. *International Partner Search:* Provides U.S. companies with a list of up to 5 partners/distributors that have expressed an interest in the client's goods/services. The service includes identification and outreach to potential matching firms, sending the client's information to identified matching firms, preparing a profile of interested firms, and providing a report with the profile and contact information for interested firms.

13. *International Partner Search Plus Virtual Introductions:* Provides the same services as the International Partner Search service listed above but also includes virtual introductions via conference calls with up to 5 of the contacts identified. Additional fees apply if more than 5 introductions are arranged with the identified partners.

14. *Official Letter:* A letter provided by ITA to help U.S. companies comply with local regulatory requirements that must be followed to conduct business in certain foreign countries (*i.e.,* Colombia, Philippines, and Thailand). The letters can address reciprocity, appropriateness of documents and other issues specific to a foreign market.

15. *Other Services/Events:* Includes all other services/events not listed.

16. *Seminar:* Provides U.S. companies and economic development organizations with export/investment knowledge and/or market intelligence from ITA and public/private sector experts via an in-person seminar.

17. *Single Company Promotion:* Provides a U.S. company with a promotional event (*e.g.,* a technical seminar, press conference, luncheon, dinner, cocktail reception, *etc.*) to help increase awareness of their locality or existing/new products/services in a specific market, including organizing the event logistics/venue, conducting a targeted direct mail or email campaign, managing the promotional campaign and event-related logistics, providing logistical and promotional support on-site during the event, and providing a post-event de-briefing to discuss next steps.

18. *Trade Event:* Provides services to U.S. companies to connect them with foreign buyers and partners at trade events in order to help U.S. companies navigate the increasingly complex international marketplace. Services may also be provided to foreign companies attending these trade events to connect them with U.S. companies exporting goods and services. The services and fees for these trade events are separate from the TEPP and the TEMS.

19. *Trade Mission:* Department of Commerce led trade missions provide a proven, cost-effective tool for helping U.S. companies learn first-hand about export opportunities in foreign markets and pre-screened business to business meetings putting them face-to-face with potential business partners. Trade missions help U.S. companies enter markets, leverage opportunities in strategic industries, and expand U.S. trade relationships with our established-to-emerging trading partners. These missions are different from Department of Commerce Certified Trade Missions.

20. *Trade Show Representation:* Provides U.S. companies and economic development organizations with the ability to increase their marketing exposure at an overseas trade show when they are unable to attend in-person. The service entails conducting pre-trade show promotions via internet/social media/email campaign, representing the client at the overseas trade show, displaying the clients' promotional materials at the overseas trade show, and conducting outreach to foreign buyers/distributors in attendance at the trade show.

21. *Virtual Fair:* Provides a group of U.S. companies with an opportunity to promote their products/services to potential partners in a foreign market live via a webinar platform.

22. *Virtual Introduction:* Provides U.S. companies with a virtual introduction via conference call or email to a foreign buyer/partner that they have pre-identified. The U.S. company independently identifies the foreign company and contact information and requests an introduction. The U.S. Government does not endorse or vouch for specific U.S. companies or their products or services.

23. *Webinar:* Provides U.S. companies and economic development organizations with export knowledge and/or market intelligence from experts located around the globe via an online webinar. Services may also be provided to foreign companies attending these trade events to connect them with U.S. companies exporting goods and services. The webinars are often archived at: *www.trade.gov.*

24. *Website Globalization:* Provides U.S. companies with services to enhance the strength of their website for attracting foreign partners/business.

Investment Promotion Services

1. *Facilitated Investment Mission/Roadshow:* Provides a group of U.S. economic development organizations with a market briefing, networking

reception, and matchmaking services in-country.

2. *Other Services/Events:* Includes all other services/events not listed.

3. *Seminar:* Provides U.S. companies and economic development organizations with export/investment knowledge and/or market intelligence from ITA and public/private sector experts via an in-person seminar. Services may also be provided to foreign companies attending these trade events to connect them with U.S. companies exporting goods and services.

4. *Single Location Promotion:* Provides a locality with a promotional event (*e.g.,* a technical seminar, press conference, luncheon, dinner, cocktail reception, *etc.*) to help increase awareness of their locality or existing/new products/services in a specific market (including organizing the event logistics/venue), conducting a targeted direct mail or email campaigns, managing the promotional campaign and event-related logistics, providing logistical and promotional support on-site during the event, and providing a post-event de-briefing to discuss next steps.

5. *Trade Event:* Provides services to U.S. development organizations to connect them with foreign investors and partners at trade events, seminars, webinars, and conferences.

Rural Export Center (REC) Services

1. *Matrix:* Provides a customized ranking of over 190 markets to help assess the export potential of their product or service, as well as assistance in using the Matrix to compare countries, prepare an export plan and create an export strategy.

2. *One Country Report:* Provides a report on a specific market, including market trends, industry overviews, export strategies, trade shows, a company list of up to 10 potential in-country partners and recommended next steps.

3. *Potential Partner List:* Provides a customized potential partner list of up to 10 in-country companies based on how well they fit criteria set by the requestor. The list includes company names and websites as well as contact information when available.

4. *REC Check:* Provides a basic background report on a potential partner identified by the recipient based on information gleaned from approximately 15 sources, including social media, subscription databases and publicly available resources.

Services for Trade Show Organizers

1. Trade Event Partnership Program (TEPP):

a. *Basic Package:* Provides trade show organizers a dedicated ITA event lead, authorization to use U.S. Commercial Service logo and branding, Digital Event Promotion, and At-Show Export Counseling.

b. *Delegation Recruitment:* Provides foreign buyer delegations from mutually agreed upon markets and supports throughout the course of the event.

c. *B2B Matchmaking:* Provides export-ready U.S. companies with one-on-one introductions via ITA's global network of potential foreign buyers, partners, and/or government decision-makers, including facilitating email introductions ahead of the event and setting up and supporting B2B meetings at the event.

d. *Overseas Market Counseling:* Provides business development for export-ready U.S. companies, formatted either as one-to-one (with individual exhibitors) meetings or one-to-many sessions. Recipients receive a briefing on potential market opportunities and sales prospects for their product or service in that market and efforts are made to connect them with related networking and foreign buyer opportunities.

e. *Promotional Webinar:* Provides an expert-led promotional webinar (up to one hour) highlighting industry trends prior to the event. Content will be developed in collaboration with the show/U.S. pavilion organizer and may include in-country knowledge and contacts, best practices, testimonials, and/or case studies. The industry briefing segment will lead into an event presentation featuring the event and highlighting onsite opportunities for U.S. companies and other benefits of attending the event.

f. *At-Show Market Briefing:* Provides an at-show market or industry briefing delivering current content of relevance to the event audience.

g. *Networking Reception:* Provides a networking event at the show, which may be fully managed by the U.S. Commercial Service or co-designed with event or pavilion organizers.

h. *Customized Solution:* Specialized assistance tailored to the trade show organizers' needs not met by existing programs.

2. Trade Event Menu of Services (TEMS):

a. *Digital Event Promotion:* Provides digital marketing services to promote a trade event to potential U.S. exhibitors and/or foreign buyers. This includes promotion through the following channels: email campaign to potential U.S. exhibitors within the target industries of the event, email campaign to potential foreign buyers in the target markets of the event, *www.trade.gov* website promotion with industry tagging to target industry demographic, and inclusion in e-newsletters and other DOC marketing and promotional material(s).

b. *At-Show Export Counseling:* Provides U.S. export-ready companies with at-show export counseling, industry information, and information on export resources to help them expand into additional markets.

c. *Delegation Recruitment:* Provides foreign buyer delegations from mutually agreed upon markets and supports throughout the course of the event.

d. *B2B Matchmaking:* Provides export-ready U.S. companies with one-on-one introductions via ITA's global network of potential foreign buyers, partners, and/or government decision-makers, including facilitating email introductions ahead of the event and setting up and supporting B2B meetings at the event.

e. *Overseas Market Counseling:* Provides business development for export-ready U.S. companies, formatted either as one-to-one (with individual exhibitors) meetings or one-to-many sessions. Recipients receive a briefing on potential market opportunities and sales prospects for their product or service in that market and efforts are made to connect them with related networking and foreign buyer opportunities.

f. *Promotional Webinar:* Provides an expert-led promotional webinar (up to one hour) highlighting industry trends prior to the event. Content will be developed in collaboration with the show/U.S. pavilion organizer and may include in-country knowledge and contacts, best practices, testimonials, and/or case studies. The industry briefing segment will lead into an event presentation featuring the event and highlighting onsite opportunities for U.S. companies and other benefits of attending the event.

g. *At-Show Market Briefing:* Provides an at-show market or industry briefing delivering current content of relevance to the event audience.

h. *Networking Reception:* Provides a networking event at the show, which may be fully managed by the U.S. Commercial Service or co-designed receptions with event or pavilion organizers.

i. *Customized Solution:* Specialized assistance tailored to the trade show organizers' needs not met by existing programs.

Revisions to the User Fee Schedule

The fees for the export and investment promotion services/events

listed in the revised User Fee Schedule below were set based on the same methodology as described in the **Federal Register** Notice published on July 10, 2017 (82 FR 31752). The cost of service methodology developed by ITA was designed to bring the organization closer to full cost recovery guidance set forth in OMB Circular A–25. To set user fees that are ''self-sustaining,'' ITA had to determine the true cost of providing various export and investment promotion services.

Federal Accounting Standards permit ITA to use an activity-based costing model to determine the true cost of services listed in the User Fee Schedule. The activities were defined in accordance with the list of services offered by ITA, including both standard and customized services. As part of the cost of service study, ITA conducted a workload survey to obtain a more accurate estimate of the true cost for delivery of specific services. The workload survey was designed and distributed to all ITA international and domestic field units. The data submitted by various field units was then aggregated to determine the global average workload for each standard or customized service.

Using FY2023 ITA budget data, fringe benefits and non-labor related costs (*e.g.,* materials, supplies, rent, utilities, and equipment) were prorated to determine the burdening rate that was to be added to the hourly rate. This resulted in an hourly rate that accounts for all applicable labor and non-labor costs specifically related to the delivery of services, which is consistent with federal accounting standards.

TABLE 3—REVISED USER FEE SCHEDULE FOR EXPORT PROMOTION SERVICES/EVENTS

Service/event	Fee for commercial service staff time *(excluding all applicable direct costs [1])*	
	All U.S. companies	*All foreign companies*
Business Service Provider (BSP) ...	$480 (annual renewal $240). + $90 for additional category listing. + $50 per language for translation if needed.	
Certified Trade Mission	$90 per staff hour + any direct costs	N/A.
Conference	$90 per staff hour + any direct costs	
Contact List	$950 per report	N/A.
Customized Market Research	$90 per staff hour	N/A.
Featured U.S. Exporter (FUSE)	$100 per market listing (annual renewal $50 permarket listing)	N/A.
	+ $50 per language for translation if needed	
Foreign Buyer Delegation	N/A	$90 per staff hour + any direct costs.
Gold Key Service (GKS)	Standard Package: $3,250 (+$800 for more than 5 appointments or if more than 8 hours is required to attend meetings) + any direct costs.	N/A.
	Identify contacts and arrange appointments only: $2,400 + any direct costs.	
	Arrange and attend the meetings only: $360 per appointment + any direct costs.	
	Arrange the meetings only: $225 per appointment + any direct costs	
Initial Market Check (IMC)	$1,950 per market	N/A.
International Company Profile (ICP)	Full: $2,000 per market	N/A.
	Partial: $1,050 per market	
International Partner Search (IPS) ..	$2,500	N/A.
IPS + Virtual Introductions	$3,300 (+$90 per introduction beyond 5)	N/A.
Official Letter	Colombia: $300 per letter	N/A.
	Thailand: Standard $300/Expedited $375	
	All Other Markets: $90 per staff hour	
Other Services/Events	$90 per staff hour + any direct costs	
Seminar	$90 per staff hour + any direct costs	
Single Company Promotion (SCP)	$90 per staff hour + any direct costs	N/A.
Trade Event	$90 per staff hour + any direct costs	
Trade Mission	$90 per staff hour + any direct costs	N/A.
Trade Show Representation	$1,350 + any direct costs	N/A.
Virtual Fair	$90 per staff hour + any direct costs	N/A.
Virtual Introductions	$90 per introduction	N/A.
Webinar	$35 per webinar hour	
Website Globalization	$600 per review	N/A.

[1] Other direct costs not included in the description of the service must be assumed by the client. Other types of direct costs include translation, transportation, use of contractors, venue rental, catering, *etc.* Please note that any transportation for ITA staff beyond 80 kilometers in distance or more than 2 hours away from an ITA office will be charged an additional user fee to cover the cost.

TABLE 4—REVISED USER FEE SCHEDULE FOR INVESTMENT PROMOTION SERVICES/EVENTS

Service/event	Fee for commercial service staff time *(excluding all applicable direct costs[1])*
	Available only to U.S. economic development organizations (EDOs)
Facilitated Investment Mission (Roadshow).	Full Package: $3,600 per stop (plus any directcosts) If not Full Package: $90 per staff hour (plus anydirect costs).
International Company Profile	Full: $2,000 per market Partial: $1,050 per market.
Other Services/Events	$90 per staff hour + any direct costs
Seminar	$90 per staff hour + any direct costs.
Single Location Promotion	$90 per staff hour + any direct costs.
Trade Event	$90 per staff hour + any direct costs.

[1] Other direct costs not included in the description of the service must be assumed by the client. Other types of direct costs include translation, transportation, use of contractors, venue rental, catering, *etc.* Please note that any transportation for ITA staff beyond 80 kilometers in distance or more than 2 hours away from an ITA office will be charged an additional user fee to cover the cost.

TABLE 5—USER FEE SCHEDULE FOR REC SERVICES

Service	Fee for commercial service Staff time *(Excluding all applicable direct costs[1])*
	Available only at rural export centers
Matrix	$2,900 per report
One Country Report	$2,900 per report
Potential Partner List	$1,200 per service
REC Check	$450 per market

[1] Other direct costs not included in the description of the service must be assumed by the client. Other types of direct costs include translation, transportation, use of contractors, venue rental, catering, *etc.* Please note that any transportation for ITA staff beyond 80 kilometers in distance or more than 2 hours away from an ITA office will be charged an additional user fee to cover the cost.

TABLE 6—USER FEE SCHEDULE FOR TRADE EVENT PARTNERSHIP PROGRAM (TEPP)

Service/event	Fee for commercial service staff time *(Excluding all applicable direct costs[1])*	
	In-Person	*Virtual*
Basic Package	$4,700	$3,710.
Delegation Recruitment	$820 per market ($4,900 global)	$390 per market ($2,340 global).
B2B Matchmaking	1,665	1,665.
Overseas Market Counseling	1,530	1,530.
Promotional Webinar	1,900	1,900.
At-Show Market Briefing	1,350	N/A.
Networking Reception	90 per staff hour	N/A.
Customized Solution	90 per staff hour	90 per staff hour.

[1] Other direct costs not included in the description of the service must be assumed by the client. Other types of direct costs include translation, transportation, use of contractors, venue rental, catering, *etc.* Please note that any transportation for ITA staff beyond 80 kilometers in distance or more than 2 hours away from an ITA office will be charged an additional user fee to cover the cost.

TABLE 7—USER FEE SCHEDULE FOR TRADE EVENT MENU OF SERVICES (TEMS)

Service/event	Fee for commercial service staff time *(Excluding all applicable direct costs[1])*			
	(U.S. Events)		*(International Events)*	
	In-person	*Virtual*	*In-person*	*Virtual*
Digital Event Promotion	$2,205	$2,205	$2,205	$2,205.
At-Show Export Counseling.	$945	N/A	$945	N/A.
Delegation Recruitment	$6,390 per market	$3,330 per market	$3,420 per market	$1,350 per market.
B2B Matchmaking	$2,250	$2,250	$1,080	$1,080.
Overseas Market Counseling.	$1,980	$1,980	$1,080	$1,080.
Promotional Webinar	$1,710	$1,710	$2,070	$2,070.
At-Show Market Briefing	$1,530	N/A	$1,170	N/A.

TABLE 7—USER FEE SCHEDULE FOR TRADE EVENT MENU OF SERVICES (TEMS)—Continued

Service/event	Fee for commercial service staff time *(Excluding all applicable direct costs[1])*			
	(U.S. Events)		*(International Events)*	
	In-person	*Virtual*	*In-person*	*Virtual*
Networking Reception	$90 per staff hour	N/A	$90 per staff hour	N/A.
Customized Solution	$90 per staff hour	$90 per staff hour	$90 per staff hour	$90 per staff hour.

[1] Other direct costs not included in the description of the service must be assumed by the client. Other types of direct costs include translation, transportation, use of contractors, venue rental, catering, *etc.* Please note that any transportation for ITA staff beyond 80 kilometers in distance or more than 2 hours away from an ITA office will be charged an additional user fee to cover the cost.

Notes:

• *All Events:* All ITA staff time required to support an event is to be assessed as a user fee at the hourly rates listed. When the number of the participants for an event is unknown, the estimated number of participants will be used to apply the approved hourly rates.

• *All Standardized Fee Services/Events:* When ITA uses an alternative service provider/contractor (ASP) to complete some or all of the standardized tasks included in the statement of work for a standardized fee service/event, if the cost billed to ITA by the ASP plus the cost for any ITA staff time and other direct costs incurred is more than the ITA standardized fees, then an additional fee must be collected to recover the difference. However, if the cost billed to ITA by the ASP plus the cost for any ITA staff time and other direct costs required to perform the service is less than the ITA standardized fees, then no additional fee will be collected.

• *Fee Reductions for Follow-on Services:* The table below lists the standardized fees to be charged if the follow-on service is provided after the initial service. The fee has been reduced for the follow-on service because the level of effort required is reduced by performing the initial service. However, if an Alternative Service Provider (ASP) is used to deliver the follow-on service, the cost billed to ITA by the ASP and all other direct costs, must be fully recovered from the client in the form of additional fees. Payment for the follow-on service must be received within the deadline specified in the table below to be eligible for the reduced fee listed.

TABLE 8—USER FEE SCHEDULE FOR FOLLOW-ON SERVICES

Initial service	Follow-on service and reduced fee	*Deadline to purchase follow-on service*
Initial Market Check	*International Partner Search: $550* *International Partner Search Plus Virtual Introductions: $1,350.* *Gold Key Service: $1,350.*	*180 days.*
International Partner Search	*International Partner Search Plus Virtual Introductions: $800* *Gold Key Service: $800.*	*60 days.*
International Company Profile—Partial.	*International Company Profile—Full: $950*	*30 days.*

• *Certified Trade Mission:* The fee is assessed per post/city. Applicants will be charged a fee for an Initial Market Check if staff are uncertain about their market potential. The fee paid by the applicant is then applied to their Certified Trade Mission fee if they participate in the mission.

• *Featured U.S. Exporter:* Fee for translation is per language and will be charged for the initial listing and for adjustments requested.

• *Initial Market Check:* Is a required precursor for more time intensive services if staff is uncertain about a client's market potential. Fees paid for the Initial Market Check will then be applied to one follow-on service if the results are positive.

• *Webinars:* Will be provided at a standard fee of $35 per participant per webinar hour. No charge for webinar participation will be assessed by ITA when the purpose is to promote/recruit for an ITA or other USG agency hosted event or when serving only as a guest speaker for a webinar organized by a third party.

Based on the information provided above, ITA believes its revised fee schedules are consistent with the mission to promote ''exports of goods and services from the United States, particularly by small businesses and medium businesses.'' (15 U.S.C. 4721(j)). The revised fee schedules will likewise better achieve the objective of OMB Circular A–25 to ''promote efficient allocation of the nation's resources by establishing charges for special benefits provided to the recipient that are at least as great as the cost to the U.S. Government of providing the special benefits.'' OMB Circular A–25 5.b. ITA will reassess this fee schedule after its first year of implementation and, in accordance with OMB Circular A–25, at least every two years thereafter.

Request for Public Comments

ITA is seeking comments on:

• How the revised User Fee Schedule may impact ITA clients and how they expect to adjust to these revisions.

• Feedback on the revised menu of services.

• Any other topics germane to this notice and comments to help inform future fee adjustments.

Classification

The primary emphasis of ITA's United States and Foreign Commercial Service (USFCS) is the promotion ''of exports of goods and services from the United States, particularly by small businesses and medium-sized businesses, and on the protection of United States business interests abroad'' through activities that include assisting United States exporters (15 U.S.C. 4721(b)). Further, USFCS leads the federal government's investment promotion efforts ''to attract and retain

investment in the American economy'' as provided in Executive Order (E.O.) 13577, ''SelectUSA Initiative'' (June 15, 2011). This notice also supports E.O. 14255, ''Establishing the United States Investment Accelerator'' (March 31, 2025), aimed at facilitating and accelerating investments above $1 billion in the United States. In carrying out these objectives, ITA may collect fees from those seeking ITA services, including U.S. economic development organizations that seek to promote their locality to foreign investors.

Paperwork Reduction Act Notification

All comments and details provided by individuals responding to this notice are subject to the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501, *et seq.*). A Federal agency may not conduct or sponsor, and a person is not required to respond, nor shall a person be subject to a penalty for failure to comply with an information collection subject to the requirements of the PRA unless the information collection has a currently valid OMB Control Number. The approved OMB Control Number for the information collection associated with this effort is 0625–0143. Without this approval, ITA could not conduct this information collection. Public reporting for this information collection is estimated to be approximately 10 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the information collection. All responses to this information collection are voluntary. Send comments regarding this burden estimate or any other aspect of this information collection, including suggestions for reducing this burden to ITA's PRA Program: *pra@trade.gov.*

Carlos Ortiz,

Office of Strategy and Engagement, Global Markets, International Trade Administration.

[FR Doc. 2026–12507 Filed 6–18–26; 8:45 am]

BILLING CODE 3510–FP–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–904]

Certain Activated Carbon From the People's Republic of China: Amended Final Results of Antidumping Duty Administrative Review; 2023–2024; Correction

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

ACTION: Notice; correction.

SUMMARY: The U.S. Department of Commerce (Commerce) published notice in the **Federal Register** of June 2, 2026, in which Commerce announced the amended final results of the 2023–2024 antidumping duty administrative review on certain activated carbon from the People's Republic of China (China). This notice incorrectly listed several companies as being non-selected companies under review receiving a separate rate in the Appendix that should not have been included, and also inadvertently omitted one company that should have been included.

FOR FURTHER INFORMATION CONTACT: Andrew Hart, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1058.

SUPPLEMENTARY INFORMATION:

Background

On June 2, 2026, Commerce published in the **Federal Register** *Certain Activated Carbon from the People's Republic of China: Amended Final Results of Antidumping Duty Administrative Review; 2023–2024.*[1] We incorrectly listed several companies as being non-selected companies under review receiving a separate rate in the Appendix that should not have been included, and also inadvertently omitted one company (Beijing Pacific Activated Carbon Products Co., Ltd.) that should have been included.

Correction

In the **Federal Register** of June 2, 2026, in FR Doc 2026–10940, on page 32937, in the second column, correct the Appendix to include only the following Non-Selected Companies Under Review Receiving a Separate Rate: (1) Beijing Pacific Activated Carbon Products Co., Ltd.; (2) Bengbu Modern Environmental Co. Ltd.; (3) Carbon Activated Tianjin Co., Ltd.; (4) Ningxia Mineral & Chemical Limited; (5) Shanxi Industry Technology Trading Co., Ltd.; (6) Shanxi Sincere Industrial Co., Ltd.; and (7) Tancarb Activated Carbon Co., Ltd.

Notification to Interested Parties

This notice is issued and published in accordance with sections 751(a)(1) and 777(i) of the Act, and 19 CFR 351.213(h)(2) and 351.221(b)(5).

[1] *See Certain Activated Carbon from the People's Republic of China: Amended Final Results of Antidumping Duty Administrative Review; 2023–2024,* 91 FR 32935 (June 02, 2026).

Dated: June 16, 2026.

Christopher Abbott,

Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2026–12486 Filed 6–18–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XF770]

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to the Coeur Alaska, Inc.'s Kensington Dock Repair Project in Berners Bay, Alaska

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

ACTION: Notice; issuance of incidental harassment authorization.

SUMMARY: In accordance with regulations implementing the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that NMFS has issued an incidental harassment authorization (IHA) to Coeur Alaska, Inc. (Coeur) for authorization to take marine mammals incidental to the Kensington Dock Repair Project in Berners Bay, Alaska.

DATES: This authorization 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 16, 2026).

ADDRESSES: Electronic copies of the application and supporting documents, as well as a list of the references cited in this document, can be obtained online at: *https://www.fisheries.noaa.gov/action/incidental-take-authorization-kensington-dock-repair-project-berners-bay-alaska.* For any issues accessing these documents, please contact the person listed below.

FOR FURTHER INFORMATION CONTACT: Krista Graham, 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 determines 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 applicable). 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 for monitoring and reporting of such takings. The definitions of key terms, such as ''take,'' ''harassment,'' and ''negligible impact,'' are found in the MMPA and NMFS' implementing regulations (see 16 U.S.C. 1362; 50 CFR 216.103).

On April 29, 2026, a notice of NMFS' proposal to issue an IHA to Coeur for take of marine mammals incidental to the Kensington Dock Repair Project in Berners Bay, Alaska, was published in the **Federal Register** (91 FR 23065). In that notice, NMFS provided estimates of the numbers, types, 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 an analysis to support NMFS' preliminary conclusions and determinations that the 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 a draft IHA for review, along with other supporting documents.

Two comment letters from Coeur were received during the public comment period, both supporting the issuance of the IHA. Additionally, no new information has become available that would substantively change any of the preliminary analyses, conclusions, or determinations in the proposed IHA. Therefore, the preliminary analyses, conclusions, and determinations included in the proposed IHA are considered final.

National Environmental Policy Act

To comply with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO) 216–6A, NMFS must review our proposed action (*i.e.,* the issuance of an IHA) with respect to potential impacts on the human environment.

This action is consistent with categories of activities identified in Categorical Exclusion B4 (IHAs with no anticipated serious injury or mortality) of the Companion Manual for NAO 216–6A, which do not individually or cumulatively have the potential for significant impacts on the quality of the human environment, and for which we have not identified any extraordinary circumstances that would preclude this categorical exclusion. Accordingly, NMFS has determined that issuance of the IHA qualifies to be categorically excluded from further NEPA review.

Endangered Species Act

Section 7(a)(2) of the ESA of 1973 (16 U.S.C. 1531 *et seq.*) requires each Federal agency to ensure 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 of endangered or threatened species, in this case, with NMFS' Alaska Regional Office.

NMFS is authorizing incidental take of the humpback whale (*i.e.,* the Mexico distinct population segment (DPS) (Mexico–North Pacific stock), ESA-listed as threatened and the Western North Pacific DPS (Western North Pacific stock), ESA-listed as endangered) and the Steller sea lion (*i.e.,* Western DPS (Western stock), ESA-listed as endangered).

Authorization

Accordingly, consistent with the requirements of section 101(a)(5)(D) of the MMPA, NMFS has issued an IHA to Coeur for authorization to take marine mammals incidental to the Kensington Dock Repair Project in Berners Bay, Alaska.

Dated: June 16, 2026.

Kimberly Damon-Randall,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2026–12495 Filed 6–18–26; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XF785]

Notification of Comparability Findings for Suriname Under the Import Provisions of the Marine Mammal Protection Act

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

ACTION: Notice; publication of comparability finding determinations.

DATES: This comparability finding is valid and in effect from June 22, 2026 through December 31, 2029, or for such other period as NMFS may specify.

FOR FURTHER INFORMATION CONTACT: Michael Abbey, Office of International Affairs, Trade, and Commerce, NMFS, (301) 427–8019, *mmpa.loff@noaa.gov.*

SUPPLEMENTARY INFORMATION: The Marine Mammal Protection Act (MMPA) precludes the import into the United States of fish and fish products taken in foreign commercial fisheries that cause serious injury and mortality of marine mammals in excess of U.S. standards. Regulations issued to implement the MMPA import provisions require exporting nations to receive a finding that they maintain a regulatory program with respect to incidental mortality and serious injury of marine mammals in the course of commercial fishing operations that includes, or effectively achieves, results comparable to the U.S. program.

On September 2, 2025, NMFS announced its 2025 Marine Mammal Protection Act comparability finding determinations in the **Federal Register** (90 FR 42395) and posted the determinations on its website. Nations whose fisheries were denied comparability findings were prohibited from importing fish and fish products from those fisheries into the United States beginning January 1, 2026. Nations may reapply for a comparability finding for the affected fisheries at any time.

Suriname was denied a comparability finding for one of its fisheries, and has reapplied for a comparability finding for

that fishery. NMFS determined that Suriname has addressed the issues for which it was denied a comparability finding and with this notice announces that the drift gillnet fishery, Fishery ID 2899, has received a comparability finding and the corresponding import prohibition is removed effective June 22, 2026. This comparability finding report can be found at: *https://www.fisheries.noaa.gov/international-affairs/marine-mammal-protection-act-comparability-finding-determinations-harvesting.*

Dated: June 16, 2026.

Samuel D. Rauch III,

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

[FR Doc. 2026–12494 Filed 6–18–26; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XF709]

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to a Marine Geophysical Survey in the Western Central Atlantic Ocean

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

ACTION: Notice; issuance of incidental harassment authorization.

SUMMARY: In accordance with regulations implementing the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that NMFS has issued an incidental harassment authorization (IHA) to the Lamont-Doherty Earth Observatory (L–DEO) for authorization to take marine mammals incidental to a marine geophysical survey off the Eastern North American Margin in the Western Central Atlantic Ocean.

DATES: This authorization 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 16, 2026).

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/national/marine-mammal-protection/incidental-take-authorizations-research-and-other-activities#active-authorizations.* In case of problems accessing these documents, please call the contact listed below.

FOR FURTHER INFORMATION CONTACT: Jenna Harlacher, 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 will 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 April 9, 2026, a notice of NMFS' proposal to issue an IHA to L–DEO for take of marine mammals incidental to a marine geophysical survey off the Eastern North American Margin in the Western Central Atlantic Ocean was published in the **Federal Register** (91 FR 18024). 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 the 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 a draft IHA 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 proposed IHA notice. No new information that would change any of the preliminary analyses, conclusions, or determinations in the proposed IHA notice has become available since that notice was published, and therefore, the preliminary analyses, conclusions, and determinations included in the proposed IHA are considered final.

National Environmental Policy Act

To comply with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO) 216–6A, NMFS must review our proposed action (*i.e.,* the issuance of an IHA) with respect to potential impacts on the human environment.

This action is consistent with categories of activities identified in Categorical Exclusion B4 (IHAs with no anticipated serious injury or mortality) of the Companion Manual for NAO 216–6A, which do not individually or cumulatively have the potential for significant impacts on the quality of the human environment and for which we have not identified any extraordinary circumstances that would preclude this categorical exclusion. Accordingly, NMFS has determined that the issuance of the IHA qualifies to be categorically excluded 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.

The NMFS Office of Protected Resources (OPR) ESA Interagency Cooperation Division has issued a Biological Opinion under section 7 of the ESA, on the issuance of an IHA to L–DEO under section 101(a)(5)(D) of the

MMPA by the NMFS OPR Permits and Conservation Division. The Biological Opinion concluded that the action is not likely to jeopardize the continued existence of ESA-listed fin whales, sei whales, sperm whales and blue whales.

Authorization

Accordingly, consistent with the requirements of section 101(a)(5)(D) of the MMPA, NMFS has issued an IHA to L–DEO for authorization to take marine mammals incidental to a marine geophysical survey off the Eastern North American Margin in the Western Central Atlantic Ocean.

Dated: June 16, 2026.

Kimberly Damon-Randall,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2026–12474 Filed 6–18–26; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XF675]

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to HEX Operating, LLC Natural Gas Activities in Cook Inlet, Alaska

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

ACTION: Notice; issuance of renewal incidental harassment authorization.

SUMMARY: In accordance with the regulations implementing the Marine Mammal Protection Act (MMPA), notification is hereby given that NMFS has issued a renewal incidental harassment authorization (IHA) to HEX Operating, LLC (formerly Furie Operating Alaska, LLC (Furie)) to incidentally harass marine mammals incidental to natural gas activities in Cook Inlet, Alaska.

DATES: This renewal IHA is valid from September 13, 2026 through September 12, 2027.

ADDRESSES: Electronic copies of the original application, renewal request, and supporting documents (including NMFS **Federal Register** notices of the original proposed and final authorizations, and the previous IHA), as well as a list of the references cited in this document, may be obtained online at: *https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act.* In case of problems accessing these documents, please call the contact listed below.

FOR FURTHER INFORMATION CONTACT: Leah Davis, Office of Protected Resources, NMFS, (301) 427–8401.

SUPPLEMENTARY INFORMATION:

Background

The MMPA prohibits the ''take'' of marine mammals, with certain exceptions. Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are promulgated or, if the taking is limited to harassment, an incidental harassment authorization is issued.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for taking for subsistence uses (where relevant). Further, NMFS must prescribe the permissible methods of taking 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 measures''). NMFS must also prescribe requirements pertaining to monitoring and reporting of such takings. The definition of key terms such as ''take,'' ''harassment,'' and ''negligible impact'' can be found in the MMPA and NMFS's implementing regulations (*see* 16 U.S.C 1362; 50 CFR 216.3; 50 CFR 216.103).

NMFS' regulations implementing the MMPA at 50 CFR 216.107(e) indicate that IHAs may be renewed for additional periods of time not to exceed 1 year for each reauthorization. In the notice of proposed IHAs for the initial IHAs (89 FR 51102, June 14, 2024), NMFS described the circumstances under which we would consider issuing a renewal for this activity and requested public comment on a potential renewal under those circumstances. Specifically, on a case-by-case basis, NMFS may issue a one-time 1-year renewal IHA following notice to the public providing an additional 15 days for public comments when (1) up to another year of identical, or nearly identical, activities as described in the Detailed Description of Specified Activities section of the initial IHA issuance notice is planned or (2) the activities as described in the Description of the Specified Activities and Anticipated Impacts section of the initial IHA issuance notice would not be completed by the time the initial IHA expires and a renewal would allow for completion of the activities beyond that described in the **DATES** section of the notice of issuance of the initial IHA, provided all of the following conditions are met:

1. A request for renewal is received no later than 60 days prior to the needed renewal IHA effective date (recognizing that the renewal IHA expiration date cannot extend beyond 1 year from expiration of the initial IHA).

2. The request for renewal must include the following:

- An explanation that the activities to be conducted under the requested renewal IHA are identical to the activities analyzed under the initial IHA, are a subset of the activities, or include changes so minor (*e.g.,* reduction in pile size) that the changes do not affect the previous analyses, mitigation and monitoring requirements, or take estimates (with the exception of reducing the type or amount of take).
- A preliminary monitoring report showing the results of the required monitoring to date and an explanation showing that the monitoring results do not indicate impacts of a scale or nature not previously analyzed or authorized.

3. Upon review of the request for renewal, the status of the affected species or stocks, and any other pertinent information, NMFS determines that there are no more than minor changes in the activities, the mitigation and monitoring measures will remain the same and appropriate, and the findings in the initial IHA remain valid.

An additional public comment period of 15 days (for a total of 45 days), with direct notice by email, phone, or postal service to commenters on the initial IHA, is provided to allow for any additional comments on the proposed renewal. A description of the renewal process may be found on our website at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-harassment-authorization-renewals.*

History of Request

On September 12, 2024, NMFS issued two consecutive IHAs to Furie to take marine mammals incidental to activities supporting natural gas production in

Cook Inlet, Alaska (89 FR 77836, September 24, 2024), effective from September 13, 2024 through September 12, 2025 (initial Year 1) and September 13, 2025 through September 12, 2026 (initial Year 2). On December 23, 2025, NMFS received an application for the renewal of the initial Year 2 IHA. As described in the IHA renewal application, the activities for which incidental take is requested are identical to a subset of those covered in the initial Year 2 IHA. As required, the applicant also provided a preliminary monitoring report which confirms that the applicant has implemented the required mitigation and monitoring, and which also shows that no impacts of a scale or nature not previously analyzed or authorized have occurred as a result of the activities conducted. The notice of the proposed renewal incidental harassment authorization was published on March 30, 2026 (91 FR 15599). Subsequent to publication of the proposed renewal IHA, Furie notified NMFS that it had changed its name to HEX Operating, LLC (HEX). Therefore, we refer herein to HEX and have issued the requested renewal IHA to HEX.

Description of the Specified Activities and Anticipated Impacts

HEX is planning to conduct natural gas activities in Middle Cook Inlet, Alaska. HEX proposes to relocate the Enterprise 151 jack-up production rig (Enterprise 151 or rig) to the Allegra Lee Platform (ALP; originally referred to as the Julius R. Platform in the notice of proposed and final initial IHAs (89 FR 51102, June 14, 2024; 89 FR 77836, September 24, 2024) but since renamed). This activity represents a subset of the initial activity for which NMFS authorized incidental take. HEX proposes to conduct the rig towing activities between April 1 and November 15 each year, but if favorable ice conditions occur outside of that period, it may tow the rig outside of that period. NMFS assumes that, in this circumstance, noise produced by rig towing may result in take, by Level B harassment only, of marine mammals.

The initial Year 2 IHA authorized take, by Level B harassment, of humpback whale (*Megaptera novaeangliae*), minke whale (*Balaenoptera acutorostrata*), gray whale (*Eschrichtius robustus*), fin whale (*Balaenoptera physalus*), killer whale (*Orcinus orca*), beluga whale (*Delphinapterus leucas*), Dall's porpoise (*Phocoenoides dalli*), harbor porpoise (*Phocoena phocoena*), Pacific white-sided dolphin (*Lagenorhynchus obliquidens*), harbor seal (*Phoca vitulina*), Steller sea lion (*Eumetopias jubatus*), and California sea lion (*Zalophus californianus*). The initial Year 2 IHA also authorized take by Level A harassment of harbor seal. Under the renewal IHA, NMFS authorizes the same number of takes, by Level B harassment, as were authorized under the initial Year 2 IHA. Take by Level A harassment is not authorized under this renewal IHA, as the take by Level A harassment authorized in the initial Year 2 IHA was anticipated to occur from pile driving, and HEX is not planning to conduct pile driving under this renewal IHA.

Detailed Description of the Activity

A detailed description of the rig tugging and positioning activities for which take is authorized here may be found in the Notices of the Proposed (89 FR 51102, June 14, 2024) and Final IHAs (89 FR 77836, September 24, 2024) for the initial IHAs. The location, timing, and nature of the activities, including the types of equipment planned for use, are identical to a subset of those described in the previous notices. No pile driving is planned during the effective period of this renewal IHA. This renewal IHA is valid from September 13, 2026 through September 12, 2027.

Description of Marine Mammals

A description of the marine mammals in the area of the activities for which take is authorized here, including information on abundance, status, and distribution, may be found in the notices of the proposed and final initial IHAs (89 FR 51102, June 14, 2024; 89 FR 77836, September 24, 2024). NMFS has reviewed the monitoring data from the initial IHAs, current Stock Assessment Reports, information on relevant Unusual Mortality Events, and other scientific literature. Except as discussed below, we have determined there is no other new information that affects which species or stocks have the potential to be affected or the pertinent information in the Description of the Marine Mammals in the Area of Specified Activities contained in the supporting documents for the initial IHAs. Specifically, since issuance of the initial IHAs, the abundance estimates have been updated for the Eastern North Pacific stock of gray whale (decrease), Cook Inlet beluga whale (increase), and Western stock of Steller sea lion (decrease). See table 1 for additional information.

Potential Effects on Marine Mammals and Their Habitat

A description of the potential effects of the specified activity on marine mammals and their habitat for the activities for which take is authorized here may be found in the **Federal Register** notice of the proposed initial IHAs (89 FR 51102, June 14, 2024). NMFS has reviewed the monitoring data from the initial IHAs, current Stock Assessment Reports, information on relevant Unusual Mortality Events, other scientific literature, and the public comments, and determined that there is no new information that affects our initial analysis of impacts on marine mammals and their habitat.

Estimated Take

A detailed description of the methods and inputs used to estimate take for the specified activity are found in the notices of the proposed and final initial IHAs (89 FR 51102, June 14, 2024; 89 FR 77836, September 24, 2024).

In its renewal request, HEX provided updated marine mammal densities for all species except Cook Inlet beluga whale, Pacific white-sided dolphin, and California sea lion, incorporating data from Shelden *et al.* (2022) and Goetz *et al.* (2023). Relative to the densities applied in estimating take for the initial Year 2 IHA, the densities of humpback whale, minke whale, killer whale, and harbor seal increased slightly, while the densities for gray whale, fin whale, Dall's porpoise, harbor porpoise, and Steller sea lion decreased slightly. For Cook Inlet beluga whale, HEX's application utilized the density applied in estimating take for the initial Year 2 IHA. Densities were not considered for Pacific white-sided dolphin and California sea lion in the analysis for the initial Year 2 IHA given the extremely low occurrence of these species in the project area.

As stated in the notices of proposed and final initial IHAs (89 FR 51102, June 14, 2024; 89 FR 77836, September 24, 2024), while Shelden *et al.* (2022) and Goetz *et al.* (2023) provide more recent survey data than that incorporated into the density estimate, the surveyed area was not included in either report; therefore, NMFS did not incorporate them into the density calculation. For this renewal IHA, NMFS continues to rely upon the density applied in the analysis for the initial Year 2 IHA. For harbor seal, while applying the density HEX proposed in its renewal application would result in an estimated 187 takes by Level B harassment, given that HEX has not observed harbor seals under the Year 1 IHA or to date under the Year 2 IHA, NMFS authorized 168 takes by Level B harassment of harbor seal under this renewal. This is generally consistent with the initial Year 2 IHA

but does not include take associated with pile driving, as HEX does not plan to pile drive under this renewal IHA. For Steller sea lion, HEX requested and NMFS has authorized five takes by Level B harassment.

For all species except for harbor seal and Steller sea lion, applying the densities HEX proposed in its renewal application does not affect the estimated take, as each of these take estimates is lower than assumed average group size and is, therefore, rounded up to account for group size (see the notices of proposed and final initial IHAs (89 FR 51102, June 14, 2024; 89 FR 77836, September 24, 2024) for more detailed group size information). NMFS authorized six takes of Dall's porpoise (two groups of three animals) in the initial Year 2 IHA. HEX requested authorization of three takes of Dall's porpoise in its renewal request. Given that HEX has not observed Dall's porpoises under the Year 1 IHA or to date under the Year 2 IHA, NMFS authorized three takes by Level B harassment of Dall's porpoise under this renewal. NMFS authorized 10 takes of killer whale in the initial Year 2 IHA. HEX requested authorization of eight takes of killer whale in its renewal request. However, despite the lack of observations of killer whale, NMFS authorized 10 takes of killer whale (2 groups of 5 animals), consistent with the initial Year 2 IHA.

The source levels and days of operation applicable to this authorization remain unchanged from the previously issued Year 2 IHA. Similarly, the stocks taken, methods of take, and types of take remain unchanged from the previously issued IHA, as do the number of takes, which are indicated below in Table 1.

TABLE 1—AUTHORIZED TAKE AS A PERCENTAGE OF STOCK ABUNDANCE

Species	Stock	Abundance (Nbest)	Total take (Level B harassment only)	Take as a percentage of stock abundance
Humpback whale	Hawaii (Hawaii Distinct Population Segment (DPS))	11,278	3	<1
	Mexico—North Pacific (Mexico DPS)	UND [1]		N/A
	Western North Pacific		1,084	<1
Minke whale	Alaska	UND [2]	3	N/A
Gray whale	Eastern Pacific	25,960 [3]	3	<1
Fin whale	Northeast Pacific	UND [4]	2	N/A
Killer whale	Eastern North Pacific Alaska Resident	1,920	10	<1
	Eastern North Pacific Gulf of Alaska, Aleutian Islands, and Bering Sea Transient.	587		<1
Beluga	Cook Inlet	331 [5]	11	3.3
Dall's porpoise	Alaska	UND [6]	3	N/A
Harbor porpoise	Gulf of Alaska	31,046	12	<1
Pacific white-sided dolphin	North Pacific	26,880	3	<1
Harbor seal	Cook Inlet/Shelikof	28,411	168	<1
Steller sea lion	Western U.S	49,837 [7]	5	<1
California sea lion	U.S	257,606	2	<1

Note: UND = Undetermined.

[1] Abundance estimates are based upon data collected more than 8 years ago and, therefore, current estimates are considered unknown. The most recent minimum population estimates (N_{min}) for this population include an estimate of 2,241 individuals between 2003 and 2006 (Martinez-Aguilar 2011) and 766 individuals between 2004 and 2006 (Wade 2021). Assuming the population has been stable, and that the 3 authorized takes of humpback whale will all be of the Mexico-North Pacific stock, this represents less than 1 percent of the stock abundance given an a N_{min} of 2,241 individuals or 766 individuals.

[2] Reliable population estimates are not available for this stock. The most relevant estimate of partial stock abundance is 1,233 minke whales in coastal waters of the Alaska Peninsula and Aleutian Islands (Zerbini *et al.* 2006).

[3] The abundance estimate used in the analysis for the initial Year 2 IHA was 26,960.

[4] The best available abundance estimate for this stock is not considered representative of the entire stock as surveys were limited to a small portion of the stock's range. The N_{min} is estimated to be 2,554.

[5] The abundance estimate used in the analysis for the initial Year 2 IHA was 279.

[6] The most recent abundance estimate is greater than 8 years old. The minimum population estimate is assumed to correspond to the point estimate of the 2015 vessel-based abundance computed by Rone *et al.* (2017) in the Gulf of Alaska (N = 13,110; CV = 0.22) (Young *et al.* 2026).

[7] The abundance estimate used in the analysis for the initial Year 2 IHA was 49,932. Nest is best estimate of counts, which have not been corrected for animals at sea during abundance surveys.

On October 24, 2024, NMFS published (89 FR 84872) its final Updated Technical Guidance (*https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-acoustic-technical-guidance-other-acoustic-tools*), which includes updated thresholds and weighting functions to inform auditory injury estimates and replaces the 2018 Technical Guidance referenced in the notices of the proposed and final initial IHAs (89 FR 51102, June 14, 2024; 89 FR 77836, September 24, 2024). However, as stated in those notices, take by Level A harassment is not anticipated to occur from rig tugging/positioning, and the Updated Technical Guidance does not change this conclusion.

Description of Mitigation, Monitoring and Reporting Measures

The mitigation, monitoring, and reporting measures included as requirements in this authorization are identical to those included in the **Federal Register** notice announcing the issuance of the initial IHAs for rig tugging/positioning (the only activity for which HEX has requested take under this renewal IHA), and the discussion of the least practicable adverse impact included in that document remains accurate. The following measures are included in this renewal:

- HEX must employ protected species observers (PSOs) and establish monitoring locations as described in the Marine Mammal Monitoring Plan (Monitoring Plan). HEX must monitor the project area to the maximum extent possible based on the required number of PSOs, required monitoring locations, and environmental conditions.

• HEX must coordinate with local Tribes as described in its Stakeholder Engagement Plan, notify the communities of any changes in the operation, and take action to avoid or mitigate impacts to subsistence harvests.

• HEX must establish clearance zones for all marine mammal species. For Cook Inlet beluga whale, HEX must establish a clearance zone that extends as far as PSOs can feasibly observe. For all marine mammal species other than Cook Inlet beluga whale, HEX must establish a clearance zone that extends 1.5 kilometers (km) from the jack-up rig.

• Prior to commencing new operational activities in daylight hours, or if there is a 30-minute lapse in operational activities, two NMFS-approved PSOs must observe the clearance zones for 30 minutes. Transitioning from towing to positioning without shutting down is not considered commencing an operational activity. If no marine mammals are observed within the relevant clearance zone during those 30 minutes, activities may commence. If a non-beluga marine mammal(s) is observed within the relevant clearance zone during those 30 minutes, operations may not commence until the PSO(s) observe that one of the following conditions is met, unless the delay interferes with the safety of working conditions: (1) the non-beluga animal(s) is outside of and on a path away from the clearance zone; or (2) for non-Endangered Species Act-listed species, 15 minutes have elapsed without observing the marine mammal, or for ESA-listed species, 30 minutes have elapsed without observing the marine mammal. If a beluga whale is observed within the relevant clearance zone during those 30 minutes, operations may not commence until the beluga whale(s) is no longer detected at any range and 30 minutes have elapsed without any observations of beluga whales.

• Prior to commencing new operational activities in nighttime hours, or if there is a 30-minute lapse in operational activities in low/no-light conditions, two NMFS-approved PSOs must observe out to the greatest extent feasible while using night vision devices for 30 minutes (*i.e.,* pre-clearance monitoring). Transitioning from towing to positioning without shutting down is not considered commencing an operational activity. If no marine mammals are observed during those 30 minutes, activities may commence. If a marine mammal(s) is observed during those 30 minutes, operations may not commence until the PSO(s) observe that one of the following conditions is met, unless the delay interferes with the safety of working conditions: (1) the animal(s) is outside of the observable area, or (2) for non-ESA-listed species, 15 minutes have elapsed without observing the marine mammal, or for ESA-listed species, 30 minutes have elapsed without observing the marine mammal.

• All monitoring must continue through 30 minutes post-completion of any operations each day, and after each stoppage of 30 minutes or greater.

• HEX must conduct tug towing rig operations with a favorable tide unless human safety or equipment integrity are at risk.

• HEX may only conduct tug towing rig activities at night if necessary to accommodate a favorable tide.

• If a species for which authorization has not been granted, or a species for which authorization has been granted but the authorized takes have been reached, is observed approaching or within the clearance zone, tugging activities must be delayed if not already under load. Operations will not commence until the PSO(s) observe that: (1) the non-beluga marine mammal(s) is outside of and on a path away from the clearance zone, or (2) for non-ESA-listed species, 15 minutes have elapsed without observing the marine mammal, or for ESA-listed species, 30 minutes have elapsed without observing the marine mammal. If a beluga whale is observed within the relevant clearance zone during those 30 minutes, operations may not commence until the beluga whale(s) is no longer detected at any range and 30 minutes have elapsed without any observations of beluga whales.

• HEX must maneuver tugs such that they maintain a consistent speed (approximately 4 knots [7 km/hour]) and avoid multiple changes of speed and direction.

• HEX must maintain a distance of at least 2.4 km from the mean lower-low water line of the Sustina River Delta (Beluga River to the Little Sustina River) between April 15 and November 15.

• Helicopters must transit at an altitude of 1,500 feet (457 meters) or higher, to the extent practicable, while adhering to Federal Aviation Administration flight rules (*e.g.,* avoidance of cloud ceiling, etc.), excluding takeoffs and landing. If flights must occur at altitudes less than 1,500 feet due to environmental conditions, aircraft must make course adjustments, as needed, to maintain at least a 1,500-foot separation from all observed marine mammals. Helicopters must not hover or circle above marine mammals.

HEX will continue to follow the Stakeholder Engagement Plan, provide notifications before future rig moves, and work with tribal groups if impacts to subsistence activities are identified.

A minimum of two NMFS-approved PSOs will be on-watch during all activities wherein the rig is attached to the tugs for the duration of the project. PSOs will be stationed aboard a tug or the rig during tug towing and positioning and may use a combination of equipment to perform marine mammal observations and to verify the required monitoring distance from the project site, including 7 by 50 binoculars and NMFS approved night vision devices for low light and nighttime operations. A minimum of two NMFS-approved PSOs will be stationed on the ALP at the highest possible vantage point to monitor to the maximum extent possible in all directions during pile driving. PSOs will be independent of the activity contractor (for example, employed by a subcontractor) and have no other assigned tasks during monitoring periods. At least one PSO will have prior experience performing the duties of a PSO during an activity pursuant to a NMFS-issued Incidental Take Authorization or Letter of Concurrence. Other PSOs may substitute other relevant experience (including relevant Alaska Native traditional knowledge), education (degree in biological science or related field), or training for prior experience performing the duties of a PSO. Where a team of three or more PSOs is required, a lead observer or monitoring coordinator must be designated. The lead observer must have prior experience performing the duties of a PSO during an activity pursuant to a NMFS-issued incidental take authorization.

HEX must submit a draft marine mammal monitoring report to NMFS within 90 days after the completion of pile driving activities or 60 calendar days prior to the requested issuance of any subsequent IHA for construction activity at the same location, whichever comes first. A final report must be prepared and submitted within 30 calendar days following receipt of any NMFS comments on the draft report. Additionally, all injured or dead marine mammals must be reported to the Office of Protected Resources (OPR) and to the Alaska regional stranding network.

Comments and Responses

A notice of NMFS' proposal to issue a renewal IHA to HEX was published in the **Federal Register** on March 30, 2026 (91 FR 15599). That notice either described, or referenced descriptions of,

HEX's activity, the marine mammal species that may be affected by the activity, the anticipated effects on marine mammals and their habitat, estimated amount and manner of take, and proposed mitigation, monitoring and reporting measures. NMFS received a comment letter from Friends of Animals (FoA) and a letter of support for issuance of the renewal IHA from the Alaska Department of Natural Resources. The comments and our responses to substantive comments are summarized below. We have not responded to comments that failed to raise a significant point for us to consider (*e.g.,* comments that are out of scope of the proposed rule; mitigation, monitoring, or reporting measures already included in the proposed rule). Furthermore, if a comment received was unclear, NMFS does not include it here as it could not determine whether it raised a significant point for NMFS to consider. The comments and recommendations are available online at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-oil-and-gas.* Please see the comment submissions for full details regarding the recommendations and supporting rationale.

Comment 1: FoA stated that aerial survey data collected in 2024 and delayed until June 2025 by NMFS is still under review and has not yet been incorporated into current population estimates (NMFS, 2024), and as a result, no updated official population figure is available. FoA further asserted that proceeding with authorization of additional take before this data is fully reviewed is especially concerning given the species known behavioral patterns, including congregation in specific areas for feeding and reproduction.

Response: The MMPA requires NMFS to make its findings based upon the best available science. The most recent Cook Inlet beluga whale SAR (Young *et al.,* 2026), includes an abundance based on survey data from 2022 (331 animals), and it is the most recent available abundance estimate for the stock. NMFS has appropriately utilized this abundance estimate in its analysis as the best scientific information available.

Comment 2: FOA requested that NMFS deny the requested renewal IHA and decline to issue any additional Incidental Take Authorizations (ITAs) for Cook Inlet beluga whales. It also requested that NMFS extend its public comment periods to at least 1 month to obtain adequate public findings before the issuance of renewals and consecutive IHAs. It stated that continued issuance of IHAs and incidental take authorizations is inconsistent with the purposes of the MMPA, and risks bringing this already imperiled species closer to the point of no return.

Response: The MMPA requires that, upon request, NMFS, as delegated by the Secretary of Commerce, shall issue an ITA for the incidental take of marine mammals in the course of specified activities, provided the necessary findings are made and appropriate mitigation, monitoring, and reporting measures are set forth, as described in the Background section of this notice. Please refer to that section for additional information. Such findings have been made (see the Determinations section of this notice), and therefore, NMFS has issued the renewal IHA to HEX.

Consistent with the MMPA, NMFS made the required negligible impact and small numbers determinations, included measures to ensure the least practicable adverse impact on marine mammal species and their habitat, and also included appropriate monitoring and reporting requirements. For example, during tugging, HEX must conduct pre-clearance monitoring prior to commencing activities and must delay the start of activities if marine mammals are within designated pre-clearance zones. Further, it must conduct tugging activities with a favorable tide to reduce noise output. Please see the Mitigation section of the notice of issuance of the initial IHAs (89 FR 77836, September 24, 2024) for a full description of the required mitigation measures associated with rig tugging and positioning (note that measures related to pile driving do not apply to this renewal IHA).

Further, monitoring results from previous similar tugging and construction activities have not recorded responses from Cook Inlet beluga whales that indicate impacts that would affect the survival or recovery of Cook Inlet beluga whales. Hilcorp's most recent (2025) annual marine mammal monitoring report indicated two sightings of Cook Inlet belga whales (groups of three and four animals), one of which occurred when tugging activity was occurring. However, no behavioral reaction was observed (Hanks *et al.* 2025). Hilcorp's 2023 annual marine mammal monitoring report indicates that it did not record any sightings of beluga whales from their rig-based monitoring efforts (Horsley and Larson, 2023). Furie's 2025 report indicated that there were zero marine mammal sightings during project activities, and two opportunistic sightings of beluga whales when project activities were not occurring. Further, monitoring data from construction at the Port of Alaska (POA) demonstrates Level B harassment of Cook Inlet beluga whales typically manifests as increased swim speeds past the POA, tighter group formations, and cessation of vocalizations, none of which would be expected to impact survival or recovery of Cook Inlet beluga whales.

Regarding the duration of the public comment period, the notice of the proposed initial IHAs published in the **Federal Register** on June 14, 2024 (89 FR 51102) provided a 30-day public comment period and made clear that NMFS was seeking comment on the proposed IHA and the potential issuance of renewal IHAs (*see* Background section for renewal criteria). As detailed in the **Federal Register** notice for the proposed IHAs and on the agency's website, renewals are subject to an additional 15-day public comment period. Additional documents are submitted for renewal request; however, these documents are limited to identifying the specified activities that the applicant plans to continue and preliminary monitoring reports. NMFS has also confirmed, among other things, that the activities will occur in the same location; involve the same species and stocks; provide for continuation of the same mitigation, monitoring, and reporting requirements for the relevant activities; and that no new information has been received that would alter the prior analysis. The additional 15-day public comment period, which included NMFS' direct notice to anyone who commented on the proposed initial IHA, provides the public an adequate opportunity to review these limited documents, provide any additional pertinent information, and comment on whether they think the criteria for a renewal have been met. Combined, the 30-day public comment period on the initial IHA and the additional 15-day public comment period on the renewal of the subset of activities provides the public with a total of 45 days to comment on the potential issuance of the IHA.

Comment 3: FoA stated that the potential impacts from Level B harassment that HEX's proposed project will continue to have on the species are varied and numerous. They state this includes hearing impairment, separation of family groups, loss of prey and/or habitat, disturbances to biologically sensitive feeding and mating areas, bodily harm, behavioral changes, and synergistic and/or cumulative effects, among others. For these reasons, FoA asserts the numerous negative effects on marine mammals do not constitute negligible impacts, and therefore, HEX does not meet the qualifications for

obtaining a renewal IHA under the MMPA.

Response: NMFS disagrees with the FoA's claim that the effects of HEX's activities on marine mammals do not constitute a negligible impact. In the Negligible Impact Analysis and Determination section of the notice of the final initial IHAs (89 FR 77836, September 24, 2024), we describe how the take estimated and authorized for the project will have a negligible impact on all of the affected species, including Cook Inlet beluga whales. We discuss how this determination is based upon the authorized number of takes of each stock that might be exposed briefly during the activity, the low level of behavioral harassment that might result from an instance of take that could occur within a year (noting that the Level A harassment authorized in the initial IHAs is not authorized herein, as HEX is not proposing to conduct pile driving activities from which NMFS estimated Level A harassment could occur), and the likelihood that the mitigation measures further lessen the likelihood or severity of exposures. NMFS has considered the status of each stock in its analysis, as well as the importance of reducing impacts from anthropogenic noise, and there is no evidence that brief exposure to low level noise causing Level B harassment would have the impacts asserted by the commenter aside from temporary behavior changes.

NMFS' negligible impact finding considers a number of parameters including, but not limited to, the nature of the activities (*e.g.,* duration, sound source), effects/intensity of the taking, the context of takes, and mitigation. NMFS understands that marine mammals will have varying responses to elevated noise levels resulting from tugging activities such as masking of communication and foraging signals, avoidance behaviors, and more. However, NMFS does not anticipate that these responses will result in separation of family groups, nor has the commenter provided information supporting that assertion.

No serious injury or mortality (*i.e.,* bodily harm, as referred to by the commenter) is anticipated or authorized. While exposure to elevated noise levels associated with HEX's activities may result in low-level behavioral changes in marine mammals, NMFS' review of the best available scientific evidence, as summarized and cited herein, demonstrates that these responses do not rise to the level of having adverse effects on the fitness of individuals for reproduction or survival, and thus would not affect reproduction or survival rates of any stock, and the commenter has provided no evidence to the contrary. Further, while HEX 's project area does overlap ESA-designated critical habitat for Cook Inlet beluga whale, the impacts from the project are not expected to occur in areas that are important for feeding or reproduction for any species, including Cook Inlet beluga whales, nor are they anticipated to result in a loss of prey or habitat. Monitoring data from Hilcorp's activities suggest that tugging activities do not discourage Cook Inlet beluga whales from transiting throughout Cook Inlet and between critical habitat areas and that the whales do not abandon critical habitat areas (Horsley and Larson, 2023). In addition, large numbers of Cook Inlet beluga whales have continued to use Cook Inlet and pass through the area, likely traveling to critical foraging grounds found in upper Cook Inlet (*i.e.,* outside of the project area), while noise-producing anthropogenic activities, including vessel use, have taken place during the past 2 decades (*e.g.,* Shelden *et al.* 2013, 2015, 2017, 2022; Shelden and Wade 2019; Geotz *et al.* 2023). Therefore, NMFS has appropriately concluded that the taking authorized in this renewal IHA will have a negligible impact on the affected stocks, and accordingly has issued a renewal IHA to HEX.

Please see NMFS' response to Comment 5 regarding cumulative effects.

Comment 4: FoA stated that given what it refers to as the severe risk to Cook Inlet beluga whales, NMFS should emphasize greater measures to enhance the survival of the species and address a needed reduction of anthropogenic activities within the Cook Inlet. It asserts that doing so will support recovery efforts while eliminating long-term harassment and further endangerment to the species.

Response: NMFS has prescribed mitigation measures in the renewal IHA to effect the least practicable adverse impact on Cook Inlet beluga whales and all other affected marine mammal species. Of note, consistent with the initial IHAs, this renewal IHA extends the pre-clearance zone for Cook Inlet beluga whales ahead of tugging activities to include the extent to which PSOs can feasibly observe, rather than a zone of 1,500 meters (m) included in previous IHAs for similar activities (87 FR 62364, October 14, 2022).

We note that NMFS' authority under section 101(a)(5)(A) of the MMPA pertains only to the authorization of marine mammal take incidental to that activity and to the prescription of appropriate mitigation, monitoring, and reporting requirements. Therefore, while NMFS cannot reduce anthropogenic activities within Cook Inlet, we will continue to consider the vulnerable status of Cook Inlet beluga whales in our negligible impact analyses and require that any activity for which we issue an ITA will meet that standard; and we will prescribe appropriate measures under the least practicable adverse impact standard.

Comment 5: FOA recommended that NMFS complete a more robust analysis of cumulative effects from anthropogenic activities and other high-concern threats in the region in order to better inform recovery efforts and ensure meaningful protection of the Cook Inlet beluga whale.

FoA asserts that the estimated 11 takes of Cook Inlet beluga whale reflect only a limited, estimated subset of impacts, rather than the full scope of ongoing disturbance. FOA recommended that NMFS consider the potential cumulative impact from past, current, and future activities and their impact on the environmental baseline when determining whether ''take is negligible'' (which we interpret as a reference to the negligible impact standard). FoA quoted the Cook Inlet beluga whale recovery plan (NMFS 2016a), which states ''applications for IHAs have historically been reviewed on the basis of an individual activity in isolation. But the high level of human activity in Cook Inlet has increased such that cumulative effects of multiple activities must be appropriately accounted for.'' FoA further stated that there are already a number of authorizations throughout Cook Inlet allowing for the take of Cook Inlet beluga whales and projected additional authorizations.

Response: We note first that the Migura and Bollini (2022) paper cited by FoA, regarding the projected authorized take of Cook Inlet beluga whale through 2025, seems to have led to a misunderstanding of the takes authorized or permitted by NMFS. The vast majority of the asserted ~120,000 total takes (over 99 percent), including all of the very small amount of take by Level A harassment, were authorized under directed research or enhancement permits, which directly support research or actions identified in the Recovery Plan to address Cook Inlet beluga whale recovery goals. Further, the vast majority (~99 percent) of the total permitted research or enhancement take numbers are low-level Level B harassment from remote or non-invasive procedures that were considered ''not likely to adversely affect'' listed species under the consultation requirements of

section 7 of the ESA (*i.e.,* take under the ESA is neither expected to occur nor is it exempted for those activities). We refer the commenter to NMFS' Cook Inlet beluga whale 5-year review (NMFS 2022; section 2.3.2), in which NMFS addressed the assertions in Migura and Bollini (2022). Last, it is worth noting that for research activities, authorized takes are typically a larger number than the actual takes that occur. For example, 22,090 takes were authorized for Cook Inlet beluga research occurring in 2019 but only 2,405 takes occurred.

Regarding the comprehensive evaluation and minimization of permitted takes, we reference the analysis that has already been completed through NMFS' 2019 Biological and Conference Opinion on the Proposed Implementation of a Program for the Issuance of Permits for Research and Enhancement Activities on Cetaceans in the Arctic, Atlantic, Indian, Pacific, and Southern Oceans (NMFS 2019), which determined that the research and enhancement takes permitted by the program would not jeopardize the existence of any of the affected species. As part of our programmatic framework for permitting directed take of ESA species, the Permits and Conservation Division will continue to closely evaluate the number and manner of Cook Inlet beluga whale takes requested by each applicant, how the proposed research ties to recovery plan goals, and the collective number of authorized and requested takes to consider the potential cumulative impact of the activities to the population. Each directed take annual report is reviewed to understand how authorized takes were actually used and to closely monitor the impacts that permitted research methods are having on the target animals.

Regarding the comment about the negligible impact determination for this action, neither the MMPA nor NMFS' implementing regulations call for consideration of the take resulting from other activities in the negligible impact analysis. The preamble for NMFS' implementing regulations (54 FR 40338, September 29, 1989) states, in response to comments, that the impacts from other past and ongoing anthropogenic activities are to be incorporated into the negligible impact analysis via their impacts on the baseline. Consistent with that direction, NMFS has factored into its negligible impact analysis the impacts of other past and ongoing anthropogenic activities via their impacts on the baseline (*e.g.,* as reflected in the density/distribution and status of the species, population size and growth rate, and other relevant stressors (such as incidental mortality in commercial fisheries, Unusual Mortality Events, and subsistence hunting)); *see* the Negligible Impact Analyses and Determinations section of the notice of issuance of the initial IHAs (89 FR 77836, September 24, 2024). The 1989 final rule for NMFS' implementing regulations also addressed public comments regarding cumulative effects from future, unrelated activities. There, NMFS stated that such effects are not considered in making findings under section 101(a)(5) concerning negligible impact. In this case, the renewal IHA issued to HEX is appropriately considered an unrelated activity relative to other ITAs currently in effect or proposed within the specified geographic region. The ITAs are unrelated in the sense that they are discrete actions under section 101(a)(5)(A) or (D) issued to discrete applicants.

Section 101(a)(5)(D) of the MMPA requires NMFS to make a determination that the take incidental to a ''specified activity'' will have a negligible impact on the affected species or stocks of marine mammals and will not have an unmitigable adverse impact on the availability of such species or stocks for taking for subsistence uses. NMFS' implementing regulations require applicants to include in their request a detailed description of the specified activity or class of activities that can be expected to result in incidental taking of marine mammals (see 50 CFR 216.104(a)(1)). Thus, the ''specified activity'' for which incidental take coverage is being sought under section 101(a)(5)(D) is generally defined and described by the applicant. Here, HEX was the applicant for the renewal IHA, and we are responding to the specified activities as described in that application (and making the necessary findings on that basis). The take estimates NMFS authorizes represent the upper limits for individuals and some instances of take may represent multiple exposures to a single individual.

As described in further detail in the Analysis and Negligible Impact Determination section of the notice of issuance of the initial IHAs (89 FR 77836, September 24, 2024), the area of exposure would be limited to habitat primarily used for transiting and not areas known to be of particular importance for feeding or reproduction, the activities are not expected to result in Cook Inlet beluga whales abandoning critical habitat nor are they expected to restrict passage of Cook Inlet beluga whales within or between critical habitat areas, and any disturbance to Cook Inlet beluga whales is expected to be limited to temporary modifications in behavior and would not be of a duration or intensity expected to result in impacts on reproduction or survival. FoA's assertion that the takes represent only a limited, estimated subset of impacts is unsupported.

NMFS has prepared an EA and as described in that document, incremental impacts of NMFS' Proposed Action, in combination with other past, present, and reasonably foreseeable future actions, would be minor to negligible on the populations of species analyzed. The Proposed Action is not expected to reach a level of significant impact on the quality of the human environment, and no population-level consequences are anticipated. Additionally, the NMFS Alaska Regional Office issued a Biological Opinion on September 11, 2024, under section 7 of the ESA, on the issuance of two IHAs to Furie under section 101(a)(5)(D) of the MMPA by NMFS OPR that independently considered the reasonably foreseeable cumulative effects of activities on ESA-listed species. The Biological Opinion concluded that the action is not likely to jeopardize the continued existence of these species and is not likely to destroy or adversely modify their critical habitat. This conclusion remains applicable to this renewal IHA.

Determinations

The planned activity is identical to a subset of the initial Year 2 IHA. The only change is that anticipated effects from pile driving would not occur, as no pile driving is planned to occur. The same marine mammals are affected, and the potential effects and estimated take are assumed to remain the same, as described in the Estimated Take section of this notice. Mitigation and monitoring remain the same as the initial Year 2 IHA, with the exception of removal of pile driving measures that no longer apply.

NMFS has concluded that there is no new information suggesting that our analysis or findings should change from those for the initial Year 2 IHA. This includes consideration of the estimated abundance of Eastern North Pacific stock of gray whale (decrease), Cook Inlet beluga whale (increase), and Western stock of Steller sea lion (decrease). Based on the information and analysis contained here and in the referenced documents, NMFS has determined the following: (1) the required mitigation measures will effect the least practicable impact on marine mammal species or stocks and their habitat; (2) the authorized takes will have a negligible impact on the affected

marine mammal species or stocks; (3) the authorized takes represent small numbers of marine mammals relative to the affected stock abundances; (4) HEX's activities will not have an unmitigable adverse impact on taking for subsistence purposes as no relevant subsistence uses of marine mammals are implicated by this action; and (5) appropriate monitoring and reporting requirements are included.

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 216–6A, NMFS must review our proposed action (*i.e.,* the issuance of a renewal IHA) with respect to potential impacts on the human environment.

NMFS prepared an Environmental Assessment (EA) and analyzed the potential impacts to marine mammals that would result from HEX's rig tugging and positioning activities. A Finding of No Significant Impact (FONSI) was signed on June 16, 2026. Copies of the EA and FONSI are available at *https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-oil-and-gas.*

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 insure 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.

Four marine mammal species (*i.e.,* fin whale, humpback whale (Mexico Distinct Population Segment (DPS) and Western North Pacific DPS), beluga whale (Cook Inlet DPS), and Steller sea lion (Western DPS)) occur in the project area and are listed as threatened or endangered under the ESA. On September 11, 2024, the NMFS Alaska Regional Office issued a Biological Opinion under section 7 of the ESA on the issuance of two IHAs to HEX under section 101(a)(5)(D) of the MMPA by NMFS OPR. The Biological Opinion concluded that the action is not likely to jeopardize the continued existence of these species and is not likely to destroy or adversely modify their critical habitat. This conclusion remains applicable to this renewal IHA.

Renewal

NMFS has issued a renewal IHA to HEX for the take of marine mammals incidental to conducting natural gas activities in Cook Inlet Alaska from September 13, 2026 to September 12, 2027.

Dated: June 16, 2026.

Kimberly Damon-Randall,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2026–12463 Filed 6–18–26; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Reporting Requirements for the Ocean Salmon Fishery Off the Coasts of Washington, Oregon, and California

AGENCY: National Oceanic & Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of information collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment preceding submission of the collection to OMB.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before August 21, 2026.

ADDRESSES: Interested persons are invited to submit written comments to Adrienne Thomas, NOAA PRA Officer, at *NOAA.PRA@noaa.gov.* Please reference OMB Control Number 0648-0433 in the subject line of your comments. All comments received are part of the public record and will generally be posted on *https://www.regulations.gov* without change. Do not submit Confidential Business Information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or specific questions related to collection activities should be directed to Shannon Penna, Regulatory Specialist, National Marine Fisheries Service (NMFS) West Coast Region, 501 West Ocean Blvd., Long Beach, CA 90802–4213, 562–980–4239; email: *shannon.penna@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for an extension of an approved information collection.

Ocean salmon fisheries conducted in the U.S. exclusive economic zone, 3–200 nautical miles off the West Coast states of Washington, Oregon, and California are managed by the Pacific Fishery Management Council (Council) and NOAA's National Marine Fisheries Service (NMFS) under the Magnuson-Stevens Fishery Conservation and Management Act (MSA). Management measures for the ocean salmon fisheries are set annually, consistent with the Council's Pacific Coast Salmon Fishery Management Plan (FMP). The FMP provides a framework for managing the ocean salmon fisheries in a sustainable manner, as required under the MSA, through the use of conservation objectives, annual catch limits, and other reference points and status determination criteria described in the FMP. To meet these criteria, annual management measures, published in the **Federal Register** by NMFS, specify regulatory areas, catch restrictions, and landing restrictions based on the stock abundance forecasts. These catch and landing restrictions include area-, time- and species-specific quotas for the commercial ocean salmon fishery and generally require catch and landings to be reported to the appropriate state and tribal agencies to allow for timely and accurate accounting of the season's catch (50 CFR 660.404 and 50 CFR 660.408(o)). The best available catch and effort data and projections are presented by the state fishery managers in telephone conference calls involving the NMFS Regional Administrator and representatives of the Council. However, NMFS acknowledges that unsafe weather or mechanical problems could prevent commercial fishermen from making their landings at the times and places specified, and the MSA requires conservation and management measures to promote the safety of human life at sea. Therefore, the annual management measures will include provisions to exempt commercial salmon fishermen from compliance with the landing requirements when they experience unsafe weather conditions or mechanical problems at sea, so long as the appropriate notifications are made by, for example, at-sea radio and

cellular telephone, and information on catch and other required information is given, under this collection of information.

In addition, NMFS has established measures to keep fishery impacts within conservation objectives for the California Coastal Chinook salmon (50 CFR 660.410(d)(3)). This information collection assists in the management of the landing and possession limits for the California commercial salmon troll fishery. The State of California requires that fish tickets with the number of Chinook salmon landed be entered into the California Department of Fish and Wildlife electronic landing database. NMFS requires that this be completed within 24 hours of landing.

The annual management measures will specify the contents and procedure of the notifications, and the entities receiving the notifications (*e.g.,* United States Coast Guard). Absent this requirement by the Council, the state reporting systems would not regularly collect this specific type of in-season radio report or electronic landing data. These provisions, and this federal collection of information, promote safety at sea, provide practical utility for sustainably managing the fishery, and ensure regulatory consistency across each state by implementing the same requirements in the territorial waters off each state. This information collection is intended to be general in scope by leaving the specifics of the notifications for annual determination, thus providing flexibility in responding to salmon management concerns in any given year.

II. Method of Collection

Notifications are made by at-sea radio or cellular phone transmissions.

III. Data

OMB Control Number: 0648–0433.

Form Number(s): None.

Type of Review: Regular submission (extension of a current information collection).

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 40.

Estimated Time per Response: 15 minutes.

Estimated Total Annual Burden Hours: 10 hours.

Estimated Total Annual Cost to Public: $0 in recordkeeping/reporting costs.

Respondent's Obligation: Mandatory.

Legal Authority: Magnuson-Stevens Fishery Conservation and Management Act.

IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this information collection request. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Sheleen Dumas,

Departmental PRA Compliance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.

[FR Doc. 2026–12487 Filed 6–18–26; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF EDUCATION

2026–2027 Award Year Deadline Dates for Reports and Other Records Associated With the Free Application for Federal Student Aid (FAFSA) Form, the Federal Supplemental Educational Opportunity Grant Program (FSEOG) Program, the Federal Work-Study (FWS) Program, the Federal Pell Grant (Pell Grant) Program, the William D. Ford Federal Direct Loan (Direct Loan) Program, and the Teacher Education Assistance for College and Higher Education (TEACH) Grant Program

AGENCY: Federal Student Aid, Department of Education.

ACTION: Notice.

SUMMARY: The Secretary announces deadline dates for the receipt of documents and other information from applicants and institutions participating in certain Federal student aid programs authorized under Title IV of the *Higher Education Act of 1965,* as amended (*HEA*), for the 2026–2027 award year. These programs, administered by the Department of Education (Department), provide financial assistance to students attending eligible postsecondary educational institutions to help them pay their educational costs. The Federal student aid programs (*Title IV, HEA* programs) covered by this deadline date notice are the Pell Grant, Direct Loan, TEACH Grant, and Campus-Based (FSEOG and FWS) programs. Assistance Listing Numbers: 84.007 FSEOG Program; 84.033 FWS Program; 84.063 Pell Grant Program; 84.268 Direct Loan Program; and 84.379 TEACH Grant Program.

DATES:

Deadline and Submission Dates: See Tables A and B at the end of this notice.

FOR FURTHER INFORMATION CONTACT: Linnea Hengst, U.S. Department of Education, Federal Student Aid. Address: 400 Maryland Ave SW, Washington, DC 20202. Telephone: (202) 377–3165. Email: *Linnea.Hengst@ed.gov*.

If you are deaf, hard of hearing, or have a speech disability and wish to access telecommunications relay services, please dial 7–1–1.

SUPPLEMENTARY INFORMATION:

Table A—2026–2027 Award Year Deadline Dates by Which a Student Must Submit the FAFSA Form, by Which the Institution Must Receive the Student's Institutional Student Information Record (ISIR) or FAFSA Submission Summary, and by Which the Institution Must Submit Verification Outcomes for Certain Students.

Table A provides information and deadline dates for receipt of the FAFSA form, corrections to and signatures for the FAFSA form, ISIRs, and FAFSA Submission Summary, and verification documents.

The deadline date for the receipt of a FAFSA form by the Department's FAFSA Processing System (FPS) is June 30, 2027, regardless of the method that the applicant uses to submit the FAFSA form. The deadline date for the receipt of corrections, notices of change of address or institution, or requests for a duplicate FAFSA Submission Summary is September 11, 2027.

For all *Title IV, HEA* programs, an ISIR or FAFSA Submission Summary for the student must be received by the institution no later than the student's last date of enrollment for the 2026–2027 award year or September 18, 2027, whichever is earlier. Note that a FAFSA

form must be submitted and an ISIR or FAFSA Submission Summary received for the dependent student for whom a parent is applying for a Direct PLUS Loan.

Except for students selected for Verification Tracking Groups V4 and V5, verification documents must be received by the institution no later than 120 days after the student's last date of enrollment for the 2026–2027 award year or September 18, 2027, whichever is earlier. For students selected for Verification Tracking Groups V4 and V5, institutions must submit identity verification results no later than 60 days following the institution's first request to the student to submit the documentation.

For all *Title IV, HEA* programs except for (1) Direct PLUS Loans that will be made to parent borrowers, and (2) Direct Unsubsidized Loans that will be made to dependent students who have been determined by the institution, pursuant to section 479A(c) of the HEA, to be eligible for such a loan without providing parental information on the FAFSA, the ISIR or FAFSA Submission Summary must have an official Student Aid Index (SAI) and the ISIR or FAFSA Submission Summary must be received by the institution no later than the earlier of the student's last date of enrollment for the 2026–2027 award year or September 18, 2027. For the two exceptions mentioned above, the ISIR or FAFSA Submission Summary must be received by the institution by the same dates noted in this paragraph, but the ISIR or FAFSA Submission Summary is not required to have an official SAI.

For a student who is requesting aid through the Pell Grant, FSEOG, or FWS programs or for a student requesting Direct Subsidized Loans, who does not meet the conditions for a late disbursement under 34 CFR 668.164(j), a valid ISIR or valid FAFSA Submission Summary must be received by the institution by the student's last date of enrollment for the 2026–2027 award year or September 18, 2027, whichever is earlier.

In accordance with 34 CFR 668.164(j)(4)(i), an institution may not make a late disbursement of *Title IV, HEA* program funds later than 180 days after the date of the institution's determination that the student was no longer enrolled. Table A provides that, to make a late disbursement of *Title IV, HEA* program funds, an institution must receive a valid ISIR or valid FAFSA Submission Summary no later than 180 days after its determination that the student was no longer enrolled, but not later than September 18, 2027.

Table B—2026–2027 Award Year Deadline Dates By Which an Institution Must Submit Disbursement Information For the Pell Grant, Direct Loan, and TEACH Grant Programs.

For the Pell Grant, Direct Loan, and TEACH Grant programs, Table B provides the earliest disbursement date, the earliest dates for institutions to submit disbursement records to the Department's Common Origination and Disbursement (COD) System, and deadline dates by which institutions must submit disbursement and origination records.

For the 2026–2027 Award Year, an institution must submit Pell Grant, Direct Loan, and TEACH Grant disbursement records to COD, no later than November 30, 2026 or 15 days after making the disbursement or becoming aware of the need to adjust a previously reported disbursement, whichever is later. In accordance with 34 CFR 668.164(a), *Title IV, HEA* program funds are disbursed on the date that the institution: (a) credits those funds to a student's account in the institution's general ledger or any subledger of the general ledger; or (b) pays those funds to a student or parent directly. *Title IV, HEA* program funds are disbursed even if an institution uses its own funds in advance of receiving program funds from the Department.

An institution's failure to submit disbursement records within the required timeframe may result in the Department rejecting all or part of the reported disbursement. Such failure may also result in an audit or program review finding or the initiation of an adverse action, such as a fine or other penalty for such failure, in accordance with subpart G of the General Provisions regulations in 34 CFR part 668.

Deadline Dates for Enrollment Reporting by Institutions.

In accordance with 34 CFR 674.19(f), 682.610(c), 685.309(b), and 690.83(b)(2), upon receipt of an enrollment report from the Secretary, institutions must update all information included in the report and return the report to the Secretary in a manner and format prescribed by the Secretary and within the timeframe prescribed by the Secretary. Consistent with the *National Student Loan Data System (NSLDS) Enrollment Reporting Guide,* the Secretary has determined that institutions must report at least every two months. Institutions may find the *NSLDS Enrollment Reporting Guide* in the ''Knowledge Center'' via Federal Student Aid's (FSA) Partner Connect website at: *https://fsapartners.ed.gov/knowledge-center.*

Other Sources for Detailed Information.

We publish a detailed discussion of the FAFSA application process in the Application and Verification Guide volume of the 2026–2027 *Federal Student Aid Handbook* and in the 2026–2027 *FAFSA Specifications Guide.*

Information on the institutional reporting requirements for the Pell Grant, Direct Loan, Federal Work-Study, and TEACH Grant programs is included in the 2026–2027 *Common Origination and Disbursement (COD) Technical Reference.* Also, see the *NSLDS Enrollment Reporting Guide.*

You may access these publications by visiting the ''Knowledge Center'' via FSA's Partner Connect website at: *https://fsapartners.ed.gov/knowledge-center.*

Additionally, the 2026–2027 award year reporting deadline dates for the Federal Perkins Loan, FWS, and FSEOG programs were published in the **Federal Register** on April 8, 2026 (91 FR 17794).

Applicable Regulations: The following regulations apply:

(1) Student Assistance General Provisions, 34 CFR part 668.

(2) Federal Pell Grant Program, 34 CFR part 690.

(3) William D. Ford Direct Loan Program, 34 CFR part 685.

(4) Teacher Education Assistance for College and Higher Education Grant Program, 34 CFR part 686.

(5) Federal Work-Study Programs, 34 CFR part 675.

(6) Federal Supplemental Education Opportunity Grant Program, 34 CFR part 676.

Accessible Format: On request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document in an accessible format. The Department will provide the requestor with an accessible format that may include Rich Text Format (RTF) or text format (txt), a thumb drive, an MP3 file, braille, large print, audiotape, compact disc, or other accessible format.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at *www.govinfo.gov.* At this site you can view this document, as well as all other Department documents published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access Department documents 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.

Program Authority: 20 U.S.C. 1070a, 1070b *et seq.,* 1070g, 1087a *et seq.,* 1087 *et seq.,* and 1087–51 *et seq.*

Richard Lucas,

Acting Chief Operating Officer, Federal Student Aid.

TABLE A—2026–2027 AWARD YEAR DEADLINE DATES BY WHICH A STUDENT MUST SUBMIT THE FAFSA FORM, BY WHICH THE INSTITUTION MUST RECEIVE THE STUDENT'S INSTITUTIONAL STUDENT INFORMATION RECORD (ISIR) OR FAFSA SUBMISSION SUMMARY, AND BY WHICH THE INSTITUTION MUST SUBMIT VERIFICATION OUTCOMES FOR CERTAIN STUDENTS

Who submits?	What is submitted?	Where is it submitted?	What is the deadline for receipt?
Student	FAFSA—*fafsa.gov* (original or renewal)	Electronically to the Department's FAFSA Processing System (FPS).	June 30, 2027.
Student	A paper original FAFSA	To the address printed on the FAFSA	June 30, 2027.
Student	Electronic corrections to the FAFSA using *fafsa.gov*.	Electronically to the Department's FPS	September 11, 2027.[1]
Student through an Institution.	Electronic corrections to the FAFSA	Electronically to the Department's FPS using the FAFSA Partner Portal.	September 11, 2027.[1]
Student	Paper corrections to the FAFSA using a FAFSA Submission Summary, including change of mailing and email addresses and change of institutions.	To the address printed on the FAFSA Submission Summary.	September 11, 2027.
Student	A FAFSA Submission Summary with an official SAI calculated by the Department's FPS, except for Parent PLUS Loans and Direct Unsubsidized Loans made to a dependent student under HEA section 479A(a), for which the FAFSA Submission Summary does not need to have an official SAI.	To the institution	The earlier of: —The student's last date of enrollment for the 2026–2027 award year; or —September 18, 2027.[2]
Student through FPS	An ISIR with an official SAI calculated by the Department's FPS, except for Parent PLUS Loans and Direct Unsubsidized Loans made to a dependent student under HEA section 479A(a), for which the ISIR does not need to have an official SAI.	To the institution from the Department's FPS.	
Student	Valid FAFSA Submission Summary (Pell Grant, FSEOG, FWS, and Direct Subsidized Loans).	To the institution	Except for a student meeting the conditions for a late disbursement under 34 CFR 668.164(j), the earlier of: —The student's last date of enrollment for the 2026–2027 award year; or —September 18, 2027.[2]
Student through FPS	Valid ISIR (Pell Grant, FSEOG, FWS, and Direct Subsidized Loans).	To the institution from the Department's FPS.	
Student	Valid FAFSA Submission Summary (Pell Grant, FSEOG, FWS, and Direct Subsidized Loans).	To the institution	For a student receiving a late disbursement under 34 CFR 668.164(j)(4)(i), the earlier of: —180 days after the date of the institution's determination that the student withdrew or otherwise became ineligible; or —September 18, 2027.[2]
Student through FPS	Valid ISIR (Pell Grant, FSEOG, FWS, and Direct Subsidized Loans).	To the institution from the Department's FPS.	
Student	Verification documents	To the institution	The earlier of:[3] —120 days after the student's last date of enrollment for the 2026–2027 award year; or —September 18, 2027.[2]
Institution	Identity verification results for a student selected for verification by the Department and placed in Verification Tracking Group V4 or V5.	Electronically to the Department's FPS using the FAFSA Partner Portal.	The later of: —60 days following the institution's first request to the student to submit the required V4 or V5 identity documentation.

[1] The deadline for electronic transactions is 11:59 p.m. (Central Time) on the deadline date. Transmissions must be completed and accepted before 12:00 midnight to meet the deadline. If transmissions are started before 12:00 midnight but are not completed until after 12:00 midnight, those transmissions do not meet the deadline. In addition, any transmission submitted on or just prior to the deadline date that is rejected may not be reprocessed because the deadline will have passed by the time the user gets the information notifying them of the rejection.

[2] The date the ISIR/FAFSA Submission Summary transaction was processed by FPS is considered to be the date the institution received the ISIR or FAFSA Submission Summary regardless of whether the institution has downloaded the ISIR from its Student Aid Internet Gateway (SAIG) mailbox or when the student submits the FAFSA Submission Summary to the institution.

[3] Although the Secretary has set this deadline for the submission of verification documents, if corrections are required, deadline dates for submission of paper or electronic corrections and, for Pell Grant applicants and applicants selected for verification, deadline dates for the submission of a valid FAFSA Submission Summary or valid ISIR to the institution must still be met. An institution may establish an earlier deadline for the submission of verification documents for purposes of the Campus-Based programs and the Direct Loan Program, but it cannot be later than this deadline date.

[4] Note that changes to previously submitted identity verification results must be updated within 30 days of the institution becoming aware that a change has occurred.

TABLE B—2026–2027 AWARD YEAR DEADLINE DATES BY WHICH AN INSTITUTION MUST SUBMIT DISBURSEMENT INFORMATION FOR THE PELL GRANT, DIRECT LOAN AND TEACH GRANT PROGRAMS [1]

Which program?	What is submitted?	Under what circumstances is it submitted?	Where is it submitted?	What are the deadlines for disbursement and for submission of records and information?
Pell Grant, Direct Loan, and TEACH Grant Programs.	An origination or disbursement record.	The institution has made or intends to make a disbursement.	To the Common Origination and Disbursement (COD) System using the Student Aid Internet Gateway (SAIG); or to the COD System using the COD website at: *https://cod.ed.gov.*	The earliest disbursement date for the Pell Grant is January 31, 2026. The earliest disbursement date for Direct Loan Program is October 1, 2025. The earliest disbursement date for TEACH Grant Program is January 1, 2026. The earliest submission date for anticipated disbursement information is April 26, 2026. The earliest submission date for actual disbursement information is April 26, 2026, but no earlier than: (a) 7 calendar days prior to the disbursement date under the advance payment method or the Heightened Cash Monitoring Payment Method 1 (HCM1); or (b) The disbursement date under the reimbursement or the Heightened Cash Monitoring Payment Method 2 (HCM2).
Pell Grant and TEACH Grant Programs.	An origination or disbursement record.	The institution has made a disbursement and will submit records on or before the deadline submission date.	To COD using SAIG; or to COD using the COD website at: *https://cod.ed.gov.*	The deadline submission date [2] is the later of: (a) November 30, 2026; (b) 15 calendar days after the institution makes a disbursement. Submission of Pell Grant and TEACH Grant disbursement information must occur no later than September 30, 2027.
Direct Loan Program.	An origination or disbursement record.	The institution has made a disbursement and will submit records on or before the deadline submission date.	To COD using SAIG; or to COD using the COD website at: *https://cod.ed.gov.*	The deadline submission date [2] is the later of: (a) November 30, 2026; or (b) 15 calendar days after the institution makes a disbursement. Submission of Direct Loan disbursement information must occur no later than July 31, 2028.
Pell Grant Program	A downward (decrease) adjustment to an origination or disbursement record.	It is after the deadline submission date.	To COD using SAIG; or to COD using the COD website at: *https://cod.ed.gov.*	No later than the earlier of: (a) 15 calendar days after the institution becomes aware of the need to make an adjustment to previously reported data; or (b) September 30, 2032.[2] No request for extension to the deadline submission date is required.
TEACH Grant and Direct Loan Programs.	A downward (decrease) adjustment to an origination or disbursement record.	It is after the deadline submission date.	To COD using SAIG; or to COD using the COD website at *https://cod.ed.gov.*	No later than 15 calendar days after the institution becomes aware of the need to make an adjustment to previously reported data. No request for extension to the deadline submission date is required.
Pell Grant Program	An upward (increase) adjustment to an origination or disbursement record.	It is after the deadline submission date and the institution has received approval of its request for an extension to the deadline submission date. Requests for extensions to the established submission deadlines may be made for reasons including, but not limited to: (a) A program review or initial audit finding under 34 CFR 690.83; (b) A late disbursement under 34 CFR 668.164(j); orz (c) Disbursements previously blocked as a result of another institution failing to post a downward adjustment.	Via the COD website at: *https://cod.ed.gov.*	No later than the earlier of: (a) 15 calendar days after the institution becomes aware of the need to make an adjustment to previously reported data; or (b) When the institution is fully reconciled and is ready to submit all additional data for the program and the award year; or (c) September 30, 2032.

TABLE B—2026–2027 AWARD YEAR DEADLINE DATES BY WHICH AN INSTITUTION MUST SUBMIT DISBURSEMENT INFORMATION FOR THE PELL GRANT, DIRECT LOAN AND TEACH GRANT PROGRAMS [1]—Continued

Which program?	What is submitted?	Under what circumstances is it submitted?	Where is it submitted?	What are the deadlines for disbursement and for submission of records and information?
TEACH Grant and Direct Loan Programs.	An upward (increase) adjustment or a new origination or disbursement record.			No later than the earlier of: (a) 15 calendar days after the institution becomes aware of the need to make an adjustment to previously reported data; or (b) When the institution is fully reconciled and is ready to submit all additional data for the program and the award year.
Pell Grant Program	An origination or disbursement record.	It is after the deadline submission date and the institution has received approval of its request for an extension to the deadline submission date based on a natural disaster, other unusual circumstances, or an administrative error made by the Department.	Via the COD website at: *https://cod.ed.gov.*	The earlier of: (a) A date designated by the Secretary after consultation with the institution; or (b) February 1, 2028.
Pell Grant Program	An origination or disbursement record.	It is after the deadline submission date and the institution has received approval of its request for administrative relief to extend the deadline submission date based on a student's reentry to the institution within 180 days after initially withdrawing.[3]	Via the COD website at: *https://cod.ed.gov.*	The earlier of: (a) 15 days after the student re-enrolls; or (b) May 3, 2028.

[1] A COD Processing Year is a period of time in which institutions are permitted to submit Direct Loan records to the COD System that are related to a given award year. For a Direct Loan, the period of time includes loans that have a loan period covering any day in the 2026–2027 award year.

[2] Transmissions must be completed and accepted before the designated processing time on the deadline submission date. The designated processing time is published annually via an electronic announcement posted to the Knowledge Center via FSA's Partner Connect website at: *https://fsapartners.ed.gov/knowledge-center.* If transmissions are started at the designated time, but are not completed until after the designated time, those transmissions will not meet the deadline. In addition, any transmission submitted on or just prior to the deadline date that is rejected may not be reprocessed because the deadline will have passed by the time the user gets the information notifying him or her of the rejection.

[3] Applies only to students enrolled in clock-hour and nonterm credit-hour educational programs.

Note: The COD System must accept origination data for a student from an institution before it accepts disbursement information from the institution for that student. Institutions may submit origination and disbursement data for a student in the same transmission. However, if the origination data is rejected, the disbursement data is rejected.

[FR Doc. 2026–12462 Filed 6–18–26; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Notice Announcing Mutual Education and Cultural Exchange Program Competition

AGENCY: Department of Education, Department of State.

ACTION: Notice.

SUMMARY: In coordination with the Bureau of Educational and Cultural Affairs at the U.S. Department of State (State), the U.S. Department of Education (ED) is soliciting applications in support of the administration of the Mutual Education and Cultural Exchange program.

DATES: Complete proposals must be submitted electronically through the *Grants.gov* ''APPLY'' function by 11:59:59 p.m. Eastern time July 15, 2026.

FOR FURTHER INFORMATION CONTACT: Kurrinn Abrams. Telephone: 202–987–1920. Email: *MECE@ed.gov.*

SUPPLEMENTARY INFORMATION: The purpose of the program is to promote, improve, and develop the study of modern foreign language training and area studies in U.S. schools, colleges, and universities by supporting visits and study in foreign countries by teachers and prospective teachers. The program provides opportunities for teachers and prospective teachers to improve their skill in languages and their knowledge of the culture of the people of other countries and financing visits by teachers from those other countries to the United States for the purpose of participating in foreign language training and area studies in United States schools, colleges, and universities. The FY 2026 competition aligns with the original statutory intent of the Mutual Educational and Cultural Exchange Act of 1961, and includes two absolute priorities, one competitive preference priority, selection criteria, and requirements. The absolute priorities are (1) Foreign Language Training and Studies for Prospective Teachers and Teachers and (2) Patriotic Education. The competitive preference priority is: Returning Education to the States.

Estimated Available Funds: $10,193,170 for a 36-month project period.

Estimated number of awards: 2–4.

Eligible Applicants: Public or private nonprofit foundations, educational or other institutions.

Program Authority: Section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 [22 U.S.C. 2451 *et seq.*] (''Fulbright-Hays Act'').

To Apply: The complete funding opportunity announcement and all information needed to apply, including the priorities and program requirements, are available on ED's website at *https://www.ed.gov/grants-and-programs/grants-higher-education/international-and-foreign-language-education,* and on *Grants.gov* at *https://grants.gov/search-results-detail/362799.* The application notice and instructions on *Grants.gov* is the official document governing the grant competition.

Accessible Format: On request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document in an accessible format.

Note: Victoria Roberts signs this notice in furtherance of State's role in providing support to ED.

David Barker,

Assistant Secretary, Office of Postsecondary Education, Department of Education.

In concurrence.

Victoria Roberts,

Deputy Assistant Secretary for Academic Programs, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2026–12425 Filed 6–18–26; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Agency Information Collection Revision

AGENCY: U.S. Department of Energy.

ACTION: Notice of request for comments.

SUMMARY: The Department of Energy (DOE) has submitted an information collection request to the OMB for revision under the provisions of the Paperwork Reduction Act of 1995. The information collection also requests a three-year extension of its collection, titled BPA Security, OMB Control Number 1910–5188. The collection is associated with controlling access and security of BPA facilities and to reports incidents of damage or loss. This information is used to manage and oversee personnel and physical security programs.

DATES: Comments regarding this proposed information collection must be received on or before July 22, 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, please advise the DOE Desk Officer at OMB of your intention to make a submission as soon as possible. The Desk Officer may be telephoned at (202) 881–9493.

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 information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Attn: Stephanie Noell, Privacy Program, by email at *privacy@bpa.gov,* or by telephone at (503) 230–3881.

SUPPLEMENTARY INFORMATION: Comments are invited on: (a) Whether the extended 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 used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

This information collection request contains:

(1) *OMB No.:* 1910–5188;

(2) *Information Collection Request Titled:* BPA Security;

(3) *Type of Review:* Revision;

(4) *Purpose::* This information collection is associated with BPA's management and oversight of access to BPA offices and facilities in order to provide measures to safeguard personnel; to prevent unauthorized access to equipment, facilities, material and documents; to safeguard against espionage, sabotage, and theft; the likely respondents include BPA employees, contractors, and the public: BPA F 1400.22a—Other Utility/Contractor/Vendor Worker Access Request, BPA F 1400.22e—Non-Government Employee Data in HRMIS, BPA F 5630.04e—Security Privilege Request—for BPA Control Centers, BPA F 5632.01e—Security Incident Report, BPA F 5632.08e—Unclassified Visits and Assignments—Foreign Nationals Registration, BPA F 5632.09e—Personal Identity Verification (PIV) Request, BPA F 5632.11e—BPA Visitor(s) Access Request—with continuation page, BPA F 5632.12e—Evidence/Chain of Custody Document, BPA F 5632.27e—Badge Replacement Request, BPA F 5632.30e—PIN Code Request, BPA F 5632.31e OUW PIN and Challenge Question Worksheet, BPA F 5632.32e—Card Key Access Request;

(5) *Annual Estimated Number of Respondents:* 7,491;

(6) *Annual Estimated Number of Total Responses:* 8,331;

(7) *Annual Estimated Number of Burden Hours:* 1,478;

(8) *Annual Estimated Reporting and Recordkeeping Cost Burden:* $80,652.

Statutory Authority: The Bonneville Project Act of 1937, 16 U.S.C. 832a; and the following additional authorities: 42 U.S.C. 2165 & 7101, *et seq.;* 5 CFR Chapter I parts 5 & 736, E.O. 10450, E.O. 12107, E.O. 12333, E.O. 13284, E.O. 13467, E.O. 13470, E.O. 13488, E.O. 13764, FERC Order No. 706, FIPS 201–2, HSPD 12, and Department of Energy Order 205.1B, Change 3.

Signing Authority

This document of the Department of Energy was signed on June 16, 2026, by Candice D. Palen, Information Collection Clearance Manager, Bonneville Power Administration, 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 17, 2026.

Treena V. Garrett,

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

[FR Doc. 2026–12441 Filed 6–18–26; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2381–071]

PacifiCorp; Notice of Reasonable Period of Time for Water Quality Certification Application

On February 11, 2026, PacifiCorp submitted to the Federal Energy Regulatory Commission (Commission) documentation from the Idaho Department of Environmental Quality (Idaho DEQ) that it received a request for a Clean Water Act section 401(a)(1) water quality certification as defined in 40 CFR 121.5, from PacifiCorp, in conjunction with the above captioned project on January 15, 2026. Pursuant to the Commission's regulations,[1] we hereby notify Idaho DEQ of the following dates.

Date of Receipt of the Certification Request: January 15, 2026.

Reasonable Period of Time To Act on the Certification Request: One year, January 15, 2027.

If Idaho DEQ fails or refuses to act on the water quality certification request on

[1] 18 CFR 4.34(b)(5)(iii).

or before the above date, then the certifying authority is deemed waived pursuant to section 401(a)(1) of the Clean Water Act, 33 U.S.C. 1341(a)(1).

(Authority: 18 CFR 2.1)

Dated: June 16, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026–12466 Filed 6–18–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 3074–013]

City of Spokane; Notice of Scoping Comment Sessions and Environmental Site Review

On June 8, 2026, Commission staff issued a Notice of Intent to File License Application, Filing of Pre-Application Document (PAD), Commencement of Pre-Filing Process, and Scoping; Request for Comments on the PAD and Scoping Document, and Identification of Issues and Associated Study Requests for the Upriver Dam Hydroelectric Project (FERC No. 3074–013). That notice set a deadline of 5:00 p.m. Eastern Time on August 7, 2026, for filing written comments on the PAD and Scoping Document 1 (SD1) and contained specific instructions on how to file comments electronically or to mail written comments to the Commission. The notice and SD1 did not include a location for the public scoping sessions meetings and environmental site review; this notice provides the location, date, and time for the scoping sessions and site environmental site review.

All interested individuals and entities are invited to attend one or both of the following scoping sessions and environmental site review.

Evening Scoping Session

Date: Wednesday, July 8, 2026.

Time: 5:30 p.m. to 7:30 p.m. Pacific Daylight Time.

Location: Spokane Community College, 1810 N. Greene Street, Spokane, Washington, 99217 (Little Foot Room).

Phone: (509) 533–7000.

Daytime Scoping Session

Date: Thursday, July 9, 2026.

Time: 9:00 a.m. to 11:00 a.m. Pacific Daylight Time.

Location: Spokane Community College, 1810 N. Greene Street, Spokane, Washington, 99217 (Little Foot Room)

Phone: (509) 533–7000.

SD1, which outlines the subject areas to be addressed in the environmental document, was mailed to the individuals and entities on the Commission's mailing list. Copies of SD1 will be available at the scoping sessions, or may be viewed on the web at *http://www.ferc.gov,* using the ''eLibrary'' link. Based on all oral and written comments, a Scoping Document 2 (SD2) may be issued. SD2 may include a revised process plan and schedule, as well as a list of issues, identified through the scoping process.

Environmental Site Review

The potential applicant and Commission staff will conduct an Environmental Site Review of the project on Thursday, July 9, 2026, starting at 1:00 p.m. During the site review we will visit several locations to view the Upriver Dam Project. No personal vehicles will be allowed beyond the publicly available parking. Please contact Richard Proszek with the City of Spokane at (509) 742–8158 or via email at *rproszek@spokanecity.org* on or before June 26, 2026, if you plan to attend the site review. The location to meet for the site review will be provided to those that RSVP. All persons attending the site review must wear sturdy, closed-toe shoes or boots. The tour will be held on foot, rain or shine.

Scoping Session Objectives

The primary goal of these scoping sessions is to have you identify the specific environmental issues and concerns that should be considered in the environmental document. Commission staff will prepare either an environmental assessment (EA) or an environmental impact statement (EIS) that will present Commission staff's independent analysis of the issues. The Commission's scoping process will help determine the required level of analysis and satisfy the NEPA scoping requirements, irrespective of whether the Commission prepares an EA or an EIS.

Scoping session participants should come prepared to discuss their issues and/or concerns. Please review the PAD and SD1 in preparation for the scoping sessions.

Meeting Procedures

The scoping sessions will begin promptly at their respective start times listed above. If you wish to speak, Commission staff will hand out numbers in the order of your arrival. If no additional numbers have been handed out and all individuals who wish to provide comments have had an opportunity to do so, staff may conclude the session a half hour earlier than the scheduled time.

Your oral comments will be recorded by a court reporter (with FERC staff or FERC representative present) and become part of the public record for this proceeding. Transcripts will be publicly available on FERC's eLibrary system. If a significant number of people are interested in providing oral comments in the one-on-one settings, a time limit of 5 minutes may be implemented for each commentor. Although there will not be a formal presentation, Commission staff will be available throughout the scoping session to answer your questions about the environmental review process. Representatives from the City of Spokane will also be present to answer project-specific questions.

Proper conduct will help the sessions maintain a respectful atmosphere for attendees to provide comments effectively. Loudspeakers, lighting, oversized visual aids, other visual or audible disturbances, and disruptive video and photographic equipment are not permitted. Recorded interviews are also not permitted within the session space. FERC reserves the right to end the session if disruptions interfere with the opportunity for individuals to provide oral comments or if there is a safety or security risk.

It is important to note that the Commission provides equal consideration to all comments received, whether filed in written form or provided orally at a scoping session.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502–6595 or *OPP@ferc.gov*.

(Authority: 18 CFR 2.1)

Dated: June 16, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026–12464 Filed 6–18–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC26–83–000.

Applicants: Tait Electric Generating Station, LLC, Lee County Generating Station, LLC, Hull Street Energy, LLC.

Description: Supplement to 04/03/2026, Joint Application for Authorization Under Section 203 of the Federal Power Act of Tait Electric Generating Station, LLC, et al.

Filed Date: 6/15/26.

Accession Number: 20260615–5183.

Comment Date: 5 p.m. ET 6/25/26.

Docket Numbers: EC26–109–000.

Applicants: Tom Sawyer Solar, LLC, Union Electric Company d/b/a Ameren Missouri.

Description: Joint Application for Authorization Under Section 203 of the Federal Power Act of Tom Sawyer Solar, LLC, et al.

Filed Date: 6/15/26.

Accession Number: 20260615–5181.

Comment Date: 5 p.m. ET 7/30/26.

Docket Numbers: EC26–110–000.

Applicants: FirstLight Power Management LLC, FirstLight CT Housatonic LLC, FirstLight MA Hydro LLC, Northfield Mountain LLC, Hull Street Energy, LLC.

Description: Joint Application for Authorization Under Section 203 of the Federal Power Act of FirstLight Power Management LLC, et al.

Filed Date: 6/15/26.

Accession Number: 20260615–5184.

Comment Date: 5 p.m. ET 7/30/26.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER26–1929–001.

Applicants: Tri-State Generation and Transmission Association, Inc.

Description: Tariff Amendment: Deficiency Response, Shortened Comment, and Expedited Treatment Request to be effective 7/16/2026.

Filed Date: 6/16/26.

Accession Number: 20260616–5082.

Comment Date: 5 p.m. ET 6/30/26.

Docket Numbers: ER26–1981–001.

Applicants: Neradean Energy Inc.

Description: Tariff Amendment: Deficiency Filing in Response to May 27, 2026 Letter to be effective 3/31/2026.

Filed Date: 6/16/26.

Accession Number: 20260616–5032.

Comment Date: 5 p.m. ET 7/7/26.

Docket Numbers: ER26–2796–001.

Applicants: Southwest Power Pool, Inc.

Description: Compliance filing: Amended Order Nos. 1920, 1920–A, and 1920–B Regional Compliance Filing to be effective 1/1/2027.

Filed Date: 6/12/26.

Accession Number: 20260612–5168.

Comment Date: 5 p.m. ET 7/6/26.

Docket Numbers: ER26–2840–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: Empire Tariff Clean-Up Filing Effective 1/27/20 and 5/14/2021 to be effective 1/27/2020.

Filed Date: 6/15/26.

Accession Number: 20260615–5157.

Comment Date: 5 p.m. ET 7/6/26.

Docket Numbers: ER26–2841–000.

Applicants: Atlas Solar II, LLC.

Description: Initial rate filing: LGIA–CTA Atlas Projects to be effective 5/26/2026.

Filed Date: 6/15/26.

Accession Number: 20260615–5167.

Comment Date: 5 p.m. ET 7/6/26.

Docket Numbers: ER26–2842–000.

Applicants: Powervine Energy, LLC.

Description: § 205(d) Rate Filing: Notice of Change in Status to be effective 6/16/2026.

Filed Date: 6/15/26.

Accession Number: 20260615–5172.

Comment Date: 5 p.m. ET 7/6/26.

Docket Numbers: ER26–2843–000.

Applicants: Atlas Solar IV, LLC.

Description: Initial rate filing: Third LGIA CTA to be effective 5/26/2026.

Filed Date: 6/15/26.

Accession Number: 20260615–5178.

Comment Date: 5 p.m. ET 7/6/26.

Docket Numbers: ER26–2844–000.

Applicants: Atlas BESS IV, LLC.

Description: Initial rate filing: Third LGIA–CTA Certificate of Concurrence to be effective 5/26/2026.

Filed Date: 6/16/26.

Accession Number: 20260616–5000.

Comment Date: 5 p.m. ET 7/7/26.

Docket Numbers: ER26–2845–000.

Applicants: Ohio Power Company.

Description: § 205(d) Rate Filing: AEPSC submits Facilities Agmt—SA 1336 to be effective 9/1/2026.

Filed Date: 6/16/26.

Accession Number: 20260616–5019.

Comment Date: 5 p.m. ET 7/7/26.

Docket Numbers: ER26–2846–000.

Applicants: Mid-Atlantic Interstate Transmission, LLC.

Description: § 205(d) Rate Filing: MAIT submits one new Construction Agmt—SA No. 7679 to be effective 8/16/2026.

Filed Date: 6/16/26.

Accession Number: 20260616–5021.

Comment Date: 5 p.m. ET 7/7/26.

Docket Numbers: ER26–2847–000.

Applicants: American Transmission Systems, Incorporated.

Description: § 205(d) Rate Filing: ATSI submits a new Construction Agmt—SA No. 7681 to be effective 8/16/2026.

Filed Date: 6/16/26.

Accession Number: 20260616–5024.

Comment Date: 5 p.m. ET 7/7/26.

Docket Numbers: ER26–2848–000.

Applicants: PacifiCorp.

Description: § 205(d) Rate Filing: Deseret TSOA Rev 12 (RS No. 280) to be effective 7/1/2026.

Filed Date: 6/16/26.

Accession Number: 20260616–5027.

Comment Date: 5 p.m. ET 7/7/26.

Docket Numbers: ER26–2850–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 2026–06–16_SA 4319 NSP-Pipestone Solar 1st Rev GIA (J1620) to be effective 6/9/2026.

Filed Date: 6/16/26.

Accession Number: 20260616–5033.

Comment Date: 5 p.m. ET 7/7/26.

Docket Numbers: ER26–2852–000.

Applicants: Midcontinent Independent System Operator, Inc., Cooperative Energy.

Description: § 205(d) Rate Filing: Cooperative Energy submits tariff filing per 35.13(a)(2)(iii: 2026–06–16_SA 4786 Cooperative Energy-Jasper Solar E&P (J1946) to be effective 5/22/2026.

Filed Date: 6/16/26.

Accession Number: 20260616–5037.

Comment Date: 5 p.m. ET 7/7/26.

Docket Numbers: ER26–2855–000.

Applicants: Baldy Mesa Solar, LLC.

Description: § 205(d) Rate Filing: Baldy Mesa Solar, LLC Amended Shared Facilities Agreement to be effective 6/17/2026.

Filed Date: 6/16/26.

Accession Number: 20260616–5078.

Comment Date: 5 p.m. ET 7/7/26.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502–6595 or *OPP@ferc.gov.*

Dated: June 16, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026–12465 Filed 6–18–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM98–1–000]

Records Governing Off-the-Record Communications; Public Notice

This constitutes notice, in accordance with 18 CFR 385.2201(b), of the receipt of prohibited and exempt off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive a prohibited or exempt off-the-record communication relevant to the merits of a contested proceeding, to deliver to the Secretary of the Commission, a copy of the communication, if written, or a summary of the substance of any oral communication.

Prohibited communications are included in a public, non-decisional file associated with, but not a part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become a part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such a request only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication shall serve the document on all parties listed on the official service list for the applicable proceeding in accordance with Rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications are included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40 CFR 1501.6, made under 18 CFR 385.2201(e)(1)(v).

The following is a list of off-the-record communications recently received by the Secretary of the Commission. Each filing may be viewed on the Commission's website at *http://www.ferc.gov* using the eLibrary link. Enter the docket number, excluding the last three digits, in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

Docket nos.	File date	Presenter or requester
Prohibited:		
NONE		
Exempt:		
1. ER26–2389–000.	06–04–2026	FERC Staff [1]

Dated: June 16, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026–12467 Filed 6–18–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER26–2682–000.

Applicants: Bear Branch Solar, LLC.

Description: Supplement to 05/28/2026, Bear Branch Solar, LLC tariff filing.

Filed Date: 6/11/26.

Accession Number: 20260611–5141.

Comment Date: 5 p.m. ET 6/22/26.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at:*http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502–6595 or *OPP@ferc.gov.*

Dated: June 16, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026–12461 Filed 6–18–26; 8:45 am]

BILLING CODE 6717–01–P

[1] Letter communication dated 5/25/26 from U.S. Representatives John B. Larson, Joe Courtney, Seth Moulton, Gabe Amo, Rosa L. DeLauro, Becca Balint, Maggie Goodlander, Seth Magaziner, and Chris Pappas.

ENVIRONMENTAL PROTECTION AGENCY

[FRL–13419–01–R6]

Clean Air Act Operating Permit Program; Petition for Objection to State Operating Permit for Lubrizol Corporation, Harris County, Texas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final order on petition.

SUMMARY: The Environmental Protection Agency (EPA) Administrator signed an Order dated May 11, 2026, denying petitions dated March 10, 2025, and September 10, 2025, from Harris County Attorney's Office (the Petitioner). The petitions requested that the EPA object to Clean Air Act (CAA) title V operating permits issued by the Texas Commission on Environmental Quality (TCEQ) to the Lubrizol Corporation, for its Deer Park Plant located in Harris County, Texas.

FOR FURTHER INFORMATION CONTACT: Aimee Wilson; EPA Region 6 Office; Air Permits Section; telephone number: (214) 665–7596; email address: *wilson.aimee@epa.gov.* The final order and petition are available electronically at: *https://www.epa.gov/title-v-operating-permits/title-v-petition-database.*

SUPPLEMENTARY INFORMATION: The EPA received petitions from Harris County Attorney's Office dated March 10, 2025, and September 10, 2025, requesting that the EPA object to the issuance of operating permit No. O1931 and O1932, issued by TCEQ to Lubrizol Corporation, for its Deer Park Plant located in Harris County, Texas. On May 11, 2026, the EPA Administrator issued an Order denying the petitions. The order itself explains the basis for the EPA's decision.

Sections 307(b) and 505(b)(2) of the CAA provide that a petitioner may

request judicial review of those portions of an order that deny issues in a petition. Any petition for review shall be filed in the United States Court of Appeals for the appropriate circuit no later than August 21, 2026.

Dated: June 10, 2026.

James McDonald,

Director, Air and Radiation Division, Region 6.

[FR Doc. 2026–12423 Filed 6–18–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2021–0316; FRL–13469–01–OFA]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Agricultural Worker Protection Standard Training, Notification and Recordkeeping (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), Agricultural Worker Protection Standard Training, Notification and Recordkeeping (EPA ICR Number 2491.07, OMB Control Number 2070–0190) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through June 30, 2026. Public comments were previously requested via the **Federal Register** November 18, 2025 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

DATES: Comments may be submitted on or before July 22, 2026.

ADDRESSES: Submit your comments, referencing Docket ID Number HQ–OPP–2021–0316, to EPA online using *www.regulations.gov* (our preferred method), or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

Submit written comments and recommendations to OMB for the proposed information collection within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Carolyn Siu, Office of Chemical Safety and Pollution Prevention, Office of Mission Critical Operations (Mail Code: 7602M), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: 202–566–1204; email address: *siu.carolyn@epa.gov.*

SUPPLEMENTARY INFORMATION: This is proposed extension of the ICR, which is currently approved through June 30, 2026. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

Public comments were previously requested via the **Federal Register** on November 18, 2025 during a 60-day comment period (90 FR 51746). This notice allows for an additional 30 days for public comments. Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Abstract: This ICR estimates the recordkeeping and third-party response burden of paperwork activities that covers the information collection requirements contained in the Worker Protection Standard (WPS) regulations at 40 CFR part 170. Agricultural employers and commercial pesticide handling establishments (CPHEs) are responsible for providing required training, notifications and information to their employees to ensure worker and handler safety. The WPS regulations have provisions for training and notification of pesticide-related information for workers who enter pesticide-treated areas after pesticide application to perform crop-related tasks, as well as for handlers who mix, load, and apply pesticides. Agricultural employers and CPHEs are responsible for providing required training, notifications, and information to their employees to ensure worker and handler safety. The WPS regulation includes content and annual training requirements for workers and handlers, improved posting of pesticide-treated areas, additional information for workers before they enter a pesticide-treated area while a restricted entry interval (REI) is in effect. Furthermore, it covers access to more general and application-specific information about pesticides used on the establishment, and recordkeeping of training and application/hazard information to improve enforceability and compliance.

The ICR, which is available in the docket along with other related materials, provides a detailed explanation of the collection activities and the burden estimate that is only briefly summarized here:

Form Number(s): None.

Respondents/Affected Entities: Entities potentially affected by this ICR include employers of agricultural establishments, including employers in farms, nursery, forestry, and greenhouse establishments. North American Industrial Classification System (NAICS) codes identified in question 12 of the ICR.

Respondent's Obligation To Respond: Mandatory, as per 40 CFR 170.

Estimated Number of Respondents: 10,840,082 (total).

Frequency of Response: On occasion.

Total Estimated Burden: 10,137,696 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total Estimated Cost: $446,339,743 (per year), which includes $0 annualized capital or operation & maintenance costs.

Changes in the Estimates: There is a decrease of 50,974 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This decrease is due to adjustments to the estimated number of respondents; the activities and the per response burden in this ICR have remained the same. This change is an adjustment.

Courtney Kerwin,

Deputy Director, Data and Enterprise Programs Division.

[FR Doc. 2026–12473 Filed 6–18–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2026–2246; FRL–13362–01–OCSPP]

1,2-Dichloropropane (1,2-DCP); 1,1,2-Trichloroethane (1,1,2-TCA); Trans-1,2-Dichloroethylene (tDCE); 4,4′-(1-Methylethylidene)bis[2, 6-Dibromophenol] (TBBPA); and Ethylene Dibromide (EDB); Draft Hazard and Exposure Assessments; Science Advisory Committee on Chemicals (SACC) Peer Review; Notice of SACC Meeting; Availability of Draft Documents and Request for Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA or Agency) is announcing two virtual public meetings of the Science Advisory Committee on Chemicals (SACC). The first is a preparatory meeting scheduled for July 23, 2026. During the meeting, the SACC will consider the scope and clarity of the draft charge questions for the peer review of the draft technical support documents for 1,2-dichloropropane (1,2-DCP), 1,1,2-trichloroethane (1,1,2-TCA), trans-1,2-dichloroethylene (tDCE), 4,4′-(1-Methylethylidene)bis[2, 6-dibromophenol] (TBBPA), and ethylene dibromide (EDB). The second is the virtual SACC peer review meeting which will be held August 3 through 7, 2026, for the SACC to consider the draft technical support documents for 1,2-DCP, 1,1,2-TCA, tDCE, TBBPA, and EDB, and public comments on those materials. EPA is also announcing the availability of and soliciting public comment on the draft documents and charge questions that will be provided to the SACC for this peer review. The draft technical support documents were prepared under the Toxic Substances Control Act (TSCA) and will be submitted to the SACC for peer review.

DATES:

Preparatory Public Meeting

Meeting date: July 23, 2026, 1 p.m. to approximately 4 p.m. ET.

Registration: To request time to present oral comments during the preparatory meeting, you must register by noon (12 p.m. ET) on July 15, 2026. For those not making oral comments, registration will remain open until the end of this meeting on July 23, 2026.

Comments: Submit written comments on the scope and clarity of the charge questions by noon (12:00 p.m. ET) on July 16, 2026. Submit a written version of your oral comments by noon (12:00 p.m. ET) on July 21, 2026.

SACC Peer Review Public Meeting

Meeting dates: August 3 through 7, 2026, 10 a.m. to approximately 6 p.m. ET.

Registration: To request time to present oral comments during the SACC peer review meeting, you must register by noon (12 p.m. ET) on July 27, 2026. For those not making oral comments, registration will remain open through the end of this meeting on August 7, 2026.

Comments: Submit written comments on the draft technical support documents for consideration by the SACC for peer review on or before July 23, 2026.

To ensure proper receipt of comments, it is imperative that you identify docket identification (ID): EPA–HQ–OPPT–2026–2246 in the subject line on the first page of your comments and follow the instructions in this document.

To request time to present oral comments during one of the virtual public meetings, you must register online by the deadlines set in this section of the document. Oral comments during the peer review meeting are limited to five minutes unless arrangements have been made with the Designated Federal Official (DFO), within the constraints of the meeting agenda. In addition, each speaker should submit a written transcript or copy of their oral comments and any supporting materials (*e.g.,* presentation slides) to the DFO prior to the meetings for distribution to the SACC by the deadlines set in this section of the document.

Special Accommodations: To allow sufficient time for EPA to process your request for special accommodation before both the preparatory and SACC peer review meetings, please submit the request at least 10 business days in advance of the relevant meeting.

ADDRESSES:

Comments: Submit written comments, identified by docket ID: EPA–HQ–OPPT–2026–2246, through *https://www.regulations.gov.* Follow the online instructions for submitting comments. Do not electronically submit any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Members of the public should also be aware that personal information included in any written comments may be posted on the internet at *https://www.regulations.gov.* Additional information on commenting or visiting the docket, along with more information about dockets generally, is available at *https://www.epa.gov/dockets.*

Meeting(s) registration: Online registration for both the preparatory and the SACC peer review meetings will be available in July 2026. Please refer to the SACC website at *https://www.epa.gov/tsca-peer-review* to complete and submit the registration form(s) approximately one month prior to each meeting. After registering, you will receive the webcast and streaming service meeting links and audio teleconference information.

Special accommodation requests: To request an accommodation for a disability, please contact the DFO listed under **FOR FURTHER INFORMATION CONTACT**.

FOR FURTHER INFORMATION CONTACT:

DFO: Alie Muneer, Science Advisory Committees Branch, Mail Code 7602M, Regulatory and Information Services Division, Office of Mission Critical Operations, Office of Chemical Safety and Pollution Prevention, Environmental Protection Agency; telephone number: (202) 564–6369 or call the SACC main office: (202) 564–8450; email address: *muneer.alie@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Executive Summary

A. What action is the Agency taking?

EPA is announcing that there will be two virtual public meetings of the SACC. On July 23, 2026, there will be a preparatory meeting for the SACC to consider the scope and clarity of the draft charge questions for the peer review; and on August 3 through 7, 2026, there will be a peer review meeting for the SACC to consider draft technical support documents for 1,2-DCP, 1,1,2-TCA, tDCE, TBBPA, and EDB, and their public comments. EPA is also announcing the availability of and soliciting public comments on the draft documents and charge questions that will be provided to the SACC for this peer review in docket ID number EPA–HQ–OPPT–2026–2246 at *https://www.regulations.gov.*in the docket and available here: *https://www.epa.gov/tsca-peer-review.*

This document provides instructions for accessing the materials, submitting written comments, and registering to provide oral comments and attending the public meetings.

B. What is the Agency's authority for taking this action?

EPA established the SACC in 2016 in accordance with TSCA, 15 U.S.C. 2625(o), to provide independent advice and expert consultation with respect to

the scientific and technical aspects of issues relating to the implementation of TSCA. The SACC operates in accordance with the Federal Advisory Committee Act, 5 U.S.C. 10, and supports activities under TSCA, 15 U.S.C. 2601 *et seq.,* the Pollution Prevention Act, 42 U.S.C. 13101 *et seq.,* and other applicable statutes.

C. Does this action apply to me?

This action is directed to the public in general and may be of particular interest to those involved in the manufacture, processing, distribution, and disposal of the subject chemical substances, and/or those interested (including members of at-risk communities; non-governmental organizations; and federal, state, and local officials) in the assessment of risks involving chemical substances and mixtures regulated under TSCA. Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be interested.

D. What should I consider as I submit my comments to EPA?

1. *Submitting CBI.* Do not submit CBI or other sensitive information to EPA through *https://www.regulations.gov* or email. To include information in your comment that you consider to be CBI or otherwise protected, please contact the DFO listed under **FOR FURTHER INFORMATION CONTACT** to obtain special instructions before submitting that information.

2. *Tips for preparing comments.* When preparing and submitting your comments, see the commenting tips at *https://www.epa.gov/dockets/commenting-epa-dockets.* See also the instructions in Unit III.C of this document.

E. How can I stay informed about SACC activities?

You may subscribe to the following listserv for alerts regarding this and other SACC-related activities: *https://public.govdelivery.com/accounts/USAEPAOPPT/subscriber/new?topic_id=USAEPAOPPT_101.*

II. Background

A. What is the purpose of SACC?

The SACC provides independent advice and recommendations to the EPA on the scientific and technical aspects of risk assessments, methodologies, and pollution prevention measures and approaches for chemicals regulated under TSCA. The SACC is composed of experts in toxicology, environmental risk assessment, exposure assessment, and related sciences (*e.g.,* chemistry, biology, toxicology, pharmacology, biotechnology, nanotechnology, biochemistry, biostatistics, physiologically based pharmacokinetic modeling, computational toxicology, epidemiology, environmental fate, and environmental engineering and sustainability). When needed, the SACC committee will be assisted by *ad hoc* reviewers with specific expertise in the topics under consideration.

B. Why is EPA conducting these draft hazard and exposure assessment documents supporting risk evaluations?

TSCA requires EPA to conduct risk evaluations on high-priority chemical substances and allows chemical manufacturers to request an EPA-conducted risk evaluation of a chemical substance (or category of chemical substances) using the procedures established in 40 CFR 702.37. TSCA also identifies the minimum components EPA must include in all chemical substance risk evaluations. The purpose of conducting risk evaluations is to determine whether a chemical substance presents an unreasonable risk to human health or the environment under the conditions of use. These evaluations include assessing risks to relevant potentially exposed or susceptible subpopulations. As part of this process, EPA: (1) Integrates hazard and exposure assessments using the best available science that is reasonably available to assure decisions are based on the weight of the scientific evidence and (2) Conducts peer review for risk evaluation approaches that have not been previously peer reviewed.

For more information about the three stages of EPA's process for ensuring the safety of existing chemicals (*i.e.,* prioritization, risk evaluation, and risk management), go to *https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/how-epa-evaluates-safety-existing-chemicals.*

C. Why is EPA evaluating these chemical substances?

1,2-Dichloropropane (78–87–5), 1,1,2-trichloroethane (79–00–5), *trans*-1,2-dichloroethylene (156–60–5), TBBPA (79–94–7), and ethylene dibromide (106–93–4), were designated in December 2019 as high-priority substances under the Frank R. Lautenberg Chemical Safety for the 21st Century Act and are currently in the risk evaluation process. EPA published final scope documents in August 2020. The scope documents outlined the hazards, exposures, conditions of use, and the potentially exposed or susceptible subpopulations the Agency expected to consider in its risk evaluations. This set of chemical substances differs in commercial applications and physical chemical properties, with technical support documents informing the risk evaluation. A summary of each chemical is provided below.

- *1,2-Dichloropropane* is a colorless, flammable liquid with a chloroform-like odor with a production volume in the United States between 100 million and 1 billion pounds. Industrially, 1,2-dichloropropane is manufactured as a byproduct, processed as a reactant, incorporated into formulation, mixture, or reaction products. Commercial and consumer uses of 1,2-dichloropropane include laboratory chemicals and cleaning and furnishing care products, including all-purpose liquid spray cleaner, all-purposes waxes and polishes, and all-purpose liquid cleaners and polishes.
- *1,1,2-Trichloroethane* is a colorless, sweet-smelling liquid with a production volume in the United States between 100 million and 250 million pounds. 1,1,2-trichloroethane is manufactured (including imported) in the United States and used in processing as a reactant and in other processing activities such as recycling. Industrial and commercial uses include adhesives, sealants, and use as a laboratory chemical.
- *Trans-1,2-dichloroethylene* is a highly flammable, colorless liquid with a sharp, harsh odor with a total production volume in the United States between 1 and 10 million pounds. Trans-1,2-dichlorethylene is manufactured (including imported) in the United States and used as a reactant in processing and in other processing activities such as recycling. Commercial and consumer uses include degreasers, lubricants, solvents, and as a laboratory chemical.
- *4,4′-(1-Methylethylidene)bis[2, 6-dibromophenol] TBBPA* is a crystalline solid with a total production volume in the United States between 20 million and 100 million pounds. TBBPA is imported into the United States and used as an additive and reactive chemical. As an additive flame retardant, TBBPA is incorporated into polymers via physical mixing and used in acrylonitrile-butadiene-styrene resins for electronic enclosures and electronic consumer products with an outer plastic casing. As a reactive flame retardant, TBBPA is incorporated into polymers via chemical reactions at an early stage of manufacturing and primarily used as a reactive flame retardant in epoxy resin printed circuit boards by covalently binding to epoxy and polycarbonate resins. TBBPA is found in electrical and electronic products, batteries, fabric,

textile and leather products, laboratory chemicals, and building and construction materials for commercial and consumer uses. The draft risk evaluation is available in docket ID number EPA–HQ–OPPT–2018–0462 at *https://www.regulations.gov.* The Agency is requesting comments on the draft risk evaluation and associated documents including the technical support documents.

• Ethylene dibromide is a volatile, water-soluble liquid with a total production volume in the United States between 1 and 20 million pounds. Ethylene dibromide is not manufactured in the United States; but is solely imported from foreign countries, and some of this is repackaged in the United States. It is used primarily in processes incorporating into formulation, mixture, or reaction products in fuels and fuel additives. It is also used in industrial processes as a reactant, commercially as a laboratory chemical. Industrial use of ethylene dibromide includes use as fuel agents in petroleum refineries, and commercial and consumer use include use in fuels and related products.

D. What is the topic of the planned SACC peer review?

EPA is soliciting comments from the SACC on a variety of charge questions related to 1,2–DCP, 1,1,2–TCA, tDCE, TBBPA, and EDB. Many of the methods and analyses used in these evaluations are not novel and have been reviewed in the development of the tools used in various Agency work products or in previous TSCA assessments. EPA is focusing peer review on critical inputs and novel approaches.

EPA is soliciting peer review from the SACC on the following documents:

1. Draft technical support document for environmental and human health hazard for 1,2–DCP;

2. Draft technical support documents for environmental and human health hazard and for exposure, including physical chemistry, fate and transport for 1,1,2–TCA;

3. Draft technical support document for environmental and human health hazard for tDCE;

4. Draft technical support documents for environmental and human health hazard and exposure for TBBPA; and

5. Draft technical support document for exposure, including physical chemistry, fate and transport for EDB. A draft technical support document for environmental and human health hazard will be made available no later than June 26, 2026. When that document is available, it will be added to this docket. Charge questions related to the EDB hazard technical support document will also be added to the docket no later than June 26, 2026.

EPA is soliciting comments on the following scientific issues:

1. Hazard identification and characterization

• EPA is requesting input on the data and methods used to evaluate cancer for 1,1,2–TCA, 1,2–DCP, and TBBPA, including evaluation of potential genotoxic and non-genotoxic carcinogenic modes of action.

• EPA is requesting input on the application of the Rethinking Carcinogenicity Assessment for Agrochemicals Project (ReCAAP) Framework for tDCE.

• EPA is soliciting comments on proposed noncancer points of departure for 1,1,2–TCA, tDCE, 1,2–DCP, EDB, and TBBPA.

2. Environmental hazard threshold estimates

• EPA is requesting input on the parameters and approaches used to estimate acute avian thresholds resulting from EDB exposure.

3. Exposure assessment and characterization

• With regards to occupational and consumer exposure estimates, EPA is requesting input on the parameters and approaches used to estimate inhalation and dermal exposure in workers and consumers for EDB from refueling small aircraft.

• With regards to environmental exposure and general population exposure estimates, EPA is soliciting feedback on the data and screening approaches used to characterize environmental and general population exposures of EDB.

3. Use of physiologically based pharmacokinetic (PBPK) modeling for human health hazard:

• EPA is requesting input on the parameters and application of PBPK modeling used to derive an inhalation point of departure via route-to-route extrapolation for human health hazards of 1,1,2–TCA.

• EPA is requesting input on the application of PBPK model with the addition of an in silico dermal sub-model to derive dermal HEDs via route-to-route extrapolation for EDB.

4. Dermal exposure modeling approaches

• EPA is requesting input on the modeling parameters and application of probabilistic dermal exposure modeling to estimate occupational exposures for 1,1,2-trichloroethane.

III. Virtual Public Meetings of the SACC

A. What is the purpose of the virtual public meeting(s)?

The purpose of the preparatory meeting is for the SACC to consider and ask questions regarding the scope and clarity of the draft charge questions. The purpose of the peer review meeting is for the SACC to consider and peer review the draft technical support documents. These public meetings are part of the SACC's peer review of the Agency's methods and novel analyses for the draft technical support documents. The agenda for these meetings will be posted in the docket and will also be available through the SACC website.

EPA will consider recommendations from this SACC review and public comments in the development of the final TSCA risk evaluations, which may inform other EPA efforts related to the assessment and regulation of the chemical substances. The Agency is seeking peer review of its data analyses and methodologies relevant to human health hazard and exposure analyses that have not been previously peer reviewed.

B. How can I participate in the virtual public meeting(s)?

To participate in these virtual public meetings, you must register online to receive the webcast and streaming service meeting links and audio teleconference information for each meeting. Online registration will be available approximately one month prior to the meeting(s) and will remain open until the end of the meeting. To make oral comments during one of these meetings, follow the instructions in this document.

C. How can I access the documents?

The draft technical support documents, related technical supporting materials, and draft charge questions are available in docket ID number EPA–HQ–OPPT–2026–2246 at *https://www.regulations.gov.* As previously noted, the EDB hazard technical support document and related charge questions will be added to the docket no later than June 26, 2026.

EPA will include additional meeting background materials as they become available, (*e.g.,* SACC members and the meeting agenda) in the docket and through the Peer Review of the Draft Hazard and Exposure Assessments for 1,2–DCP, 1,1,2–TCA, tDCE, TBBPA, and EDB web page at *https://www.epa.gov/tsca-peer-review/peer-review-evaluating-12-dcp-112-tca-tdce-tbbpa-and-edb.* Although only the technical support

documents for TBBPA are part of the SACC peer review, the final Risk Evaluation for TBBPA is also available in docket ID number EPA–HQ–OPPT–2018–0462 at *https://www.regulations.gov.*

IV. Next Steps

After the peer review meeting, the SACC will prepare the meeting minutes and final report document summarizing its recommendations to the EPA, which will also be available in the docket and through the SACC website. EPA will consider the SACC recommendations and public comments to complete the risk evaluations and unreasonable risk determinations under TSCA for these chemical substances. Under TSCA, EPA must then initiate risk management actions to address the unreasonable risk if identified.

Authority: 15 U.S.C. 2625(o); 5 U.S.C. 10.

Dated: June 16, 2026

Douglas M. Troutman,

Assistant Administrator, Office of Chemical Safety and Pollution Prevention.

[FR Doc. 2026–12350 Filed 6–18–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OW–2011–0442–0002; FRL–13356–01–OW]

Agency Information Collection Activities; Proposed Information Collection Request; Comment Request; Microbial Rules (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) is planning to submit an information collection request (ICR), Microbial Rules (Renewal) (EPA ICR Number 1895.12, OMB Control Number 2040–0205) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. Before doing so, EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a proposed extension of the ICR, which is currently approved through October 30, 2026. This notice allows for 60 days for public comments.

DATES: Comments must be submitted on or before August 21, 2026.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OW–2011–0442–0002, to EPA online using *www.regulations.gov* (our preferred method), by email to *OW-Docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460. EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Brooke Holmes, Capacity and Compliance Assistance Division, Office of Ground Water and Drinking Water, 4606M, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: 202–564–2508; email address: *holmes.brooke@epa.gov.*

SUPPLEMENTARY INFORMATION: This is a proposed extension of the ICR, which is currently approved through October 30, 2026. An agency may not conduct, or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. This notice allows 60 days for public comments.

Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Pursuant to section 3506(c)(2)(A) of the Paperwork Reduction Act (PRA), EPA is soliciting comments and information to enable it to: (i) 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; (ii) 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; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate forms of information technology.

EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

Abstract: The Microbial Rules Renewal ICR examines public water system and primacy agency burden and costs for recordkeeping and reporting requirements in support of the microbial drinking water regulations. These recordkeeping and reporting requirements are mandatory for compliance with 40 CFR parts 141 and 142.

The following microbial regulations are included under the ICR: the Surface Water Treatment Rule, the Total Coliform Rule, the Revised Total Coliform Rule, the Interim Enhanced Surface Water Treatment Rule, the Filter Backwash Recycling Rule, the Long Term 1 Enhanced Surface Water Treatment Rule, the Long Term 2 Enhanced Surface Water Treatment Rule, the Ground Water Rule, and the Aircraft Drinking Water Rule. Future microbial-related rulemakings will be added to this consolidated ICR after the regulations are promulgated and the initial, rule-specific, ICRs are due to expire.

Form Numbers: None.

Respondents/affected entities: Entities potentially affected by this action are public water systems and primacy agencies.

Respondent's obligation to respond: Mandatory for compliance with 40 CFR parts 141 and 142.

Estimated number of respondents: 144,273 (total).

Frequency of response: Varies by requirement (*i.e.,* on occasion, monthly, quarterly, semi-annually, and annually).

Total estimated burden: 15,020,711 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $1,378,226,000 (per year), which includes $174,800,000 annualized capital or operation and maintenance costs.

Changes in the Estimates: EPA will evaluate burden calculations compared to what was identified in the ICR currently approved by OMB. In May 2026, EPA identified two typographical errors in the 2022 ICR: the ''Short Characterization'' and ''Bottom Line Burden Hours and Costs'' sections incorrectly list the estimated cost as

$1.378 trillion, rather than the correct estimated cost $1.378 billion.

Jennifer L. McLain,

Director, Office of Ground Water and Drinking Water.

[FR Doc. 2026–12427 Filed 6–18–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2003–0085; FRL–13468–01–OFA]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; NESHAP for Radionuclides (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), NESHAP for Radionuclides (EPA ICR Number 1100.18, OMB Control Number 2060–0191) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through June 30, 2026. Public comments were previously requested via the **Federal Register** on November 25, 2025 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

DATES: Comments may be submitted on or before July 22, 2026.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA-HQ–OAR–2003–0085, to EPA online using *www.regulations.gov* (our preferred method), by email to [*a-and-r-Docket@epa.gov*], or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

Submit written comments and recommendations to OMB for the proposed information collection within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Joseph Rustick, Radiation Protection Division, Office of Radiation and Indoor Air, Mail Code 6608T, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: 202–564–9682; fax number: 202–343–2304; email address: *rustick.joseph@epa.gov.*

SUPPLEMENTARY INFORMATION: This is a proposed extension of the ICR, which is currently approved through June 30, 2026. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

Public comments were previously requested via the **Federal Register** on November 24, 2025 during a 60-day comment period (90 FR 52952). This notice allows for an additional 30 days for public comments. Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Abstract: On December 15, 1989, pursuant to Section 112 of the Clean Air Act as amended in 1977 (42 U.S.C. 1857), the Environmental Protection Agency (EPA) promulgated National Emission Standards for Hazardous Air Pollutants (NESHAP) regulations to control radionuclide emissions from several source categories. The regulations are codified at 40 CFR part 61. Of the eight subparts (B, H, I, K, Q, R, T and W) included in the 1989 rule, as currently amended, four apply to privately-operated facilities. In addition to requiring operational practices that limit emissions, subparts B, K, R, and W impose radionuclide dose and/or emission limits, respectively, to underground uranium mines, elemental phosphorous plants, phosphogypsum stacks, and uranium mill tailings impoundments. Facilities must inspect impoundments, measure radionuclide emissions, perform analyses or calculations per EPA procedures, and report the results to the EPA.

Form Numbers: None.

Respondents/Affected Entities: The North American Industry Classification System (NAICS) codes of facilities associated with the activity of the respondents are: (1) Elemental Phosphorous 325180, (2) Phosphogypsum Stacks 212390, (3) Underground Uranium Mines 212290, and (4) Uranium Mill Tailings 212290.

Respondent's Obligation To Respond: Mandatory (40 CFR part 61).

Estimated Number of Respondents: 52 (total).

Frequency of Response: Monthly, annual, or one-time depending on the source category and respondent activity.

Total Estimated Burden: 11,301 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total Estimated Cost: $1,412,827 (per year), which includes $408,300 annualized capital or operation & maintenance costs.

Changes in the Estimates: There is increase of 7,155 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This increase is due to additional subpart B and subpart W facilities potentially coming online by 2029. In the case of subpart B, based on information gathered for this ICR renewal, the Agency identified up to 14 respondents that are likely to submit annual reports by 2029, which would be an increase of 12 facilities from the previous ICR. The additional responses for subpart B will lead to increases of 2,760 burden hours and $63,600 in non-labor cost. In the case of subpart W, there is the potential for an additional 15 non-conventional impoundments to be constructed and operated. This is estimated to produce an additional 4,395 burden hours and $5,700 in non-labor costs. For subparts K and R, there were no changes to the number of respondents, the annual time burden, or the annual non-labor cost compared to the most recent renewals of this ICR.

Courtney Kerwin,

Deputy Director, Data and Enterprise Programs Division.

[FR Doc. 2026–12468 Filed 6–18–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OLEM–2018–0102; FRL–13466–01–OFA]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; RCRA Expanded Public Participation (Renewal)

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), RCRA Expanded Public Participation (EPA ICR Number 1688.11, OMB Control Number 2050–0149) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through June 30, 2026. Public comments were previously requested via the **Federal Register** on December 11, 2025 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

DATES: Comments may be submitted on or before July 22, 2026.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OLEM–2018–0102, to EPA online using *www.regulations.gov* (our preferred method) or by mail to: EPA Docket Center, U.S. Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Avenue NW, Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

Submit written comments and recommendations to OMB for the proposed information collection within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Peggy Vyas, Environmental Protection Agency, 1301 Constitution Ave. NW, Mail Code 5305T, Washington, DC 20460; telephone number: (202) 566–0453; *vyas.peggy@epa.gov.*

SUPPLEMENTARY INFORMATION: This is a proposed extension of the ICR, which is currently approved through June 30, 2026. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

Public comments were previously requested via the **Federal Register** on December 11, 2025 during a 60-day comment period (90 FR 57466). This notice allows for an additional 30 days for public comments. Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Abstract: Section 7004(b) of the Resource Conservation and Recovery Act (RCRA) gives EPA broad authority to provide for, encourage, and assist public participation in the development, revision, implementation, and enforcement of any regulation, guideline, information, or program under RCRA. In addition, the statute specifies certain public notices (*i.e.,* radio, newspaper, and a letter to relevant agencies) that EPA must provide before issuing any RCRA permit. The statute also establishes a process by which the public can dispute a permit and request a public hearing to discuss it. EPA carries out much of its RCRA public involvement at 40 CFR parts 124 and 270.

Form Numbers: None.

Respondents/Affected Entities: Entities potentially affected by this action are businesses and other for-profit enterprises.

Respondent's Obligation To Respond: Mandatory (RCRA 7004(b)).

Estimated Number of Respondents: 58.

Frequency of Response: On occasion.

Total Estimated Burden: 4,853 hours per year. Burden is defined at 5 CFR 1320.03(b).

Total Estimated Cost: $372,194 (per year), which includes $5,278 annualized capital or operation & maintenance costs.

Changes in the Estimates: There is an increase of 379 hours in the burden estimates for this ICR due to an increase in the number of respondents.

Courtney Kerwin,

Deputy Director, Data and Enterprise Programs Division.

[FR Doc. 2026–12471 Filed 6–18–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2026–0333; FRL–13200–03–OCSPP]

Pesticide Product Registration; Receipt of Applications for New Active Ingredients (March 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 pesticide products containing active ingredients not included in any currently registered pesticide products. 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 complied with the applications identified in this notice of receipt. Unit II. of this document identifies certain applications received in 2024 and 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 22, 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/dockets.*

FOR FURTHER INFORMATION CONTACT: Each application summary in Unit II. specifies a contact division. The appropriate division contacts are identified as follows:

- BPPD (Biopesticides and Pollution Prevention Division) (Mail Code 7511M); Alan Reynolds; main telephone number: (202) 566–1471; email address: *BPPDFRNotices@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 pesticide products containing active ingredients not included in any currently registered pesticide products. Notice of receipt of these applications does not imply a decision by the Agency on these applications. The applications identified in this document 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). 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/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//commenting-epa-dockets.*

II. Registration Applications Received

This unit provides the following information about the applications 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 File Symbol:* 82398–E. *Docket ID number:* EPA–HQ–OPP–2025–0113. *Applicant:* Chemian Technology Limited, Unit 2, 80 Eastmount Road, Darlington, County Durham, DL1 1LA, United Kingdom c/o TSG Consulting, 1150 18th Street NW, Suite 475, Washington, DC 20036. *Product name:* Citrepel 75. *Active ingredient:* Cymbopogon winterianus oil, fractionated, hydrated, cyclized; cymbopogon winterianus oil, fractionated, hydrated, cyclized at 100.00%. *Proposed classification/use:* Manufacturing Use Product. *Date of receipt:* February 22, 2024. *Contact:* BPPD.
- *EPA File Symbol:* 82398–G. *Docket ID number:* EPA–HQ–OPP–2025–0113. *Applicant:* Chemian Technology Limited, Unit 2, 80 Eastmount Road, Darlington, County Durham, DL1 1LA, United Kingdom c/o TSG Consulting, 1150 18th Street NW, Suite 475, Washington, DC 20036. *Product name:* Citrepel Emulsion 20 Insect Repellent. *Active ingredient:* Cymbopogon winterianus oil, fractionated, hydrated, cyclized; cymbopogon winterianus oil, fractionated, hydrated, cyclized at 20.00%. *Proposed classification/use:* End Use Product- Skin applied Insect Repellent. *Date of receipt:* February 22, 2024. *Contact:* BPPD.
- *EPA File Symbol:* 82398–U. *Docket ID number:* EPA–HQ–OPP–2025–0113. *Applicant:* Chemian Technology Limited, Unit 2, 80 Eastmount Road, Darlington, County Durham, DL1 1LA, United Kingdom c/o TSG Consulting, 1150 18th Street NW, Suite 475, Washington, DC 20036. *Product name:* Incognito Insect Repellent. *Active ingredient:* Cymbopogon winterianus oil, fractionated, hydrated, cyclized; cymbopogon winterianus oil, fractionated, hydrated, cyclized at 20.00%. *Proposed classification/use:* End Use Product- Skin applied Insect Repellent. *Date of receipt:* February 22, 2024. *Contact:* BPPD.
- *EPA File Symbol:* 90866–UG. *Docket ID number:* EPA–HQ–OPP–2026–2740. *Applicant:* CH Biotech R&D Co., c/o CH Biotech LLC, 601 Kettering Drive, Ontario, CA 91761. *Product name:* Melatonin Technical. *Active ingredient:* Melatonin; Melatonin at 99.7%. *Proposed classification/Use:* Manufacturing Use Product. *Date of receipt:* March 29, 2024. *Contact:* BPPD.
- *EPA File Symbol:* 90866–UE. *Docket ID number:* EPA–HQ–OPP–2026–2740. *Applicant:* CH Biotech R&D Co., c/o CH Biotech LLC, 601 Kettering Drive, Ontario, CA 91761. *Product name:* CHB–ST (GIM). *Active ingredient:* Melatonin; Melatonin at 1.0%. *Proposed classification/use:* Seed Treatment. *Date of Receipt:* March 29, 2024. *Contact:* BPPD.
- *EPA File Symbol:* 90866–UR. *Docket ID number:* EPA–HQ–OPP–2026–2740. *Applicant:* CH Biotech R&D Co., c/o CH Biotech LLC, 601 Kettering Drive, Ontario, CA 91761. *Product name:* CHB–FNA. *Active ingredient:* Melatonin; Melatonin at 1.0%. *Proposed classification/use:* Plant Growth Regulator. *Date of receipt:* March 29, 2024. *Contact:* BPPD.
- *EPA File Symbol:* 100975–E. *Docket ID number:* EPA–HQ–OPP–2026–2411. *Applicant:* Ascribe Bioscience, Inc, 95 Brown Rd., Suite 202, Ithaca, NY 14850 (c/o SciReg, Inc., 12733 Director's Loop, Woodbridge, VA 22192. *Product name:* Phytalix. *Active ingredient:* (10R)-10-[(2R,3R,5R,6S)-3,5-dihydroxy-6-methyloxan-2-yl] oxyundecanoic acid (Ascr#18); (10R)-10-[(2R,3R,5R,6S)-3,5-dihydroxy-6-methyloxan-2-yl] oxyundecanoic acid (Ascr#18) at 0.042%. *Proposed classification/use:* Ascarosides. For use on-farm, greenhouse, and commercial foliar and seed treatment for activation of plant defense against fungal, viral, and bacterial pathogens. *Date of receipt:* February 15, 2024. *Contact:* BPPD.
- *EPA File Symbol:* 100975–R. *Docket ID number:* EPA–HQ–OPP–2026–2411. *Applicant:* Ascribe Bioscience, Inc, 95 Brown Rd., Suite 202, Ithaca, NY 14850 (c/o SciReg, Inc., 12733 Director's Loop, Woodbridge, VA 22192. *Product name:* ASCR #18 Technical. *Active ingredient:* (10R)-10-[(2R,3R,5R,6S)-3,5-dihydroxy-6-methyloxan-2-yl] oxyundecanoic acid (Ascr#18), Ascarosides; (10R)-10-[(2R,3R,5R,6S)-3,5-dihydroxy-6-methyloxan-2-yl] oxyundecanoic acid (Ascr#18) at 95.24%. *Proposed classification/use:* Manufacturing Use product (MP). *Date of receipt:* February 15, 2024. *Contact:* BPPD.
- *EPA File Symbol:* 104223–R. *Docket ID number:* EPA–HQ–OPP–2026–2510. *Applicant:* Agragene, Inc., 11861 Westline Industrial Drive, Suite 800, St. Louis, MO 63146. *Product name:* KNOCKOUT SWD. *Active ingredient:* A complex consisting of loss of function edits to βtub2 and sxl genes, gRNA, and the SpCas9 protein. *Proposed use:* Insecticide. *Date of receipt:* August 6, 2025. *Contact:* BPPD.

Authority: 7 U.S.C. 136 *et seq.*

Dated: June 16, 2026.

Edward Messina,

Director, Office of Pesticide Programs.

[FR Doc. 2026–12418 Filed 6–18–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA- HQ–OAR–2012–0103; FRL –13405–01–OAR]

Agency Information Collection Activities; Proposed Information Collection Request; Comment Request; Clean School Bus (CSB) Rebate Program; EPA ICR No. 2461.07, OMB Control No. 2060–0686 (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is planning to submit an information collection request (ICR), Clean School Bus (CSB) Rebate Program (EPA ICR Number 2461.07, OMB Control Number 2060–0686 (Renewal) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. Before doing so, EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a proposed extension of the ICR, which is currently approved through March 31, 2027. This notice allows for 60 days for public comments.

DATES: Comments must be submitted on or before August 21, 2026.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA HQ–OAR–2012–0103, to EPA online using *www.regulations.gov* (our preferred method), by email to a-and-r *docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460. EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Timothy Thomas, Office of Transportation and Air Quality, (6406A), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: 734–214–4465; email address: *thomas.tim.l@epa.gov.*

SUPPLEMENTARY INFORMATION: This is a proposed extension of the ICR No. 2461.06, which is currently approved through March 31, 2027. An agency may not conduct, or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

This notice allows 60 days for public comments. Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Pursuant to section 3506(c)(2)(A) of the PRA, the EPA is soliciting comments and information to enable it to: (i) 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; (ii) 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; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate forms of information technology. The EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

Abstract: This ICR renewal is for the Clean School Bus (CSB) Rebate Program. The CSB Rebate Program currently collects information under ICR No. 2060–0686. This ICR renewal includes all components of the CSB Rebate Program data collection.

School buses collectively travel over four billion miles each year. They provide safe transportation to and from school for more than 25 million American children every day. However, many school buses on the road are powered by older engines that emit higher levels of pollutants, including nitrogen oxides (NO_X) and particulate matter (PM), than newer models. The CSB Rebate Program funds the replacement of existing school buses with cleaner buses. The EPA uses approved procedures and forms to collect necessary information to operate the CSB Rebate Program and has been providing these rebates since 2022. For each CSB Rebate Program, the EPA utilizes three online forms for the three phases of the rebate lifecycle: (1) Application Form for eligible entities to apply to a new rebate program, (2) Payment Request Form for selectees to submit order documentation and receive funds, and (3) Close Out Form for selectees to document completion of the rebate-eligible activity. To support mid-cycle activities for the 2023 cohort, the EPA deployed the 2023 CSB Rebate Payment Request Form in early spring 2024 and the 2023 Close Out Form in winter 2026. EPA continues to review and process 2023 CSB Payment Request and 2022 and 2023, CSB Rebate Close Out Forms. The data collected in these forms are needed to operate the rebate program as authorized by Congress under the CSB statute, 42 U.S.C. 16091.

Form Numbers: EPA Form 5900–261 (Application), EPA Form 5900–645 (Payment Request Form), and EPA Form 5900–646 (Close Out Form).

Respondents/affected entities: All CSB Rebate Program recipients.

Respondent's obligation to respond: Mandatory, 42 U.S.C. 16091.

Estimated number of respondents: 500 applicants annually (total).

Frequency of response: Once per year.

Total estimated burden: 578 hours for applicants (per year) and 1,735 hours for applicants over the ICR period. Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $35,000 (per year), which includes $0 annualized capital or operation & maintenance costs.

Changes in the Estimates: There is a decrease of 55,761 burden hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This decrease is due to significant reductions in respondents and form submissions expected over the ICR period.

Karl Simon,

Director, Legacy Emissions Division, Office of Transportation and Air Quality, Office of Air and Radiation.

[FR Doc. 2026–12397 Filed 6–18–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OLEM–2018–0012, FRL–13467–01–OFA]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; State Program Adequacy Determination: Municipal Solid Waste Landfills and Non-Municipal, Non-Hazardous Waste Disposal Units That Receive Conditionally Exempt Small Quantity Generator Hazardous Waste (Renewal)

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), State Program Adequacy Determination: Municipal Solid Waste Landfills and Non-Municipal, Non-Hazardous Waste Disposal Units that Receive Conditionally Exempt Small Quantity Generator Hazardous Waste (EPA ICR Number 1608.10, OMB Control Number 2050–0152) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through June 30, 2026. Public comments were previously requested via the **Federal Register** (90 FR 54678) on November 28, 2025 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

DATES: Comments may be submitted on or before July 22, 2026.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OLEM–2018–0012, to EPA online using *www.regulations.gov* (our preferred method) or by mail to: EPA Docket Center, U.S. Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Avenue NW, Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

Submit written comments and recommendations to OMB for the proposed information collection within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Peggy Vyas, Environmental Protection Agency, 1301 Constitution Ave. NW, Mail Code 5305T, Washington, DC 20460; telephone number: (202) 566–0453; *vyas.peggy@epa.gov.*

SUPPLEMENTARY INFORMATION: This is a proposed extension of the ICR, which is currently approved through June 30, 2025. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

Public comments were previously requested via the **Federal Register** on November 28, 2025 during a 60-day comment period (90 FR 54678). This notice allows for an additional 30 days for public comments. Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Abstract: Section 4010(c) of the Resource Conservation and Recovery Act (RCRA) of 1976 requires that EPA revise the landfill criteria promulgated under paragraph (1) of section 4004(a) and section 1008(a)(3). Section 4005(c) of RCRA, as amended by the Hazardous Solid Waste Amendments (HSWA) of 1984, requires states to develop and implement permit programs to ensure that MSWLFs and non-municipal, non-hazardous waste disposal units that receive household hazardous waste or CESQG hazardous waste are in compliance with the revised criteria for the design and operation of non-municipal, non-hazardous waste disposal units under 40 CFR part 257, subpart B and MSWLFs under 40 CFR part 258 (40 CFR part 257, subpart B and 40 CFR part 258 are henceforth referred to as the ''revised federal criteria''). Section 4005(c) of RCRA further mandates the EPA Administrator to determine the adequacy of state permit programs to ensure owner and/or operator compliance with the revised federal criteria. A state program that is deemed adequate to ensure compliance may afford flexibility to owners or operators in the approaches they use to meet federal requirements, significantly reducing the burden associated with compliance. In response to the statutory requirement in section 4005(c) of RCRA, EPA developed 40 CFR part 239, commonly referred to as the State Implementation Rule (SIR). The SIR describes the state application and EPA review procedures and defines the elements of an adequate state permit program.

The EPA Administrator has delegated the authority to make determinations of adequacy, as contained in the statute, to the EPA Regional Administrator. The appropriate EPA Regional Office, therefore, will use the information provided by each state to determine whether the state's permit program satisfies the statutory test reflected in the requirements of 40 CFR part 239. In all cases, the information will be analyzed to determine the adequacy of the state's permit program for ensuring compliance with the federal revised criteria.

Form Numbers: None.

Respondents/Affected Entities: State, Local, or Tribal Governments.

Respondent's Obligation To Respond: Mandatory under section 4005(c) of RCRA.

Estimated Number of Respondents: 12.

Frequency of Response: On occasion.

Total Estimated Burden: 993 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total Estimated Cost: $45,881 (per year) which includes $0 annualized capital or operation & maintenance costs.

Changes in the Estimates: There is no change in burden between this request and the previously approved ICR.

Courtney Kerwin,

Deputy Director, Data and Enterprise Programs Division.

[FR Doc. 2026–12470 Filed 6–18–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–13418–01–R6]

Clean Air Act Operating Permit Program; Petition for Objection to State Operating Permit for Intercontinental Terminals Company, LLC, Harris County, Texas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final order on petition.

SUMMARY: The Environmental Protection Agency (EPA) Administrator signed an Order dated May 11, 2026, denying a

petition dated March 25, 2025, from Harris County Attorney's Office (the Petitioner). The petition requested that the EPA object to a Clean Air Act (CAA) title V operating permit issued by the Texas Commission on Environmental Quality (TCEQ) to the Intercontinental Terminals Company, LLC, for its Deer Park Terminal located in Harris County, Texas.

FOR FURTHER INFORMATION CONTACT: Aimee Wilson; EPA Region 6 Office; Air Permits Section; telephone number: (214) 665–7596; email address: *wilson.aimee@epa.gov.* The final order and petition are available electronically at: *https://www.epa.gov/title-v-operating-permits/title-v-petition-database.*

SUPPLEMENTARY INFORMATION: The EPA received a petition from Harris County Attorney's Office dated March 25, 2025, requesting that the EPA object to the issuance of operating permit No. O1061, issued by TCEQ to Intercontinental Terminals Company, for its Deer Park Terminal located in Harris County, Texas. On May 11, 2026, the EPA Administrator issued an Order denying the petition. The order itself explains the basis for the EPA's decision.

Sections 307(b) and 505(b)(2) of the CAA provide that a petitioner may request judicial review of those portions of an order that deny issues in a petition. Any petition for review shall be filed in the United States Court of Appeals for the appropriate circuit no later than August 21, 2026.

Dated: June 10, 2026.

James McDonald,

Director, Air and Radiation Division, Region 6.

[FR Doc. 2026–12422 Filed 6–18–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–SFUND–2006–0361; FRL–13465–01–OFA]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Trade Secret Claims for Community Right-to-Know and Emergency Planning (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), Emergency Planning and Community Right-to-Know Act (EPCRA) Trade Secret Claims (EPA ICR Number 1428.13, OMB Control Number 2050–0078) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through June 30, 2026. Public comments were previously requested via the **Federal Register** on December 11, 2025, during a 60-day comment period. This notice allows for an additional 30 days for public comments.

DATES: Comments may be submitted on or before July 22, 2026.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–SFUND–2006–0361, to EPA online using *www.regulations.gov* (our preferred method) or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave., NW, Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

Submit written comments and recommendations to OMB for the proposed information collection within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Jennifer Barre, Environmental Protection Agency, Waste and Chemical Implementation Division (WCID), Office of Resource Conservation and Recovery (ORCR), Mail Code 5101T, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 564–9026; email address: *barre.jennifer@epa.gov.*

SUPPLEMENTARY INFORMATION: This is a proposed extension of the ICR, which is currently approved through June 30, 2026. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

Public comments were previously requested via the **Federal Register** on December 11, 2025, during a 60-day comment period (90 FR 57462). This notice allows for an additional 30 days for public comments. Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Abstract: This information collection request pertains to trade secrecy claims submitted under section 322 of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA). EPCRA contains provisions requiring facilities to report to state and local authorities, and EPA, the presence of extremely hazardous substances (section 302), inventory of hazardous chemicals (sections 311 and 312) and manufacture, process and use of toxic chemicals (section 313). Section 322 of EPCRA allows a facility to withhold the specific chemical identity from these EPCRA reports if the facility asserts a trade secret claim for that chemical identity. The provisions in section 322 establish the requirements and procedures that facilities must follow to request trade secret treatment of chemical identities, as well as the procedures for submitting public petitions to the Agency for review of the ''sufficiency'' of trade secret claims.

Trade secret protection is provided for specific chemical identities contained in reports submitted under each of the following sections of EPCRA: (1) Section 303(d)(2)—Facility notification of changes that have or are about to occur; (2) section 303(d)(3)—Local Emergency Planning Committee (LEPC) requests for facility information to develop or implement emergency plans; (3) section 311—Safety Data Sheets (SDSs) submitted by facilities, or lists of those chemicals submitted in place of the SDSs; (4) section 312—Emergency and Hazardous Chemical Inventory forms (Tier I and Tier II); and (5) section 313—Toxic Chemical Release Inventory form.

Form Numbers: EPA Form 9510–1.

Respondents/affected entities: Entities potentially affected by this action are manufacturer and non-manufacturer facilities subject to reporting under sections 303, 311, 312 or 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA).

Respondent's obligation to respond: Mandatory if a respondent decides to make a trade secret claim for the chemical identity for any of the chemicals in any of the reports the

respondent is required to submit under EPCRA sections 303, 311, 312 or 313.

Estimated number of respondents: 55 facilities (total).

Frequency of response: Annual, with reports submitted under sections 312 and 313.

Total estimated burden: 7,021 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $527,092 (per year). There are no capital or operation and maintenance costs associated with this ICR.

Changes in the Estimates: There is an increase of 4,332 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This increase is due to an increase in the actual number of claims submitted in RY 2023 and RY 2024 compared to the prior ICR period. EPA's assumed labor burden per facility—9.5 hours—is unchanged from the previous ICR.

Courtney Kerwin,

Deputy Director, Data and Enterprise Programs Division.

[FR Doc. 2026–12469 Filed 6–18–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–13390–01–R6]

Clean Air Act Operating Permit Program; Petitions for Objection to State Operating Permit for TPC Group, LLC, Harris County, Texas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final order on petition.

SUMMARY: The Environmental Protection Agency (EPA) Administrator signed an Order dated May 6, 2026, granting in part and denying in part a petition dated February 17, 2025, from Air Alliance Houston and petition dated February 17, 2025, from Harris County Attorney's Office (the Petitioners). The petitions requested that the EPA object to a Clean Air Act (CAA) title V operating permit issued by the Texas Commission on Environmental Quality (TCEQ) to TPC Group, LLC, for its Houston Plant located in Harris County, Texas.

FOR FURTHER INFORMATION CONTACT: Aimee Wilson, EPA Region 6 Office, Air Permits Section, telephone number: (214) 665–7596, email address: *wilson.aimee@epa.gov.* The final order and petition are available electronically at: *https://www.epa.gov/title-v-operating-permits/title-v-petition-database.*

SUPPLEMENTARY INFORMATION: The EPA received petitions from Air Alliance Houston and Harris County Attorney's Office dated February 17, 2025, requesting that the EPA object to the issuance of operating permit No. O1598, issued by TCEQ to TPC Group, LLC, for its Houston Plant located in Harris County, Texas. On May 6, 2026, the EPA Administrator issued an Order granting in part and denying in part the petition. The order itself explains the basis for the EPA's decision.

Sections 307(b) and 505(b)(2) of the CAA provide that a petitioner may request judicial review of those portions of an order that deny issues in a petition. Any petition for review shall be filed in the United States Court of Appeals for the appropriate circuit no later than August 21, 2026.

Dated: June 10, 2026.

James McDonald,

Director, Air and Radiation Division, Region 6.

[FR Doc. 2026–12421 Filed 6–18–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–13440–01–R6]

Clean Air Act Operating Permit Program; Petition for Objection to State Operating Permit for ExxonMobil Corporation, Harris County, Texas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final order on petition.

SUMMARY: The Environmental Protection Agency (EPA) Administrator signed an Order dated May 27, 2026, denying a petition dated November 12, 2025, from the Harris County Attorney's Office (the Petitioner). The petition requested that the EPA object to a Clean Air Act (CAA) title V operating permit issued by the Texas Commission on Environmental Quality (TCEQ) to the ExxonMobil Corporation, for its Baytown Olefins Plant located in Harris County, Texas.

FOR FURTHER INFORMATION CONTACT: Jonathan Ehrhart; EPA Region 6 Office; Air Permits Section; telephone number: (214) 665–2295; email address: *ehrhart.jonathan@epa.gov.* The final order and petition are available electronically at: *https://www.epa.gov/title-v-operating-permits/title-v-petition-database.*

SUPPLEMENTARY INFORMATION: The EPA received a petition from the Harris County Attorney's Office dated November 12, 2025, requesting that the EPA object to the issuance of operating permit No. O1553, issued by TCEQ to the ExxonMobil Corporation, for its Baytown Olefins Plant located in Harris County, Texas. On May 27, 2026, the EPA Administrator issued an Order denying the petition. The order itself explains the basis for the EPA's decision.

Sections 307(b) and 505(b)(2) of the CAA provide that a petitioner may request judicial review of those portions of an order that deny issues in a petition. Any petition for review shall be filed in the United States Court of Appeals for the appropriate circuit no later than August 21, 2026.

Dated: June 10, 2026.

James McDonald,

Director, Air and Radiation Division, Region 6.

[FR Doc. 2026–12419 Filed 6–18–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OLEM–2018–0013, FRL–13478–01–01–OFA]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; Revisions to the RCRA Definition of Solid Waste (Renewal)

AGENCY: Environmental Protection Agency

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), Revisions to the RCRA Definition of Solid Waste (EPA ICR Number. 2310.08, OMB Control Number 2050–0202) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through June 30, 2026. Public comments were previously requested via the **Federal Register** (90 FR 57464) on December 11, 2025 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

DATES: Comments may be submitted on or before July 22, 2026.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OLEM–2018–0013, to EPA online using *www.regulations.gov* (our preferred method), or by mail to: EPA Docket Center, U.S. Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Avenue NW, Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

Submit written comments and recommendations to OMB for the proposed information collection within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Peggy Vyas, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: 202–566–0453; *vyas.peggy@epa.gov.*

SUPPLEMENTARY INFORMATION: This is a proposed extension of the ICR, which is currently approved through June 30, 2026. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

Public comments were previously requested via the **Federal Register** on December 11, 2025 during a 60-day comment period (90 FR 57464). This notice allows for an additional 30 days for public comments. Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Abstract: In 2008, 2015, and 2018, the U.S. Environmental Protection Agency (EPA) published revisions to the ''definition of solid waste'' (DSW) that exclude certain industrial hazardous secondary materials from regulation as ''solid waste'' and ''hazardous waste'' under Subtitle C of the Resource Conservation and Recovery Act (RCRA). Specifically, EPA amended 40 CFR part 261 to provide that hazardous secondary materials reclaimed under the control of the generator are not solid wastes if specified conditions are met. EPA also amended Part 261 to provide that hazardous secondary materials that are generated and then transferred to another person for the purpose of reclamation are not solid waste, provided that specified conditions are met. Finally, EPA finalized other amendments to address particular issues, including standards in Part 260 to enable a person to apply to EPA for a formal determination that a material is not discarded and therefore not a solid waste and to codify the RCRA concept of ''legitimate recycling''.

The RCRA DSW exclusions are currently organized around six requirements:

Requirement 1: DSW off-site transfer-based exclusion;

Requirement 2: DSW generator-controlled exclusion;

Requirement 3: Solid waste variances and non-waste determinations;

Requirement 4: DSW ''remanufacturing'' exclusion;

Requirement 5: Required recordkeeping for speculative accumulation;

Requirement 6: Export requirements.

Form Numbers: None.

Respondents/affected entities: Entities potentially affected by this action are private business or other for-profit, as well as State, Local, or Tribal governments.

Respondent's obligation to respond: Required to obtain or retain a benefit (42 U.S.C. 6921, 6922, 6923, and 6924.)

Estimated number of respondents: 4,348.

Frequency of response: On occasion.

Total estimated burden: 38,396 hours per year. Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $3,205,354 (per year), includes $20,331 annualized capital or operation & maintenance costs.

Changes in the Estimates: There is an increase 11,341 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This increase is due to adjustments to the estimates.

Courtney Kerwin,

Deputy Director, Data and Enterprise Programs Division.

[FR Doc. 2026–12472 Filed 6–18–26; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL MARITIME COMMISSION

[Docket No. 26–04]

Orleans International, Inc., Complainant v. Hapag Lloyd AG, Respondent; Notice of Filing of Amended Complaint

Notice is given that an amended complaint has been filed with the Federal Maritime Commission (the ''Commission'') by Orleans International, Inc. (the ''Complainant'') against Hapag Lloyd AG (the ''Respondent''). Complainant states that the Commission has subject-matter jurisdiction over the amended complaint pursuant to the Shipping Act of 1984, as amended, 46 U.S.C. 41301 *et seq.,* and personal jurisdiction over Respondent as a vessel-operating ocean common carrier, as defined in 46 U.S.C. 40102(18).

Complainant is a corporation existing under the laws of the state of Michigan with its principal place of business located in Farmington Hills, Michigan.

Complainant identifies Respondent Hapag Lloyd AG as a company existing under the laws of the Federal Republic of Germany with its principal place of business located in Hamburg, Germany, whose agent in the United States is Hapag-Lloyd (America) LLC, a limited liability company existing under the laws of the state of Delaware with its principal place of business located in Atlanta, Georgia.

Complainant alleges that Respondents violated 46 U.S.C. 41102(c); 41104(a)(10) and (14); and 46 CFR 545.5. Complainant alleges these violations arose from the assessment of demurrage and detention charges during periods of time in which Complainant's ability to pick up or return containers was constrained due to circumstances beyond its control, Respondent's lack of engagement in attempted dispute resolution, and other acts or omissions of Respondent.

An answer to the amended complaint must be filed with the Commission within 25 days after the date of service.

The full text of the amended complaint can be found in the Commission's electronic Reading Room at *https://www2.fmc.gov/readingroom/proceeding/26-04/.* This proceeding has been assigned to the Office of Administrative Law Judges. The initial decision of the presiding judge shall be issued by March 19, 2027, and the final decision of the Commission shall be issued by October 4, 2027.

(Authority: 46 U.S.C. 41301; 46 CFR 502.61(c))

Served: June 16, 2026.

David Eng,

Secretary.

[FR Doc. 2026–12361 Filed 6–18–26; 8:45 am]

BILLING CODE P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)).

Comments received are subject to public disclosure. In general, comments received will be made available without change and will not be modified to remove personal or business information including confidential, contact, or other identifying information. Comments should not include any information such as confidential information that would not be appropriate for public disclosure.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Benjamin W. McDonough, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than July 22, 2026.

A. Federal Reserve Bank of Boston (Prabal Chakrabarti, Executive Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02210–2204. Comments can also be sent electronically to *BOS.SRC.Applications.Comments@bos.frb.org:*

1. *Narragansett Bancorp, Inc., Swansea, Massachusetts;* a newly-formed Maryland corporation, to become a bank holding company by acquiring BayCoast Bank, Swansea, Massachusetts.

In addition, *Narragansett Financial Corporation, Swansea, Massachusetts,* the existing mutual holding company of BayCoast Bank, to acquire Narragansett Bancorp, Inc.

B. Federal Reserve Bank of San Francisco (Keith Dudley, Vice President) 101 Market Street, San Francisco, California 94105–1579. Comments can also be sent electronically to *SF.Supervision.Comments.Applications@sf.frb.org:*

1. *Front Street Financial, Inc., Caliente, Nevada;* to become a bank holding company by acquiring Nevada Bank and Trust Company, Caliente, Nevada.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Associate Secretary of the Board.

[FR Doc. 2026–12497 Filed 6–18–26; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL TRADE COMMISSION

Agency Information Collection Activities; Proposed OMB Generic Clearance; Comment Request; Generic Clearance for Information Collection Using Voluntary Surveys for Studies Conducted by the Federal Trade Commission Bureau of Economics To Support the FTC's Missions To Protect Consumers and Competition

AGENCY: Federal Trade Commission.

ACTION: Notice and request for comment.

SUMMARY: The Federal Trade Commission (FTC) is seeking public comment on the proposed generic clearance for information collection using voluntary surveys titled, ''Generic Clearance for Information Collection Using Voluntary Surveys for Studies Conducted by the Federal Trade Commission Bureau of Economics to Support the FTC's Missions to Protect Consumers and Competition.'' The proposed information collection requirements described below are being submitted to the Office of Management and Budget (''OMB'') for review, as required by the Paperwork Reduction Act.

DATES: Comments must be filed by July 22, 2026.

ADDRESSES: Interested parties may file a comment online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. The *reginfo.gov* web link is a United States Government website produced by the Office of Management and Budget (OMB) and the General Services Administration (GSA). Under PRA requirements, OMB's Office of Information and Regulatory Affairs (OIRA) reviews Federal information collections.

FOR FURTHER INFORMATION CONTACT: Eric Spurlino, Economist, Division of Consumer Protection, Bureau of Economics, Federal Trade Commission, (202) 326–2516, *espurlino@ftc.gov.*

SUPPLEMENTARY INFORMATION:

Title of Collection: Generic Clearance for Information Collection Using Voluntary Surveys for Studies Conducted by the Federal Trade Commission Bureau of Economics to Support the FTC's Missions to Protect Consumers and Competition.

OMB Control Number: 3084–XXXX.

Type of Review: Proposed Collection.

Estimated Annual Burden Hours: 10,000 hours.

Abstract: Understanding consumers' perceptions and behaviors plays an important role in improving the FTC's regulatory decision-making processes and communications affecting various stakeholders. The information will be collected through one-on-one telephone, internet, or in-person interviews, online focus groups, individual interviews, self-administered (online) surveys, or (online or in-person) economics experiments, depending upon the target audience being questioned, expectations about whether the information will be evaluated in an individual or group context, and the need to present educational and or interventional materials. The methods to be used serve the narrowly defined need for direct and informal opinion on a specific topic and as a qualitative and quantitative research tool, and have two major purposes:

1. To obtain information that is useful for developing variables and measures for formulating the basic objectives of social and behavioral research and;

2. To assess the potential effectiveness of FTC communications, behavioral interventions and other materials in reaching and successfully communicating and addressing behavioral change with their intended audiences.

The FTC will use these methods to test and refine its ideas and to help develop communication and behavioral

strategies research. The research conducted under this clearance falls primarily under the Bureau of Economics within the FTC, but other divisions or bureaus within the FTC may offer advice and input into the research conducted. The research would not be conducted specifically for the purposes of making policy or regulatory decisions or for allocating or redirecting significant resources to support these decisions. Rather, the FTC's Bureau of Economics will use such studies to test communications and social and behavioral methods about consumer behavior and beliefs in ways that increase our understanding of the economic effects of regulation as well as ways in which business practices may be currently, or have the potential to be, inflicting harm on consumers. As one example, the FTC intends to use this PRA to survey American consumers about their experiences of fraud in the marketplace.

Burden statement: Annually, the FTC projects about 10 social and behavioral studies using the variety of test methods listed in this document. The variety of test methods is needed to give the FTC sufficient flexibility so that the FTC can effectively gather information from the public and enhance the effectiveness of the FTC's regulatory and communications programs.

The FTC estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN

Activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response (minutes)	Total hours
Interviews/Surveys	20,000	1	20,000	30	10,000

Staff believes that there are no current start-up costs or other capital costs associated with this collection of information.

Request for Comment

On July 8, 2025, the FTC sought public comment on the proposed information collections associated with this generic clearance request. 90 FR 30072. Four comments were received in response to the notice in the **Federal Register**. All four comments supported the proposed generic information collection plan, while offering suggestions on how the information collection can be most effective. One anonymous comment emphasized clear language instructions to survey participants,[1] which is a standard that the FTC will follow when designing survey and experiment instruments under this proposed information collection.

A comment from the Cantor Institute emphasized the need for statistical performance goals and commitments that ''safeguard data quality, replicability, and privacy at scale.'' [2] The Supporting Statement Part B that will be separately submitted to OMB on the same date as the publication of this **Federal Register** notice aims to address these concerns, while the Generic Information Collection Template, which will accompany any future information collection, also commits any related Information Collection to a high statistical standard.[3] The Cantor Institute also argued that the initial **Federal Register** notice likely understated the burden to respondents. The FTC politely disagrees with this argument, as the stated averages per respondent are calculated to be an average across all respondents, including the burden associated with screening questions and partially completed responses.

A comment from Mary Sullivan at George Washington University supported the proposed generic information collection because ''when a new practice is emerging that might require FTC action, it is critical to obtain information about the practice quickly to minimize possible harm to consumers.'' [4] The FTC agrees with this statement.

Finally, an anonymous comment recommended increasing the number of responses from 20,000 to 250,000.[5] In the interest of reducing the burden on the public and the strain on government resources, the FTC declines to adopt this suggestion.

Pursuant to OMB regulations, 5 CFR part 1320, that implement the PRA, 44 U.S.C. 3501 *et seq.,* the FTC is providing this second opportunity for public comment while seeking OMB approval to engage in the proposed information collections.

Your comment—including your name and your state—will be placed on the public record of this proceeding. Because your comment will be made public, you are solely responsible for making sure that your comment does not include any sensitive personal information, such as anyone's Social Security number; date of birth; driver's license number or other state identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, your comment should not include any ''trade secret or any commercial or financial information which . . . is privileged or confidential''—as provided by Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2)—including in particular competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

Josephine Liu,

Assistant General Counsel for Legal Counsel.

[FR Doc. 2026–12502 Filed 6–18–26; 8:45 am]

BILLING CODE 6750–01–P

[1] Comment ID FTC–2025–0132–0002 (Anonymous), received July 30, 2025.

[2] Comment ID FTC–2025–0132–0004 (Cantor Institute), received Aug. 19, 2025.

[3] If OMB approves the overall generic clearance for this proposed collection, the FTC will thereafter submit a short Generic Information Collection Template for each specific information collection request to be conducted under that generic clearance and obtain OMB's approval for the proposed specific collection.

[4] Comment ID FTC–2025–0132–0005 (Mary Sullivan), received Aug. 25, 2025.

[5] Comment ID FTC–2025–0132–0006 (Anonymous), received Sept. 8, 2025.

FEDERAL TRADE COMMISSION

Agency Information Collection Activities; Proposed Collection; Comment Request; Extension

AGENCY: Federal Trade Commission.

ACTION: Notice and request for comment.

SUMMARY: The Federal Trade Commission (FTC or Commission) is seeking public comment on its proposal

requesting that the Office of Management and Budget (OMB) extend for three years the current Paperwork Reduction Act (PRA) clearance for information collection requirements of its Rule Governing Pre-Sale Availability of Written Warranty Terms. The current clearance expires on July 31, 2026.

DATES: Comments must be received by July 22, 2026.

ADDRESSES: Interested parties may file a comment online or on paper, by following the instructions in the **SUPPLEMENTARY INFORMATION** section below. 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 and its accompanying supporting statement by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. The reginfo.gov web link is a United States Government website produced by OMB and the General Services Administration (GSA). Under PRA requirements, OMB's Office of Information and Regulatory Affairs (OIRA) reviews Federal information collections.

FOR FURTHER INFORMATION CONTACT: Sung W. Kim, Attorney, Division of Marketing Practices, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580, (202) 326–2211; *skim6@ftc.gov.*

SUPPLEMENTARY INFORMATION:

Title: Pre-Sale Availability of Written Warranty Terms (Pre-Sale Availability Rule or Rule), 16 CFR part 702.

OMB Control Number: 3084–0112.

Type of Review: Extension of currently approved collection.

Affected Public: Businesses and other for-profit entities.

Estimated Annual Burden Hours: 2,611,826 hours (143,721 hours for manufacturers + 2,468,105 hours for retailers).

- Manufacturers account for approximately 143,721 hours (26,131 manufacturers × 5.5 hours)
- Retailers account for approximately 2,468,105 hours (493,621 retailers × 5.0 burden hours)

Estimated Annual Labor Costs: $74,437,041 (which is derived from $39,177,390 for sales associates + $35,259,651 for clerical workers) [1]

- *Sales Associates:* 1,305,913 hours × $30/hour = $39,177,390
- *Clerical Workers:* 1,305,913 hours × $27/hour = $35,259,651

Estimated Annual Non-Labor Costs: De minimis.

Abstract

The Pre-Sale Availability Rule, 16 CFR part 702 (Pre-Sale Availability Rule or Rule) requires sellers and warrantors to make the text of any written warranty on a consumer product costing more than $15 available to the consumer before sale. The Rule has no recordkeeping or reporting requirements. On March 30, 2026, the Commission sought comment on the disclosure requirements associated with the Rule. 91 FR 15616. No relevant comments were received.

Pursuant to the OMB regulations, 5 CFR part 1320, that implement the PRA, 44 U.S.C. 3501 *et seq.,* the FTC is providing this second opportunity for public comment while seeking OMB approval to renew the pre-existing clearance for the information collection requirements associated with this Rule.

Your comment—including your name and your state—will be placed on the public record of this proceeding. Because your comment will be made public, you are solely responsible for making sure that your comment does not include any sensitive personal information, such as anyone's Social Security number; date of birth; driver's license number or other state identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, your comment should not include any ''trade secret or any commercial or financial information which . . . is privileged or confidential''—as provided by Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2)—including in particular competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

Josephine Liu,

Assistant General Counsel for Legal Counsel.

[FR Doc. 2026–12503 Filed 6–18–26; 8:45 am]

BILLING CODE 6750–01–P

[1] This estimate is updated from the prior estimate of $73,131,128 that was included in the 60-day **Federal Register** notice and is based on more current information from the Bureau of Labor Statistics. *See* Table 1. National employment and wage data from the Occupational Employment Statistics survey by occupation, May 2025, at *https://www.bls.gov/news.release/ocwage.t01.htm,* which was made publicly available on May 15, 2026.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2026–N–6402]

Epizyme, Inc.; Withdrawal of Approval of New Drug Application for TAZVERIK (Tazemetostat) Tablet, 200 Milligrams

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is withdrawing approval of new drug application (NDA) for TAZVERIK (tazemetostat) tablet, 200 milligrams (mg), held by Epizyme, Inc., an Ipsen Company (Epizyme), 1 Main St., Cambridge, MA 02142. Epizyme has voluntarily requested withdrawal of its NDA and has waived the expedited withdrawal procedures.

DATES: Approval is withdrawn as of June 22, 2026.

FOR FURTHER INFORMATION CONTACT: Kimberly Lehrfeld, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6250, Silver Spring, MD 20993–0002, 301–796–3137, *Kimberly.Lehrfeld@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: On January 23, 2020, FDA approved NDA 211723 for TAZVERIK (tazemetostat) tablet, 200 mg, for the treatment of adults and pediatric patients aged 16 years and older with metastatic or locally advanced epithelioid sarcoma not eligible for complete resection, under the Agency's accelerated approval pathway pursuant to section 506(c) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 356(c)) and 21 CFR 314.510. On June 18, 2020, FDA approved the following two new indications for TAZVERIK (tazemetostat) tablet, 200 mg,[1] also

[1] The indications approved for TAZVERIK (tazemetostat) tablet on June 18, 2020, were approved under a Type 9 NDA, 213400 (Manual of Policies and Procedures 5018.2 NDA Classification Codes). This NDA was administratively closed at approval and the indications and all regulatory requirements were inherited by the parent NDA, 211723. TAZVERIK (tazemetostat) tablets were only marketed with these indications under NDA 211723.

under the accelerated approval pathway pursuant to section 506(c) of the FD&C Act and § 314.510:

- Adult patients with relapsed or refractory follicular lymphoma whose tumors are positive for an EZH2 mutation as detected by an FDA-approved test and who have received at least 2 prior systemic therapies.
- Adult patients with relapsed or refractory follicular lymphoma who have no satisfactory alternative treatment options.

The accelerated approval of TAZVERIK (tazemetostat) tablet, 200 mg, for all three indications was subject to the requirement that Epizyme conduct postmarketing trials to verify and describe the clinical benefit.

On March 6, 2026, Epizyme notified FDA of an increased rate of second primary malignancies in the TAZVERIK (tazemetostat) tablet, 200 mg, arm of SYMPHONY–1 (EZH–302), the clinical trial required to confirm the clinical benefit of the two follicular lymphoma indications. SYMPHONY–1 evaluated TAZVERIK (tazemetostat) tablet, 200 mg, in combination with lenalidomide and rituximab (R^2) versus R^2 plus placebo in patients with relapsed or refractory follicular lymphoma. At the same time, Epizyme notified FDA that it was withdrawing TAZVERIK (tazmetostat) from marketing in the United States. FDA met with Epizyme on April 16, 2026, to discuss their plans for voluntary withdrawal of TAZVERIK (tazemetostat) tablet, 200 mg, from the U.S. market and voluntary withdrawal of approval of the NDA pursuant to 21 CFR 314.150(d). FDA also requested in follow-up correspondence sent on April 20, 2026, that Epizyme waive the expedited withdrawal procedures set forth in section 506(c)(3)(B) of the FD&C Act (21 U.S.C. 356(c)(3)(B)).

On April 30, 2026, Epizyme submitted a letter asking FDA to withdraw approval of NDA 211723 for TAZVERIK (tazemetostat) tablet, 200 mg, under § 314.150(d) and waiving the expedited withdrawal procedures set forth in section 506(c)(3)(B) of the FD&C Act.

For the reasons discussed above, including the increased rate of second primary malignancies in the confirmatory trial, and in accordance with the applicant's request, approval of NDA 211723 for TAZVERIK (tazemetostat) tablet, 200 mg, is withdrawn under § 314.150(d). Distribution of Epizyme's TAZVERIK (tazemetostat) tablet, 200 mg, into interstate commerce without an approved application is illegal and subject to regulatory action (see sections 505(a) and 301(d) of the FD&C Act (21 U.S.C. 355(a) and 331(d))).

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–12367 Filed 6–18–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

340B Rebate Model Pilot Program Application, Implementation, and Evaluation, Correction

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice; correction.

SUMMARY: HRSA published a 30-day **Federal Register** Notice (FRN) on June 15, 2026, related to the proposed Information Collection Request for the 340B Rebate Model Pilot Program Application, Implementation and Evaluation, which listed 793,080 as the number of total estimated responses. This Notice corrects the number of total responses to 793,091 to reflect inclusion of the 11 manufacturer Pilot Program Plan submissions.

FOR FURTHER INFORMATION CONTACT: Samantha Miller, the HRSA Information Collection Clearance Officer, at *paperwork@hrsa.gov* or call (301) 443–3983.

SUPPLEMENTARY INFORMATION:

Correction

In the **Federal Register** of June 15, 2026, FR Doc. 2026–11989, page 35991, correct the total responses in ''Table 1: Total Annualized Burden Hours'' to 793,091.

Maria G. Button,

Director, Executive Secretariat.

[FR Doc. 2026–12442 Filed 6–18–26; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7109–N–10; OMB Control No.: 2577–0295]

60–Day Notice of Proposed Information Collection: Restriction on Assistance to Noncitizens and Authorization To Release Information/ Privacy Act

AGENCY: Office of the Assistant Secretary for Public and Indian Housing (PIH), HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* August 21, 2026.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal.

Written comments and recommendations for the proposed information collection can be sent within 60 days of publication of this notice to *www.regulations.gov.* Interested persons are also invited to submit comments regarding this proposal and comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Eva Fulton, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Eva Fulton, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email Eva Fulton at *PIH-PRAPublicComments@hud.gov;* telephone (202) 402–5847. This is not a toll-free number. HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit *https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs.* Copies of available documents submitted to OMB may be obtained from Eva Fulton.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the

information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Restriction on Assistance to Noncitizens and Authorization to Release Information/Privacy Act.

OMB Approval Number: 2577–0295.

Type of Request: Extension of currently approved collection.

Form Number: HUD–9886–A.

Description of the need for the information and proposed use: This is a request for an extension of a currently approved collection for HUD to require applicants and tenants to sign form HUD–9886–A. The information collected will assist public housing agencies (PHAs) in eligibility determinations for applicable HUD-assisted housing programs and assist HUD in managing and monitoring these programs. Applicants and tenants applying for or receiving assistance in the Housing Choice Voucher and Public Housing Programs are required to sign the Authorization for the Release of Information/Privacy Act Notice—Public and Indian Housing form HUD–9886.

Further, section 214 of the Housing and Community Development Act of 1980, as amended (42 U.S.C. 1436a), prohibits HUD from making financial assistance available to persons who are ineligible for assistance with respect to citizenship or non-citizen immigration status and applies to both applicants for assistance and persons already receiving assistance under: (1) section 235 of the National Housing Act (the Section 235 Program); (2) section 236 of the National Housing Act (tenants paying below market rent only) (the Section 236 Program); (3) section 101 of the Housing and Urban Development Act of 1965 (the Rent Supplement Program); and the United States Housing Act of 1937—(i) HUD's Public Housing Programs; (ii) Section 8 Housing Assistance Programs; and (iii) the Housing Development Grant Programs (with respect to low income units only).

Respondents: Public Housing Agencies.

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
Restriction on Assistance to Noncitizens*							
New tenant admissions in Public & Indian Housing and Section 8 Programs	3,645	23	83,835	0.16	13,413.60	$30.49	$408,980.66
Annual recertification of tenants' eligible immigration status in Public & Indian Housing and Section 8 Programs	3,645	11	40,095	0.08	3,207.60	30.49	97,799.72
Subtotal	[1] *3,645*	*34*	*123,930*	*0.24*	*16,621.20*	*30.49*	*506,780.39*
Authorization of Release of Information/Privacy Act**							
New tenant admissions of adult members in Public Housing and Housing Choice Voucher Programs	144,920	1	144,920	0.16	23,187.20	30.49	706,977.73
Execution of form HUD–9886–A by household members that turn 18 years old	36,488	1	36,488	0.08	2,919.04	30.49	89,001.53
Subtotal	*181,408*	*2*	*181,408*	*0.24*	*26,106.24*	*30.49*	*795,979.26*
Total	185,053	36	305,338	0.48	42,727.44	30.49	1,302,759.65

Data is from HUD's Inventory Management System/PIH Information Center (IMS/PIC).

* For Restriction on Assistance to Noncitizens, data is from FY 2022, 2023, and 2024 averages. New tenants that are citizens or have permanent eligible immigration status must submit verification only once.

** For Authorization of Release of Information/Privacy Act, the data is from CY 2024. Note: Prior to January 1, 2024, participants signed and submitted consent forms at each regularly scheduled income reexamination. On or after January 1, 2024, a participant must sign and submit consent forms at their next interim or regularly scheduled income reexamination. After all applicants or participants over the age of 18 in a family have signed and submitted a consent form once on or after January 1, 2024, family members do not need to sign and submit subsequent consent forms at the next interim or regularly scheduled income examination except under the following circumstances: (i) When any person 18 years or older becomes a member of the family, that family member must sign and submit a consent form; (ii) When a member of the family turns 18 years of age, that family member must sign and submit a consent form; or (iii) As required by HUD or the PHA in administrative instructions.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

[1] Since the respondents for both information collections related to Restriction on Assistance to Noncitizens are not unique, the subtotal remains at 3,645.

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

C. Authority

Section 2 of the Paperwork Reduction Act of 1995, 44 U.S.C. 3507.

Eva Fulton,

Acting Director, Office of Policy, Program, and Legislative Initiatives.

[FR Doc. 2026–12348 Filed 6–18–26; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Geological Survey

[Docket No. USGS–FACA–2026; GX25GK009970000]

Public Meeting of the Advisory Committee on Landslides

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act (FACA) of 1972, the U.S. Geological Survey (USGS) is publishing this notice to announce that a Federal Advisory Committee meeting of the Advisory Committee on Landslides (ACL) will take place and is open to members of the public.

DATES:

Meeting: The ACL will meet via web conference on Tuesday, June 30, 2025, from 1:00 p.m. to 5:00 p.m. Eastern Daylight Time.

Registration: Registration to attend or participate in the meeting is required. To register, please contact the Designated Federal Officer (DFO) (see **FOR FURTHER INFORMATION CONTACT**).

ADDRESSES: The meeting on June 30, 2026, will be held via web conference. Members of the public may attend the meeting via web conference. Comments can be sent to the DFO (see **FOR FURTHER INFORMATION CONTACT**). The meeting is open to the public.

FOR FURTHER INFORMATION CONTACT: Dr. Jonathan Godt, Landslide Hazards Program Coordinator, Natural Hazards Mission Area, USGS, by email at *jgodt@usgs.gov;* or by telephone at (303) 905–9468.

Individuals in the United States who are deaf, blind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of the FACA of 1972 (5 U.S.C. Ch. 10), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR part 102–3.

The ACL is composed of no fewer than 11 members, appointed by the Secretary of the Interior, who are selected for their established qualifications in landslide hazard and risk or related fields, records of distinguished service in their professional community, knowledge of issues affecting the National Landslide Hazards Reduction Program (NLHRP), and to represent a cross-section of views and expertise, including a range of geographies and communities impacted by landslide hazards in the United States.

Purpose of the Meeting: The ACL provides advice and recommendations to the Secretary of the Interior through the Interagency Coordinating Committee on Landslide Hazards on implementation of the National Landslide Hazards Reduction Program. Additional information about the ACL is available at the ACL's website: *https://www.usgs.gov/programs/landslide-hazards/advisory-committee-landslides-acl.*

The purpose of the meeting is for the ACL to discuss agency activities under the National Landslide Hazards Reduction Program; receive preliminary interagency feedback on the 2026 ACL recommendations report; and provide input to guide tasking of new subcommittees to support future recommendations for Program implementation. Agendas may change to accommodate ACL business. Final agendas will be posted on the ACL website at *https://www.usgs.gov/programs/landslide-hazards/advisory-committee-landslides-acl.*

Members of the public wishing to participate in the web conference meeting should contact the DFO (see **FOR FURTHER INFORMATION CONTACT**) at least three (3) business days prior to the meeting. After pre-registering, participants will be provided with instructions on how to join via web conference.

Meeting Accessibility/Special Accommodations: Please make requests in advance for sign language interpreter services, assistive listening devices, or other reasonable accommodations. We ask that you contact the DFO (see **FOR FURTHER INFORMATION CONTACT**) at least seven (7) business days prior to the meeting to give the USGS sufficient time to process your request. All reasonable accommodation requests are managed on a case-by-case basis.

Public Disclosure of Comments: There will be an opportunity for public comment during the meeting. Depending on the number of people who wish to speak and the time available, the time for individual oral comments may be limited. Written comments may also be sent to the ACL for consideration. To allow for full consideration of information by the ACL members, written comments must be provided to Jonathan Godt (see **FOR FURTHER INFORMATION CONTACT**) at least three (3) business days prior to the meeting. Individuals who wish to expand upon their oral statements, those who had wished to speak but could not be accommodated, and those who were unable to participate are invited to submit written statements by email to Jonathan Godt (see **FOR FURTHER INFORMATION CONTACT**).

Before including your address, phone number, email address, or other personally identifiable information (PII) in your comment, be aware that your entire comment—including your PII—may be made publicly available at any time. While you may ask us in your comment to withhold your PII from public review, we cannot guarantee that we will be able to do so.

Authority: 5 U.S.C. Ch. 10.

Brian D. Kimbrell,

Federal Register Liaison, U.S. Department of the Interior, Office of the Chief Information Officer.

[FR Doc. 2026–12347 Filed 6–18–26; 8:45 am]

BILLING CODE 4388–11–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7230; NPS–WASO–NAGPRA–NPS0043003; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Mississippi Department of Archives and History, Jackson, MS

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and

Repatriation Act (NAGPRA), the Mississippi Department of Archives and History (MDAH) has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after July 22, 2026.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Jaquelin Padilla, NAGPRA Coordinator, Mississippi Department of Archives and History, Historic Preservation Division, 100 South State Street, P.O. Box 571, Jackson, MS 39205, email *jpadilla@mdah.ms.gov.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Mississippi Department of Archives and History, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, one individual, have been identified from 22HI859 (Asylum Hill). The five lots of associated funerary objects are one lot of coffin wood, one lot of coffin nails, one lot of coffin screws, one lot of buttons, and one copper alloy ring.

The human remains and the five lots of associated funerary objects were removed from the University of Mississippi Medical Center (UMMC) site, 22HI859, also known as ''Asylum Hill'' between 2022 to 2023. These human remains and the five lots of associated funerary objects were transferred to MDAH in 2024.

There were no known potentially hazardous substances used to treat any of the human remains or associated funerary objects.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains and associated funerary objects described in this notice.

Determinations

The Mississippi Department of Archives and History has determined that:

- The human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- The five lots of objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Jena Band of Choctaw Indians; Mississippi Band of Choctaw Indians; and The Choctaw Nation of Oklahoma.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after July 22, 2026. If competing requests for repatriation are received, the Mississippi Department of Archives and History must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The Mississippi Department of Archives and History is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: June 12, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–12377 Filed 6–18–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7235; NPS–WASO–NAGPRA–NPS0043008; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: U.S. Department of the Interior, Bureau of Land Management, Lakeview, OR

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the U.S. Department of the Interior, Bureau of Land Management (BLM) has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after July 22, 2026.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to James Todd Forbes, Lakeview District Manager, BLM, 1301 S G Street, Lakeview, OR 97630, email *tforbes@blm.gov.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the BLM, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least three individuals have been identified. The four associated funerary objects consist of one lot of large non-human bones (associated with eight of the human elements), one lot of basketry material, one small broken stick and one lot of unidentifiable and non-human long bone fragments associated with one human radius. In 1967, Steven Bedwell excavated Connley Cave #3, Fort Rock, Lake County, OR. Materials were curated at the University of Oregon Museum and Natural and Cultural History. The excavation resulted in the collection of nine elements of human bone representing at least three

individuals identified during faunal analysis and four associated funerary objects.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains and associated funerary objects described in this notice.

Determinations

The BLM has determined that:

- The human remains described in this notice represent the physical remains of at least three individuals of Native American ancestry.
- The four objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Burns Paiute Tribe; Confederated Tribes of the Warm Springs Reservation of Oregon; Fort Bidwell Indian Community of the Fort Bidwell Reservation of California; and the Klamath Tribes.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after July 22, 2026. If competing requests for repatriation are received, the BLM must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The BLM is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: June 12, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–12382 Filed 6–18–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7241; NPS–WASO–NAGPRA–NPS0043015; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: The Metropolitan Museum of Art, New York, NY

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), The Metropolitan Museum of Art has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribe in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after July 22, 2026.

ADDRESSES: Send written requests for repatriation of the human remains in this notice to Jennifer Day, NAGPRA Coordinator & Community Liaison, The Metropolitan Museum of Art, 1000 Fifth Avenue, New York, NY 10028, email *Jennifer.day@metmuseum.org.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of The Metropolitan Museum of Art, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, one individual have been identified. No associated funerary objects are present.

The human remains were used to fashion a flute (former Met accession number 1979.296.401). (H. 13 x Diam. 2.5 inch.). The flute had been identified as fashioned from animal bone until consultation between the Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, California (SYBCI) and The Metropolitan Museum of Art in December 2024, during which it was determined that the flute was fashioned from an Ancestral human remain. The flute is light raw sienna in color with white pearls, a large circle formed of three concentric rings of haliotis shell inlay, a band of shell beads above the mouthpiece, and conch shell.

The flute was reportedly excavated in Arroyo Sequit, near Malibu, California, which runs through both Ventura and Los Angeles counties. There is no official site number. This location reasonably identifies the human remains as Chumash in origin. The item was loaned by Nelson A. Rockefeller to The Museum of Primitive Art, New York, in 1955, and given by bequest to The Metropolitan Museum of Art in 1979; Mr. Rockefeller acquired the item in 1955 from Stendahl Galllery, New York and Los Angeles.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains described in this notice.

Determinations

The Metropolitan Museum of Art has determined that:

- The human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- There is a connection between the human remains described in this notice and the Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, California.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains described in this notice to a requestor may occur on or after July 22, 2026. If competing requests for repatriation are received, The Metropolitan Museum of Art must determine the most

appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. The Metropolitan Museum of Art is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: June 12, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–12388 Filed 6–18–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7236; NPS–WASO–NAGPRA–NPS0043009; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: School of Social Science and Global Studies, University of Southern Mississippi, Hattiesburg, MS

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Southern Mississippi (USM) has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after July 22, 2026.

ADDRESSES: Send written requests for repatriation of the human remains in this notice to Marie Elaine Danforth, Professor, School of Social Science and Global Studies, University of Southern Mississippi, 118 College Drive #5108, Hattiesburg, MS 39406–0001, email *m.danforth@usm.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the USM and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, one individual has been identified. No associated funerary objects are present. The remains consist of a single, well-preserved cranium and mandible that were given to USM by a local community member in 2015 who in turn had been given the ancestor by a retired doctor. The only provenience information provided was that the ancestor was recovered at a mound near Millry in Washington County, AL. Although no burial sites have been reported in the area, the community is near a historic Choctaw treaty line.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains.

Determinations

USM has determined that:

- The human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- There is a connection between the human remains described in this notice and the Alabama-Quassarte Tribal Town; Coushatta Tribe of Louisiana; Mississippi Band of Choctaw Indians; Seminole Tribe of Florida; and The Choctaw Nation of Oklahoma.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains described in this notice to a requestor may occur on or after July 22, 2026. If competing requests for repatriation are received, USM must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. USM is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: June 12, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–12383 Filed 6–18–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7238; NPS–WASO–NAGPRA–NPS0043011; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Kalamazoo Valley Museum, Kalamazoo, MI

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Kalamazoo Valley Museum intends to repatriate certain cultural items that meet the definition of objects of cultural patrimony and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after July 22, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Regina Gorham, Collections Manager for the Kalamazoo Valley Museum, 230 N Rose Street, Kalamazoo, MI 49007, email *rgorham@kvcc.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Kalamazoo Valley Museum, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of two cultural items have been requested for repatriation. The two objects of cultural patrimony are a net sinker and a comb. The comb was collected by Donald O. Boudeman. He

collected from all over the United States, and with anything connected to Alaska, he frequented Whalen's Curio Shop in Los Angeles, CA. It was donated to the museum following Donald's death via his widow, Donna, in 1955.

The net sinker was found by donor Alan Jager when he was working in Point Barrow, AK as a contractor for the United Geophysical Company and the Arctic Contractors searching for oil deposits. It was found between June and September of 1949 and donated to the museum in March of 1950.

Determinations

The Kalamazoo Valley Museum has determined that:

- The two objects of cultural patrimony described in this notice have ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision), according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization.
- There is a connection between the cultural items described in this notice and the Native Village of Barrow Inupiat Traditional Government.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after July 22, 2026. If competing requests for repatriation are received, the Kalamazoo Valley Museum} must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The Kalamazoo Valley Museum is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: June 12, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–12385 Filed 6–18–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7242; NPS–WASO–NAGPRA–NPS0043016; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: University of Alabama Museums, Tuscaloosa, AL

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Alabama Museums intends to repatriate certain cultural items that meet the definition of unassociated funerary objects and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after July 22, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Dr. William Bomar, Executive Director, University of Alabama Museums, Box 870340, Tuscaloosa, AL 35487, email *bbomar@ua.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the University of Alabama Museums, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of 69 lots of cultural items have been requested for repatriation with letters of support from the Alabama-Coushatta Tribe of Texas and the Jena Band of Choctaw Indians. The 69 lots of unassociated funerary objects are ground stone, bone needle, worked stone, bone awl, lithic, complete ceramic vessel, bird points, faunal bone, discoidal, pebble hammer, shell, and ceramics.

During February to March 1940, 69 lots of unassociated funerary objects were excavated and removed from Site 1Tu500, the Moundville site, during the Administration Building excavation. The Administration Building excavation comprised a 50 x 55 ft excavation unit and included five structures (S–1 to S–5), nine firebasins (F–1 to F–9), and 13 burials (2907–2919). Of the five structures within this unit only three contained burials (S–2, S–3, and S–5). The unassociated funerary objects were identified through a set of criteria where artifacts found in structures containing burials or artifacts found within the same excavation square as a burial were determined to be unassociated funerary objects.

Moundville, a large mound complex on the banks of the Black Warrior River whose occupation spans the Late Woodland and the West Jefferson phase through the Moundville I, II, and III phases, and terminates in the Late Mississippian/Protohistoric Moundville IV phase, has been the subject of two centuries of archaeological inquiry.

Determinations

The University of Alabama Museums has determined that:

- The 69 lots of unassociated funerary objects described in this notice are reasonably believed to have been placed intentionally with or near human remains, and are connected, either at the time of death or later as part of the death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. The unassociated funerary objects have been identified by a preponderance of the evidence as related to human remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.
- There is a connection between the cultural items described in this notice and the Alabama-Quassarte Tribal Town; Coushatta Tribe of Louisiana; Mississippi Band of Choctaw Indians; Seminole Tribe of Florida; The Chickasaw Nation; The Choctaw Nation of Oklahoma; The Muscogee (Creek) Nation; and The Seminole Nation of Oklahoma.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or

Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after July 22, 2026. If competing requests for repatriation are received, the University of Alabama Museums must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The University of Alabama Museums is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: June 12, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–12389 Filed 6–18–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7237; NPS–WASO–NAGPRA–NPS0043010; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Hudson Museum, University of Maine, Orono, ME

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Hudson Museum, University of Maine intends to repatriate certain cultural items that meet the definition of objects of cultural patrimony and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after July 22, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to A. Sky Heller, Hudson Museum, University of Maine, 5746 Collins Center for the Arts, Orono, ME 04469–5746, email *amber.sky.heller@maine.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Hudson Museum, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of five cultural items have been requested for repatriation. The five objects of cultural patrimony are a Chilkat Blanket, a Chilkat Shirt, a Song Leader Staff, a Potlatch Ring Hat, and a Mask.

The Chilkat Blanket (HM5475) was collected by Morton D. May from an unknown source. The piece was acquired by William P. Palmer III from Morton D. May through Stendahl Galleries, Los Angeles, and subsequently bequeathed to the University of Maine in 1982.

The Chilkat Shirt (HM3224) was acquired by William P. Palmer, III from Morton D. May through Stendahl Galleries, Los Angeles. It is not known where or when May acquired the shirt, however it is listed as having been made c.1925. This shirt was among collections bequeathed by William P. Palmer III in 1982 to the University of Maine. Eagle and bear motifs on the shirt associate it with the Kagwantan Tlingit. The tunic has been attributed to Tlingit weaver Annie Klaney (1882–1965) or Jenny Thlunaut (1891–1986).

The Song Leader Staff (HM4562) was purchased by George Gustav Heye from an unknown source c. 1906 and bears a Heye Foundation catalog number of 7807. On March 15, 1967, the staff was exchanged by the Heye Foundation to Morton D. May. It was likely acquired by William P. Palmer III from Stendahl Galleries, Los Angeles and bequeathed to the University of Maine in 1982.

The Potlatch Ring Hat (HM5519) was formerly in the Collection of Belle Simpson. It was acquired by Morton D. May at an unknown date and subsequently acquired by William P. Palmer III from Morton D. May through Stendahl Galleries, Los Angeles. It was bequeathed by William P. Palmer III to the University of Maine in 1982.

The Mask (HM5485) was published in *Indian Art of the United States,* p.12, Fig. 1 (1941) and listed as being in the Collection of Walter Waters, Wrangell, Alaska. It was acquired by Wolfgang Paalen from Walter C. Waters after 1941 and before 1943 when it was published in *Dyn: The Review of Modern Art–4–5, Amerindian Number.* It was acquired by William P. Palmer III from Proctor Stafford in Los Angeles c.1970 and bequeathed to the University of Maine in 1982.

Determinations

The Hudson Museum, University of Maine has determined that:

- The five objects of cultural patrimony described in this notice have ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision), according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization.
- There is a connection between the cultural items described in this notice and the Central Council of the Tlingit & Haida Indian Tribes.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after July 22, 2026. If competing requests for repatriation are received, the Hudson Museum, University of Maine must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The Hudson Museum, University of Maine is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: June 12, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–12384 Filed 6–18–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7239; NPS–WASO–NAGPRA–NPS0043012; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Fort Lewis College, Durango, CO

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), Fort Lewis College intends to repatriate certain cultural items that meet the definition of sacred objects/objects of cultural patrimony and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after July 22, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Amy Cao, Fort Lewis College, 1000 Rim Drive, Durango, CO 81301, email *arcao@fortlewis.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of Fort Lewis College, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of 65 cultural items have been requested for repatriation. The 65 sacred objects/objects of cultural patrimony are beadwork, basketry, a rattle, bows, and medicine kit. Items were acquired by Fort Lewis College, Center of Southwest Studies between the 1960s and early-2000s. Based on consultation and collection documentation, the majority of items were compiled and cataloged by Homer Root from regional collectors including Helen Sloan Daniels, W.D. Ewing, E.E. Mckean, Anita Russell, Laura Zink, Alfred M. Camp, Anthony DiFerdinando, W.B. Turner, and others. These are Ute/Southern Ute items from the Durango and surrounding regional area.

Determinations

Fort Lewis College has determined that:

- The 65 sacred objects/objects of cultural patrimony described in this notice are, according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization, specific ceremonial objects needed by a traditional Native American religious leader for present-day adherents to practice traditional Native American religion, and have ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision).
- There is a connection between the cultural items described in this notice and the Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after July 22, 2026. If competing requests for repatriation are received, Fort Lewis College must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. Fort Lewis College is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: June 12, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–12386 Filed 6–18–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7249; NPS–WASO–NAGPRA–NPS0043023; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Murray State University Archaeology Laboratory, Murray, KY

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Murray State University Archaeology Laboratory has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after July 22, 2026.

ADDRESSES: Send written requests for repatriation of the human remains in this notice to Anthony Ortmann, Murray State University Archaeology Laboratory, 334 Blackburn Sciences Building, Murray State University, Murray, KY 42071, email *aortmann@murraystate.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Murray State University Archaeology Laboratory, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing at least one individual have been identified. No associated funerary objects are present. On an unknown date in 1991, these remains were removed from site 15Ba105 in Ballard County, KY. These human remains were removed during an archaeological survey conducted by Mid-Continental Research Associates, Inc. and transferred to the Murray State University Archaeology Laboratory in 1992. The age of the site is unknown. No known individuals were identified. There is no known exposure to hazardous substances.

Cultural Affiliation

Based on the information available and the results of consultation, cultural

affiliation is reasonably identified by the geographical location of the human remains described in this notice.

Determinations

The Murray State University Archaeology Laboratory has determined that:

- The human remains described in this notice represent the physical remains of at least one individual of Native American ancestry.
- There is a connection between the human remains described in this notice and the Shawnee Tribe and The Chickasaw Nation.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains described in this notice to a requestor may occur on or after July 22, 2026. If competing requests for repatriation are received, the Murray State University Archaeology Laboratory must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. The Murray State University Archaeology Laboratory is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: June 12, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–12396 Filed 6–18–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7234; NPS–WASO–NAGPRA–NPS0043007; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: U.S. Department of the Interior, Bureau of Land Management, Oregon/Washington State Office, Roseburg District Office, Roseburg, OR

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the U.S. Department of the Interior, Bureau of Land Management, Oregon/Washington State Office, Roseburg District Office (BLM) has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after July 22, 2026.

ADDRESSES: Send written requests for repatriation of the human remains in this notice to Heather L. Whitman, Roseburg District Manager, 777 NW Garden Valley Boulevard, Roseburg OR 97471, email *hwhitman@blm.gov.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the BLM, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing at least one individual have been identified. No associated funerary objects are present. The remains consist of a fragmented maxilla and a combination of 18 human and faunal teeth. These remains are currently being held by Roseburg District BLM. The remains were removed from their burial location near Elk Grove, California during a field school excavation in the 1960's. The excavator retained the remains, and they were later passed onto a relative. The relative turned them over to the BLM Roseburg District in 2012 seeking assistance to return the remains to the appropriate Tribe. There are no known hazardous substances used on the remains.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains described in this notice.

Determinations

The BLM Roseburg District has determined that:

- The human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- There is a connection between the human remains described in this notice and the Buena Vista Rancheria of Me-Wuk Indians of California; California Valley Miwok Tribe, California; Chicken Ranch Rancheria of Me-Wuk Indians of California; Ione Band of Miwok Indians of California; Jackson Band of Miwuk Indians; United Auburn Indian Community of the Auburn Rancheria of California; and the Wilton Rancheria, California.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains described in this notice to a requestor may occur on or after July 22, 2026. If competing requests for repatriation are received, the BLM Roseburg District must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. The BLM Roseburg District is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: June 12, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–12381 Filed 6–18–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7244; NPS–WASO–NAGPRA–DTSNUMBER; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: American Museum of Natural History, New York, NY

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the American Museum of Natural History intends to repatriate a certain cultural item that meets the definition of an object of cultural patrimony and that has a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural item in this notice may occur on or after July 22, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural item in this notice to Nell Murphy, American Museum of Natural History, 200 Central Park West, New York, NY 10024, email *nmurphy@amnh.org.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the American Museum of Natural History, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of one cultural item has been requested for repatriation. The one object of cultural patrimony is a wooden mask. The mask was accessioned by the Museum in 1903 and is described in Museum records as being used for maternity rites. The collector, Harriet Maxwell Converse, was a Euro-American folklorist and historian who was born in in Elmira, New York, in 1936. Converse was an avid collector of Iroquois objects and persuaded Tribes to transfer historic objects to the state museum in Albany for preservation. She also inherited a family collection from her father and grandfather. Museum records state that the requested mask is Oneida and was collected from the United States. The original date and place of collection is unknown, though Converse's collection activities primarily occurred within the state of New York.

While it no longer does so, in the past, the Museum applied potentially hazardous pesticides to items in the collections. Museum records do not list specific objects treated or which of several chemicals used were applied to a particular item. Therefore, those handling this material should follow the advice of industrial hygienists or medical personnel with specialized training in occupational health or with potentially hazardous substances.

Determinations

The American Museum of Natural History has determined that:

- The one object of cultural patrimony described in this notice have ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision), according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization.
- There is a connection between the cultural item described in this notice and the Oneida Indian Nation.

Requests for Repatriation

Additional, written requests for repatriation of the cultural item in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural item in this notice to a requestor may occur on or after July 22, 2026. If competing requests for repatriation are received, the American Museum of Natural History must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural item are considered a single request and not competing requests. The American Museum of Natural History is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: June 12, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–12391 Filed 6–18–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7243; NPS–WASO–NAGPRA–NPS0043017; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Diablo Valley College, Pleasant Hill, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), Diablo Valley College intends to repatriate certain cultural items that meet the definition of unassociated funerary objects and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after July 22, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Marta Gillen, Diablo Valley College, 321 Golf Club Road, Pleasant Hill, CA 94523, email *nagpra@dvc.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Diablo Valley College, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of four cultural items have been requested for repatriation. Of the four unassociated funerary objects, two are missing. On July 3, 1964, DeSoto removed the unassociated funerary objects from Frankin Indian Burial Ground or Franklin Mound in Contra Costa County, California. On an

unknown date, these items were donated the Diablo Valley College.

Determinations

Diablo Valley College has determined that:

- The four unassociated funerary objects described in this notice are reasonably believed to have been placed intentionally with or near human remains, and are connected, either at the time of death or later as part of the death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. The unassociated funerary objects have been identified by a preponderance of the evidence as related to human remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.
- There is a connection between the cultural items described in this notice and the Wilton Rancheria, California.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after July 22, 2026. If competing requests for repatriation are received, Diablo Valley College must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. Diablo Valley College is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: June 12, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–12390 Filed 6–18–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7246; NPS–WASO–NAGPRA–NPS0043020; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Murray State University Archaeology Laboratory, Murray, KY

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Murray State University Archaeology Laboratory has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after July 22, 2026.

ADDRESSES: Send written requests for repatriation of the human remains in this notice to Anthony Ortmann, Murray State University Archaeology Laboratory, 334 Blackburn Sciences Building, Murray State University, Murray, KY 42071, email *aortmann@murraystate.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Murray State University Archaeology Laboratory, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing at least one individual have been identified. No associated funerary objects are present. On an unknown date in 1968, these remains were removed from the Savage Cave site (15Lo11) in Logan County, KY. These remains were transferred to the Murray State University Archaeology Laboratory sometime in the early 1980s. No known individuals were identified. There is no known exposure to hazardous substances.

Human remains representing at least two individuals have been identified. No associated funerary objects are present. On an unknown date, these remains were removed from the Savage Cave site (15Lo11) in Logan County, KY. These remains were transferred from the University of Tennessee, Knoxville to the Murray State University Archaeology Laboratory sometime in the early 1980s. No known individuals were identified. There is no known exposure to hazardous substances.

Human remains representing at least two individuals have been identified. No associated funerary objects are present. On an unknown date in the late 1960s, these remains were removed from the Savage Cave site (15Lo11) in Logan County, KY. These remains were excavated by archaeologists at the Carnegie Museum and donated to the Murray State University Archaeology Laboratory sometime in the early 1980s. No known individuals were identified. There is no known exposure to hazardous substances.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location of the human remains described in this notice.

Determinations

The Murray State University Archaeology Laboratory has determined that:

- The human remains described in this notice represent the physical remains of at least five individuals of Native American ancestry.
- There is a connection between the human remains described in this notice and the Cherokee Nation; Eastern Band of Cherokee Indians; and The Osage Nation.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains described in this notice to a requestor may occur on or after July 22, 2026. If competing requests for repatriation are received, the Murray State University Archaeology Laboratory must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not

competing requests. The Murray State University Archaeology Laboratory is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

*Authority:*Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: June 12, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–12393 Filed 6–18–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7245; NPS–WASO–NAGPRA–NPS0043019; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: University of Pennsylvania Museum of Archaeology and Anthropology, Philadelphia, PA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Pennsylvania Museum of Archaeology and Anthropology (Penn Museum) has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after July 22, 2026.

ADDRESSES: Send written requests for repatriation of the human remains in this notice to Dr. Christopher Woods, Williams Director, University of Pennsylvania Museum of Archaeology and Anthropology, 3260 South Street, Philadelphia, PA 19104–6324, email *director@pennmuseum.org.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Penn Museum, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of information available

Human remains representing, at least, one individual has been identified. No associated funerary objects are present. This individual is represented by a cranium and mandible, and is identified as an adult female.

At an unknown date prior to 1835, human remains representing, at minimum, one individual, identified in published sources and museum records as Quinnipiac, Mohegan, were removed by Edward C. Herrick, a librarian (1843–1858) and Treasurer (1852–1862) at Yale College Library, from a burial ground at Fort Hill in East Haven, Connecticut. By 1839, Mr. Herrick transferred the human remains to Dr. Samuel G. Morton in Philadelphia for inclusion in his collection of human crania from around the world which was centered and housed at the Academy of Natural Sciences of Philadelphia (ANSP) (now the Academy of Natural Sciences of Drexel University) (PM# 97–606–26).

In 1853, the ANSP purchased Morton's collection from his estate, including the human remains described above. In 1966, Dr. Morton's collection was loaned to the Penn Museum, and in 1997, the collection was formally gifted to the Penn Museum. There is no known presence of any potentially hazardous substances.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is clearly identified by the information available about the human remains described in this notice.

Determinations

The Penn Museum has determined that:

- The human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- There is a connection between the human remains described in this notice and the Mashantucket Pequot Indian Tribe and the Mohegan Tribe of Indians of Connecticut.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains described in this notice to a requestor may occur on or after July 22, 2026. If competing requests for repatriation are received, the Penn Museum must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. The Penn Museum is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

*Authority:*Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: June 12, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–12392 Filed 6–18–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7231; NPS–WASO–NAGPRA–NPS0043004; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Ball State University, Muncie, IN

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Ball State University intends to repatriate certain cultural items that meet the definition of objects of cultural patrimony and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after July 22, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Chyan Gilaspy, Ball State University, Applied Anthropology Laboratories, 2000 W Riverside Avenue, Muncie, IN 47306, email *NAGPRA@bsu.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Ball State

University and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of five cultural items have been requested for repatriation. The five objects of cultural patrimony are one tomahawk aka war club, one pair of child's moccasins, and three beaded pouches. The tomahawk (catalog number 1938.500.150) is listed as a ''Sioux Tomahawk'' and was purchased from William Shrawder in 1938 or 1942. Records indicate the tomahawk was used in the Battle of Little Bighorn. It is unknown where and how Shrawder acquired the item. The three beaded pouches (catalog numbers 1975.017.027B, E, and F) are listed as ''Santee Sioux'' and were donated to the institution by a private donor in 1975, who acquired the items at an unknown date and location. The child's moccasins (catalog number 2018.051.022A–B) were donated to the institution by a private donor in 2018. The donor purchased the moccasins on 3/9/2014 from Allard Auction's ''American Indian & Related Artifacts & Art—Big Spring Phoenix Auction 2014'' Lot 768. They were described as ''Sioux, Dakotas'' in the listing. Ball State University has no records indicating these cultural items were treated with any potentially hazardous substances, however, requested XRF testing will be performed and all results will be given to the requesting Tribal Nation.

Determinations

The Ball State University has determined that:

- The five objects of cultural patrimony described in this notice have ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision), according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization.
- There is a connection between the cultural items described in this notice and the Flandreau Santee Sioux Tribe of South Dakota.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after July 22, 2026. If competing requests for repatriation are received, the Ball State University must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The Ball State University is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: June 12, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–12378 Filed 6–18–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7247; NPS–WASO–NAGPRA–NPS0043021; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Murray State University Archaeology Laboratory, Murray, KY

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Murray State University Archaeology Laboratory has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after July 22, 2026.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Anthony Ortmann, Murray State University Archaeology Laboratory, 334 Blackburn Sciences Building, Murray State University, Murray, KY 42071, email *aortmann@murraystate.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Murray State University Archaeology Laboratory, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing at least one individual have been identified. No associated funerary objects are present. In July of 1989 these remains were removed from the Crawford Lake site (15McN18) in McCracken County, KY. These human remains were removed during archaeological investigations by the University of Illinois as part of their Western Kentucky Project and transferred to the Murray State University Archaeology Laboratory sometime between 2001 and 2005. The human remains from the Crawford Lake site likely date to the Mississippi Period (A.D. 1000–1600). No known individuals were identified. There is no known exposure to hazardous substances.

Human remains representing at least one individual have been identified. No associated funerary objects are present. On an unknown date in the 1970s, these remains were looted from an unnamed and unnumbered site in Calloway County, KY. These remains were donated to the Murray State University Archaeology Laboratory in 2003. The age of the site is unknown. No known individuals were identified. There is no known exposure to hazardous substances.

Human remains representing at least five individuals have been identified. No associated funerary objects are present. On an unknown date in the 1970s, these remains were looted from the Backusburg site (15Cw65) in Calloway County, KY. These remains were donated to the Murray State University Archaeology Laboratory in 2003. The human remains from the Backusburg site likely date to the Mississippi Period (A.D. 1000–1600). No known individuals were identified. There is no known exposure to hazardous substances.

Human remains representing at least one individual have been identified. The four associated funerary objects include one plainware bowl, one fired

clay ball, one shell spoon, and one piece of polished stone. On an unknown date in the 1970s, these remains were looted from the Backusburg site (15Cw65) in Calloway County, KY. These remains were donated to the Murray State University Archaeology Laboratory in 2016. The human remains from the Backusburg site likely date to the Mississippi Period (A.D. 1000–1600). No known individuals were identified. There is no known exposure to hazardous substances.

Human remains representing at least one individual have been identified. No associated funerary objects are present. On an unknown date in the 1980s, these remains were removed from the Running Slough site (15Fu67) in Fulton County, KY. Archaeological research at the Running Slough site was undertaken by the University of Illinois as part of their Western Kentucky Project. These human remains were transferred to the Murray State University Archaeology Laboratory in 2001. No known individuals were identified. There is no known exposure to hazardous substances.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location of the human remains and associated funerary objects described in this notice.

Determinations

The Murray State University Archaeology Laboratory has determined that:

- The human remains described in this notice represent the physical remains of at least nine individuals of Native American ancestry.
- The four objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and The Chickasaw Nation.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after July 22, 2026. If competing requests for repatriation are received, the Murray State University Archaeology Laboratory must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The Murray State University Archaeology Laboratory is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: June 12, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–12394 Filed 6–18–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7232; NPS–WASO–NAGPRA–NPS0043005; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Robert S. Peabody Institute of Archaeology, Andover, MA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Robert S. Peabody Institute of Archaeology intends to repatriate certain cultural items that meet the definition of unassociated funerary objects and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after July 22, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Ryan Wheeler, Robert S. Peabody Institute of Archaeology, 180 Main Street, Andover, MA 01810, email *rwheeler@andover.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Robert S. Peabody Institute of Archaeology, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of 44 lots of cultural items have been requested for repatriation. The 44 lots of unassociated funerary objects are ceramic vessels and sherds. The vessels and sherds were removed by Clarence B. Moore during his excavations in Arkansas between 1908 and 1913. The vessels were removed from the following sites: Cemetery at Jones Place (3CS25), Cemetery at Neeley's Ferry (3CS24), Mound on Rose Place (3CS27), and Turkey Island Mound (3CS78) in Cross County; Crittenden County; Mound near Tucker's Bayou (likely 3LW28) in Lawrence County; Cemetery at Whitehall Place (3LE17) in Lee County; Cemetery at Cummings Place (3PO5), Miller Place, Mound in Poinsett County, and Williams Farm in Poinsett County; Near Atkins in Pope County; Big Eddy cemetery (3SF9), Mound at Castile Place (3SF12), and along the St. Francis River in St. Francis County, Arkansas. Moore transferred the cultural items to the Robert S. Peabody Institute of Archaeology (then called the Department of Archaeology at Phillips Academy) in the early twentieth century. There is no known presence of any potentially hazardous substances.

Determinations

The Robert S. Peabody Institute of Archaeology has determined that:

- The 44 lots of unassociated funerary objects described in this notice are reasonably believed to have been placed intentionally with or near human remains, and are connected, either at the time of death or later as part of the death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. The unassociated funerary objects have been identified by a preponderance of the evidence as related to human remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or individuals with cultural affiliation to

an Indian Tribe or Native Hawaiian organization.

• There is a connection between the cultural items described in this notice and the Quapaw Nation.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after July 22, 2026. If competing requests for repatriation are received, the Robert S. Peabody Institute of Archaeology must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The Robert S. Peabody Institute of Archaeology is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: June 12, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–12379 Filed 6–18–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7240; NPS–WASO–NAGPRA–NPS0043013; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: U.S. Department of the Interior, Bureau of Indian Affairs, Washington, DC, and the American Museum of Natural History, New York, NY

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), U.S. Department of the Interior, Bureau of Indian Affairs (BIA) and the American Museum of Natural History (AMNH) intends to repatriate a certain cultural item that meets the definition of an unassociated funerary object and that has a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural item in this notice may occur on or after July 22, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural item in this notice to Tamara Billie, Bureau of Indian Affairs, 1001 Indian School Road NW, Mailbox #44, Albuquerque, NM 87102, email *tamara.billie@bia.gov.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the BIA, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of one cultural item has been requested for repatriation. The one unassociated funerary object is a ceramic small-mouthed olla. The original catalog card describes this olla as a wide mouth olla and appears to be a cataloging error. This olla was archaeologically removed at an unknown time from Andreas Canyon near Palm Springs, California by a Mr. Lee Arenas. The looted olla was then purchased from Mr. Arenas on October 22, 1917, by Edward H. Davis, a field collector, during fieldwork sponsored by the Museum of the American Indian, Heye Foundation. It was accessioned into the collections at the Museum of the American Indian in 1917, and in 1919 was acquired by the American Museum of Natural History through exchange. The olla was removed from the Agua Caliente Indian Reservation and is reasonably culturally affiliated with the Agua Caliente Band of Cahuilla Indians. While it no longer does so, in the past, the American Museum of Natural History applied potentially hazardous pesticides to items in the collections. Museum records do not list specific objects treated or which of several chemicals used were applied to a particular item. Therefore, those handling this material should follow the advice of industrial hygienists or medical personnel with specialized training in occupational health or with potentially hazardous substances.

Determinations

The BIA has determined that:

• The one unassociated funerary object described in this notice are reasonably believed to have been placed intentionally with or near human remains, and are connected, either at the time of death or later as part of the death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. The unassociated funerary objects have been identified by a preponderance of the evidence as related to human remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.

• There is a connection between the cultural item described in this notice and the Agua Caliente Band of Cahuilla Indians of the Agua Caliente Indian Reservation, California.

Requests for Repatriation

Additional, written requests for repatriation of the cultural item in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural item in this notice to a requestor may occur on or after July 22, 2026. If competing requests for repatriation are received, the BIA must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The BIA is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: June 12, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–12387 Filed 6–18–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7248; NPS–WASO–NAGPRA–NPS0043022; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Murray State University Archaeology Laboratory, Murray, KY

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Murray State University Archaeology Laboratory has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after July 22, 2026.

ADDRESSES: Send written requests for repatriation of the human remains in this notice to Anthony Ortmann, Murray State University Archaeology Laboratory, 334 Blackburn Sciences Building, Murray State University, Murray, KY 42071, email *aortmann@murraystate.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Murray State University Archaeology Laboratory, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing at least one individual have been identified. No associated funerary objects are present. On an unknown date in the 1970s, these remains were looted from an unnamed and unnumbered site in Stewart County, TN. These remains were donated to the Murray State University Archaeology Laboratory in 2003. No known individuals were identified. There is no known exposure to hazardous substances.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location of the human remains described in this notice.

Determinations

The Murray State University Archaeology Laboratory has determined that:

- The human remains described in this notice represent the physical remains of at least one individual of Native American ancestry.
- There is a connection between the human remains described in this notice and the Cherokee Nation; Eastern Band of Cherokee Indians; The Chickasaw Nation; and The Muscogee (Creek) Nation.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains described in this notice to a requestor may occur on or after July 22, 2026. If competing requests for repatriation are received, the Murray State University Archaeology Laboratory must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. The Murray State University Archaeology Laboratory is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: June 12, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–12395 Filed 6–18–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7233; NPS–WASO–NAGPRA–NPS0043006; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Wesleyan University, Archaeology & Anthropology Collections, Middletown, CT

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), Wesleyan University intends to repatriate certain cultural items that meet the definition of sacred objects and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after July 22, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Wendi Field Murray, Wesleyan University (Archaeology & Anthropology Collections), 265 Church Street, Middletown, CT 06033, email *wmurray01@wesleyan.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of Wesleyan University and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of 13 cultural items have been requested for repatriation. The 13 sacred objects include an Ipu Pawehe (decorated gourd container), ʻOhe Kāpala (bamboo stamps), Pōhaku Kuʻi ʻAi (poi pounder), Iʻe Kuku (kapa beater), Koʻi (stone adze blade), Lei niho palaoa (whale tooth pendant necklace), decorated and undecorated Kapa (bark cloth), Waʻa (wooden model of a war canoe), Koʻi kālai (bone adze with wooden handle), and Hue Wai (gourd containers, undecorated).

Objects Transferred From the Bishop Museum

A total of five objects were transferred to Wesleyan from the Bernice Pauahi

Bishop Museum in 1940, including two ʻOhe Kāpala (bamboo stamps), one Pōhaku Kuʻi ʻAi (poi pounder), one Iʻe Kuku (kapa beater), and one Koʻ;i (stone adze blade). The trade was facilitated by the Bishop Museum's Director at the time, Dr. Peter H. Buck. After Dr. Buck's visit to the Wesleyan Museum in 1939, he proposed a trade of the above-mentioned Hawaiian objects from the Bishop Museum's collection in exchange for one of the Mangaian adzes he had seen in Wesleyan's collections. Catalog records indicate a geographical origin of Hawai'i, but do not include any additional information about the original collectors or the objects' provenance.

Objects Donated by the Missionary Lyceum

A total of five objects were donated to the Wesleyan Museum by the Missionary Lyceum in 1870–1871. The Missionary Lyceum was a student missionary organization established in 1834. After it disbanded in the mid-19th century, the organization donated the objects its missionaries had collected to Wesleyan University for inclusion in a teaching museum. The objects listed in the catalog as being from Hawai'i include one Ipu Pawehe (decorated gourd container), collected by J. Bliss and one Waʻa (model of a war canoe), collected by Capt. Rice.

The Missionary Lyceum donation also included several pieces of bark cloth listed as being from ''Oceania'' in catalog records. Accession records further suggest that in 1940, Dr. Peter H. Buck observed at least one example of Hawaiian Kapa in the Wesleyan collection during the visit, though no catalog number was specified. Two of these bark cloth pieces (one decorated, collector unknown and one undecorated, collected by Lieut. C. McDonough) were identified during consultations as being examples of Native Hawaiian Kapa (bark cloth).

This group also includes one Hue Wai (undecorated gourd container) that catalog records list as being from Hawai'i, but was discovered to be missing by Wesleyan collections staff at some point after 1939. It has not yet been found. For future reference, this object was collected by Mr. Sizer, has the same cultural affiliation as the above-mentioned objects, and was included as part of the same Missionary Lyceum donation.

Lei Niho Palaoa

Based on Wesleyan's records, the Lei niho palaoa (whale tooth pendant necklace) was acquired at some point between 1939 and 1971. Its provenance is unknown.

Koʻi kālai (Bone Adze With Handle)

This object was donated to Wesleyan University by G.W. Burke, an alum of Wesleyan and an officer of the Middletown Scientific Association during the late 19th century. He donated it to the Wesleyan Museum in 1871. There is no other information available relating to its provenance.

Hue Wai (Gourd Container, Undecorated)

Though the original collector of this object is not known, it was donated to Wesleyan by a local doctor, Dr. Simeon Shurtleff, to Wesleyan in 1868 as part of a large cabinet of both cultural objects and natural history specimens. Catalog records list as being from Hawai'i, but was discovered to be missing by Wesleyan collections staff at some point after 1939. It has not yet been found. For future reference, this object has the same cultural affiliation as the above-mentioned objects.

Preliminary testing for pesticide residues, carried out at the request of Hui Iwi Kuamoʻo, revealed the presence of potentially hazardous substances (*i.e.,* pesticide residues) on these objects, including arsenic, mercury, bromine, and/or lead.

Museum records and previous testing on other museum objects (ethnographic and taxidermy) have also confirmed the presence of pesticide residues on some objects in the collection. While pesticides were not typically applied to non-organic objects due to their inherent resilience to pest damage, the objects have potentially been intermingling with organic objects in a large ethnographic teaching collection since the 1870s, and possibly with natural history specimens as well. To what extent Wesleyan staff attempted to mitigate cross-contamination when objects were stored or handled is unknown.

There is also one documented instance of pest fumigation relating to the collections that dates to 1972–1973. This was to treat a silverfish infestation in underground storage rooms that held the museum's objects after it closed. The proposal was for the application of dichlorodiphenyltrichlorobenzene (DDT) to the floors, the placement of open containers of paradichlorobenzene (PDB) around the room, and the placement of mildew-retarding insecticide inside the wraps of specimens. The specific contents of the room in which the chemicals were applied, and to what extent they were shielded from them, is unknown.

Determinations

Wesleyan University has determined that:

- The 13 sacred objects described in this notice are specific ceremonial objects needed by a traditional Native Hawaiian religious leader for present-day adherents to practice traditional Native Hawaiian religion, according to the traditional knowledge of a Native Hawaiian organization.
- There is a connection between the cultural items described in this notice and the Hui Iwi Kuamoʻo.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after July 22, 2026. If competing requests for repatriation are received, Wesleyan University must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. Wesleyan University is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: June 12, 2026.

Melanie O'Brien,

Manager National NAGPRA Program.

[FR Doc. 2026–12380 Filed 6–18–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

[S1D1S SS08011000 SX064A000 231S180110; S2D2S SS08011000 SX064A000 23XS501520; OMB Control Number 1029–0114]

Submission to the Office of Management and Budget for Review and Approval; Technical Evaluation Surveys; Agency Information Collection Activities: Technical Evaluation Surveys

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

ACTION: Notice of Information Collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Office of Surface Mining Reclamation and Enforcement (OSM) is proposing to renew an information collection entitled, ''Technical Evaluation Surveys,'' under OMB Control Number 1029–0114. This collection supports OSM's responsibilities under the Surface Mining Control and Reclamation Act of 1977 (SMCRA) by obtaining feedback on technical assistance, technology transfer, and outreach activities. The information gathered through customer service surveys helps OSM assess program effectiveness, improve service delivery, and measure performance goals under the Government Performance and Results Act (GPRA).

DATES: Interested persons are invited to submit comments on or before August 21, 2026.

ADDRESSES: Send your comments on this information collection request (ICR) by mail to William L. Frankel, Office of Surface Mining Reclamation and Enforcement, 1849 C St. NW—MS 4512, Washington, DC 20240, or by email to *wfrankel@osmre.gov.* Please reference OMB Control Number 1029–0114 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact William L. Frankel by email at *wfrankel@osmre.gov* or by phone at (202) 208–0121. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995 (PRA); 44 U.S.C. 3501 *et seq.,* and 5 CFR 1320.8(d)(1) and as part of our continuing effort to reduce paperwork and respondent burdens, OSM invites the general public and other Federal agencies to comment on new, proposed, revised, and continuing collections of information. Comments received help OSM assess the impact of our information collection requirements and minimize the public's reporting burden. These comments also help the public understand OSM's information collection requirements and the format in which the requested information should be submitted.

We are especially interested in public comments addressing the following:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;

(2) Whether our estimate of the burden for this collection of

Information is accurate, including the validity of the methodology and assumptions used;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) How might the agency minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you 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.

Abstract: A series of surveys are needed to ensure that technical assistance activities, technology transfer activities, and technical forums are useful for those who participate or receive the assistance. These surveys are the primary means through which OSM evaluates its performance in meeting the performance goals outlined in its annual plans developed pursuant to the Government Performance and Results Act (GPRA).

Title of Collection: Technical Evaluation Surveys.

OMB Control Number: 1029–0114.

Form Number: None.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: State and Tribal governments.

Total Estimated Number of Annual Respondents (unique entities responding): 222.

Total Estimated Number of Annual Responses (total number of submissions received from all respondents): 222.

Estimated Completion Time per Response: 5 minutes.

Total Estimated Number of Annual Burden Hours: 19 hours.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: Annually.

Total Estimated Annual Non-Hour Burden Cost: None.

An agency may not conduct, or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the PRA.

William L. Frankel,

Information Collection Clearance Officer, Office of Surface Mining Reclamation and Enforcement, Department of the Interior.

[FR Doc. 2026–12483 Filed 6–18–26; 8:45 am]

BILLING CODE 4310–05–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

[S1D1S SS08011000 SX064A000 221S180110; S2D2S SS08011000 SX064A000 22XS501520; OMB Control Number 1029–0049]

Agency Information Collection Activities; 30 CFR 822—Special Permanent Program Performance Standards—Operations in Alluvial Valley Floors

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

ACTION: Notice of Information Collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Office of Surface Mining Reclamation and Enforcement (OSM) is proposing to renew an information collection entitled, ''30 CFR 822—Special

Permanent Program Performance Standards—Operations in Alluvial Valley Floors,'' under OMB Control Number 1029–0049. This information collection supports implementation of the Surface Mining Control and Reclamation Act of 1977 (SMCRA) and applies to surface coal mining operations west of the 100th meridian that may affect alluvial valley floors (AVFs). The information collected ensures that mining operations do not interrupt farming on AVFs, do not materially damage the hydrologic systems supplying AVFs, and preserve essential hydrologic functions during mining and reclamation.

DATES: Interested persons are invited to submit comments on or before August 21, 2026.

ADDRESSES: Send your comments on this information collection request (ICR) by mail to William L. Frankel, Office of Surface Mining Reclamation and Enforcement, 1849 C St. NW—MS 4512, Washington, DC 20240, or by email to *wfrankel@osmre.gov.* Please reference OMB Control Number 1029–0049 in the subject line of your comments. OMB Control Number 1029–0049 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact William Frankel by email at *wfrankel@osmre.gov* or by telephone at 202–208–0121. 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 available in their country to make international calls to the point of contact in the United States. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995 (PRA); 44 U.S.C. 3501 *et seq.,* and 5 CFR 1320.8(d)(1) and as part of our continuing effort to reduce paperwork and respondent burdens, OSM invites the general public and other Federal agencies to comment on new, proposed, revised, and continuing collections of information. Comments received help OSM to assess the impact of our information collection requirements and minimize the public's reporting burden. These comments also help the public understand OSM's information collection requirements and the format in which the requested information should be submitted.

We are especially interested in public comments addressing the following:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;

(2) Whether our estimate of the burden for this collection of Information is accurate, including the validity of the methodology and assumptions used;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) How might the agency minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you 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.

Abstract: Sections 510(b)(5) and 515(b)(10)(F) of the SMCRA protect AVFs from adverse impacts of surface coal mining operations west of the 100th meridian. Under 30 CFR 822.13, permittees must install, maintain, and operate a monitoring system to safeguard these unique hydrologic areas. The information collected is used to verify that AVFs are protected in accordance with SMCRA requirements.

Title of Collection: 30 CFR 822—Special Permanent Program Performance Standards—Operations in Alluvial Valley Floors.

OMB Control Number: 1029–0049.

Form Number: None.

Type of Review: Extension of a previously approved collection.

Respondents/Affected Public: State Regulatory Authorities and Coal Mine Operators.

Total Estimated Number of Annual Respondents: 3.

Total Estimated Number of Annual Responses: 52.

Estimated Completion Time per Response: 160 hours.

Total Estimated Number of Annual Burden Hours 4,550 hours.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: One time.

Total Estimated Annual Non-Hour Burden Cost: $0.

An agency may not conduct, or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the PRA.

William L. Frankel,

Information Collection Clearance Officer, Office of Surface Minin Reclamation and Enforcement, Department of the Interior.

[FR Doc. 2026–12484 Filed 6–18–26; 8:45 am]

BILLING CODE 4310–05–P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Foundry Coke, DN 3914;* the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.*

General information concerning the Commission may also be obtained by accessing its internet server at United States International Trade Commission (USITC) at *https://www.usitc.gov* . The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint

and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of SunCoke Technology and Development LLC and Jewell Coke Company L.P. on June 15, 2026. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain foundry coke. The complaint names as respondents: MTX CZ, a.s. of Czech Republic; OKK Koksovny, a.s. of Czech Republic; METALIMEX a.s. of Czech Republic; METALIMEX Deutschland GmbH of Germany; AMEX Coal Sp. z o.o. of Poland; Italiana Coke S.r.l. of Italy; and Terminal Alti Fondali Savona S.r.l. of Italy. The complainant requests that the Commission issue a limited exclusion order, cease and desist orders and impose a bond upon respondents' alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(j).

Proposed respondents, other interested parties, members of the public, and interested government agencies are invited to file comments on any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions on the public interest must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation. Any written submissions on other issues must also be filed by no later than the close of business, eight calendar days after publication of this notice in the **Federal Register**. Complainant may file replies to any written submissions no later than three calendar days after the date on which any initial submissions were due, notwithstanding § 201.14(a) of the Commission's Rules of Practice and Procedure. No other submissions will be accepted, unless requested by the Commission. Any submissions and replies filed in response to this Notice are limited to five (5) pages in length, inclusive of attachments.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. Submissions should refer to the docket number (''Docket No. 3914'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, Electronic Filing Procedures [1]). Please note the Secretary's Office will accept only electronic filings during this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, *https://edis.usitc.gov.*) No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice. Persons with questions regarding filing should contact the Secretary at *EDIS3Help@usitc.gov.*

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel,[2] solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.[3]

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: June 16, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026–12373 Filed 6–18–26; 8:45 am]

BILLING CODE P

[1] Handbook for Electronic Filing Procedures: *https://www.usitc.gov/secretary/documents/handbook_on_filing_procedures.pdf.*

[2] All contract personnel will sign appropriate nondisclosure agreements.

[3] Electronic Document Information System (EDIS): *https://edis.usitc.gov.*

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Dynamic Random Access Memory (DRAM) Devices, Products Containing the Same, and Components Thereof (II), DN 3915;* the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.*

General information concerning the Commission may also be obtained by

accessing its internet server at United States International Trade Commission (USITC) at *https://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of Netlist, Inc. on June 16, 2026. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain dynamic random access memory (DRAM) devices, products containing the same, and components thereof (II). The complaint names as respondents: Samsung Electronics Co., Ltd. of South Korea; Samsung Electronics America, Inc. of Plano, TX; Samsung Semiconductor, Inc. of Plano, TX; Google LLC of Mountain View, CA; Super Micro Computer, Inc. of San Jose, CA; NVIDIA Corp. of Santa Clara, CA; and Broadcom Inc. of Palo Alto, CA. The complainant requests that the Commission issue a limited exclusion order, cease and desist orders, and impose a bond upon respondents' alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(j).

Proposed respondents, other interested parties, members of the public, and interested government agencies are invited to file comments on any public interest issues raised by the complaint or § 210.8(b) filing.

Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions on the public interest must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation. Any written submissions on other issues must also be filed by no later than the close of business, eight calendar days after publication of this notice in the **Federal Register**. Complainant may file replies to any written submissions no later than three calendar days after the date on which any initial submissions were due, notwithstanding § 201.14(a) of the Commission's Rules of Practice and Procedure. No other submissions will be accepted, unless requested by the Commission. Any submissions and replies filed in response to this Notice are limited to five (5) pages in length, inclusive of attachments.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. Submissions should refer to the docket number (''Docket No. 3915'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, Electronic Filing Procedures [1]). Please note the Secretary's Office will accept only electronic filings during this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, *https://edis.usitc.gov.*) No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice. Persons with questions regarding filing should contact the Secretary at *EDIS3Help@usitc.gov.*

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel,[2] solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.[3]

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: June 16, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026–12369 Filed 6–18–26; 8:45 am]

BILLING CODE 7020–02–P

[1] Handbook for Electronic Filing Procedures: *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf.*

[2] All contract personnel will sign appropriate nondisclosure agreements.

[3] Electronic Document Information System (EDIS): *https://edis.usitc.gov.*

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms, and Explosives

[Docket No. ATF2026N–01]

Commerce in Explosives; 2026 Annual List of Explosive Materials

AGENCY: Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF); Department of Justice.

ACTION: Notice of List of Explosive Materials.

SUMMARY: This notice publishes the 2026 List of Explosive Materials, as required by law. The 2026 list is the same as the 2025 list published by ATF.

DATES: The list becomes effective June 22, 2026.

FOR FURTHER INFORMATION CONTACT: Nicole Handera, Chief; Firearms and Explosives Industry Division; Bureau of Alcohol, Tobacco, Firearms, and Explosives; United States Department of Justice; 99 New York Ave NE; Washington, DC 20226; (202) 648–7090 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: Pursuant to 18 U.S.C. 841(d) and 27 CFR 555.23, the Department of Justice must publish and revise at least annually in the **Federal Register** a list of explosives determined to be within the coverage of 18 U.S.C. 841 *et seq.* The list covers not only explosives, but also blasting agents and detonators, all of which are defined as ''explosive materials'' in 18 U.S.C. 841(c).

Each material listed, as well as all mixtures containing any of these materials, constitute ''explosive materials'' under 18 U.S.C. 841(c). Materials constituting blasting agents are marked by an asterisk. Explosive materials are listed alphabetically, and, where applicable, followed by their common names, chemical names, and/or synonyms in brackets. This list supersedes the List of Explosive Materials published in the **Federal Register** on June 13, 2025 (Docket No. 2025N–01, 90 FR 25077). However, the explosive materials on this list are the same as those on the 2025 Annual List of Explosive Materials.

The 2026 List of Explosive Materials is a comprehensive list, but is not all-inclusive. The definition of ''explosive materials'' includes ''[e]xplosives, blasting agents, water gels and detonators. Explosive materials, include, but are not limited to, all items in the 'List of Explosive Materials' provided for in § 555.23.'' 27 CFR 555.11. Accordingly, the fact that an explosive material is not on the annual list does not mean that it is not within coverage of the law if it otherwise meets the statutory definition of ''explosives'' in 18 U.S.C. 841(d) and (j). Subject to limited exceptions in 18 U.S.C. 845 and 27 CFR 555.141, only Federal explosives licensees and permittees may possess and use explosive materials, including those on the Annual List.

Notice of the 2026 Annual List of Explosive Materials

Pursuant to 18 U.S.C. 841(d) and 27 CFR 555.23, I hereby designate the following as ''explosive materials'' covered under 18 U.S.C. 841(c):

A

Acetylides of heavy metals.
Aluminum containing polymeric propellant.
Aluminum ophorite explosive.
Amatex.
Amatol.
Ammonal.
Ammonium nitrate explosive mixtures (cap sensitive).
*Ammonium nitrate explosive mixtures (non-cap sensitive).
Ammonium perchlorate having particle size less than 15 microns.
Ammonium perchlorate explosive mixtures (excluding ammonium perchlorate composite propellant (APCP)).
Ammonium picrate [picrate of ammonia, Explosive D].
Ammonium salt lattice with isomorphously substituted inorganic salts.
*ANFO [ammonium nitrate-fuel oil].
Aromatic nitro-compound explosive mixtures.
Azide explosives.

B

Baranol.
Baratol.
BEAF [1, 2-bis (2, 2-difluoro-2-nitroacetoxyethane)].
Black powder.
Black powder based explosive mixtures.
Black powder substitutes.
*Blasting agents, nitro-carbo-nitrates, including non-cap sensitive slurry and water gel explosives.
Blasting caps.
Blasting gelatin.
Blasting powder.
BTNEC [bis (trinitroethyl) carbonate].
BTNEN [bis (trinitroethyl) nitramine].
BTTN [1,2,4 butanetriol trinitrate].
Bulk salutes.
Butyl tetryl.

C

Calcium nitrate explosive mixture.
Cellulose hexanitrate explosive mixture.
Chlorate explosive mixtures.
Composition A and variations.
Composition B and variations.
Composition C and variations.
Copper acetylide.
Cyanuric triazide.
Cyclonite [RDX].
Cyclotetramethylenetetranitramine [HMX].
Cyclotol.
Cyclotrimethylenetrinitramine [RDX].

D

DATB [diaminotrinitrobenzene].
DDNP [diazodinitrophenol].
DEGDN [diethyleneglycol dinitrate].
Detonating cord.
Detonators.
Dimethylol dimethyl methane dinitrate composition.
Dinitroethyleneurea.
Dinitroglycerine [glycerol dinitrate].
Dinitrophenol.
Dinitrophenolates.
Dinitrophenyl hydrazine.
Dinitroresorcinol.
Dinitrotoluene-sodium nitrate explosive mixtures.
DIPAM [dipicramide; diaminohexanitrobiphenyl].
Dipicryl sulfide [hexanitrodiphenyl sulfide].
Dipicryl sulfone.
Dipicrylamine.
Display fireworks.
DNPA [2,2-dinitropropyl acrylate].
DNPD [dinitropentano nitrile].
Dynamite.

E

EDDN [ethylene diamine dinitrate].
EDNA [ethylenedinitramine].
Ednatol.
EDNP [ethyl 4,4-dinitropentanoate].
EGDN [ethylene glycol dinitrate].
Erythritol tetranitrate explosives.
Esters of nitro-substituted alcohols.
Ethyl-tetryl.
Explosive conitrates.
Explosive gelatins.
Explosive liquids.
Explosive mixtures containing oxygen-releasing inorganic salts and hydrocarbons.
Explosive mixtures containing oxygen-releasing inorganic salts and nitro bodies.
Explosive mixtures containing oxygen-releasing inorganic salts and water insoluble fuels.
Explosive mixtures containing oxygen-releasing inorganic salts and water soluble fuels.
Explosive mixtures containing sensitized nitromethane.
Explosive mixtures containing tetranitromethane (nitroform).
Explosive nitro compounds of aromatic hydrocarbons.
Explosive organic nitrate mixtures.
Explosive powders.

F

Flash powder.
Fulminate of mercury.
Fulminate of silver.
Fulminating gold.
Fulminating mercury.
Fulminating platinum.
Fulminating silver.

G

Gelatinized nitrocellulose.
Gem-dinitro aliphatic explosive mixtures.
Guanyl nitrosamino guanyl tetrazene.
Guanyl nitrosamino guanylidene hydrazine.
Guncotton.

H

Heavy metal azides.

Hexanite.
Hexanitrodiphenylamine.
Hexanitrostilbene.
Hexogen [RDX].
Hexogene or octogene and a nitrated N-methylaniline.
Hexolites.
HMTD [hexamethylenetriperoxidediamine].
HMX [cyclo-1,3,5,7-tetramethylene 2,4,6,8-tetranitramine; Octogen].
Hydrazinium nitrate/hydrazine/aluminum explosive system.
Hydrazoic acid.

I

Igniter cord.
Igniters.
Initiating tube systems.

K

KDNBF [potassium dinitrobenzo-furoxane].

L

Lead azide.
Lead mannite.
Lead mononitroresorcinate.
Lead picrate.
Lead salts, explosive.
Lead styphnate [styphnate of lead, lead trinitroresorcinate].
Liquid nitrated polyol and trimethylolethane.
Liquid oxygen explosives.

M

Magnesium ophorite explosives.
Mannitol hexanitrate.
MDNP [methyl 4,4-dinitropentanoate].
MEAN [monoethanolamine nitrate].
Mercuric fulminate.
Mercury oxalate.
Mercury tartrate.
Metriol trinitrate.
Minol-2 [40% TNT, 40% ammonium nitrate, 20% aluminum].
MMAN [monomethylamine nitrate]; methylamine nitrate.
Mononitrotoluene-nitroglycerin mixture.
Monopropellants.

N

NIBTN [nitroisobutametriol trinitrate].
Nitrate explosive mixtures.
Nitrate sensitized with gelled nitroparaffin.
Nitrated carbohydrate explosive.
Nitrated glucoside explosive.
Nitrated polyhydric alcohol explosives.
Nitric acid and a nitro aromatic compound explosive.
Nitric acid and carboxylic fuel explosive.
Nitric acid explosive mixtures.
Nitro aromatic explosive mixtures.
Nitro compounds of furane explosive mixtures.
Nitrocellulose explosive.
Nitroderivative of urea explosive mixture.
Nitrogelatin explosive.
Nitrogen trichloride.
Nitrogen tri-iodide.
Nitroglycerine [NG, RNG, nitro, glyceryl trinitrate, trinitroglycerine].
Nitroglycide.
Nitroglycol [ethylene glycol dinitrate, EGDN].
Nitroguanidine explosives.
Nitronium perchlorate propellant mixtures.
Nitroparaffins Explosive Grade and ammonium nitrate mixtures.
Nitrostarch.
Nitro-substituted carboxylic acids.
Nitrotriazolone [3-nitro-1,2,4-triazol-5-one].
Nitrourea.

O

Octogen [HMX].
Octol [75 percent HMX, 25 percent TNT].
Organic amine nitrates.
Organic nitramines.

P

PBX [plastic bonded explosives].
Pellet powder.
Penthrinite composition.
Pentolite.
Perchlorate explosive mixtures.
Peroxide based explosive mixtures.
PETN [nitropentaerythrite, pentaerythrite tetranitrate, pentaerythritol tetranitrate].
Picramic acid and its salts.
Picramide.
Picrate explosives.
Picrate of potassium explosive mixtures.
Picratol.
Picric acid (manufactured as an explosive).
Picryl chloride.
Picryl fluoride.
PLX [95% nitromethane, 5% ethylenediamine].
Polynitro aliphatic compounds.
Polyolpolynitrate-nitrocellulose explosive gels.
Potassium chlorate and lead sulfocyanate explosive.
Potassium nitrate explosive mixtures.
Potassium nitroaminotetrazole.
Pyrotechnic compositions.
Pyrotechnic fuses.
Pyrotechnic stars.
PYX [2,6-bis(picrylamino)] 3,5-dinitropyridine.

R

RDX [cyclonite, hexogen, T4, cyclo-1,3,5,-trimethylene-2,4,6,-trinitramine; hexahydro-1,3,5-trinitro-S-triazine].

S

Safety fuse.
Salts of organic amino sulfonic acid explosive mixture.
Salutes (bulk).
Silver acetylide.
Silver azide.
Silver fulminate.
Silver oxalate explosive mixtures.
Silver styphnate.
Silver tartrate explosive mixtures.
Silver tetrazene.
Slurried explosive mixtures of water, inorganic oxidizing salt, gelling agent, fuel, and sensitizer (cap sensitive).
Smokeless powder.
Sodatol.
Sodium amatol.
Sodium azide explosive mixture.
Sodium dinitro-ortho-cresolate.
Sodium nitrate explosive mixtures.
Sodium nitrate-potassium nitrate explosive mixture.
Sodium picramate.
Squibs.
Styphnic acid explosives.

T

Tacot [tetranitro-2,3,5,6-dibenzo-1,3a,4,6a tetrazapentalene].
TATB [triaminotrinitrobenzene].
TATP [triacetonetriperoxide].
TEGDN [triethylene glycol dinitrate].
Tetranitrocarbazole.
Tetrazene [tetracene, tetrazine, 1(5-tetrazolyl)-4-guanyl tetrazene hydrate].
Tetrazole explosives.
Tetryl [2,4,6 tetranitro-N-methylaniline].
Tetrytol.
Thickened inorganic oxidizer salt slurried explosive mixture.
TMETN [trimethylolethane trinitrate].
TNEF [trinitroethyl formal].
TNEOC [trinitroethylorthocarbonate].
TNEOF [trinitroethylorthoformate].
TNT [trinitrotoluene, trotyl, trilite, triton].
Torpex.
Tridite.
Trimethylol ethyl methane trinitrate composition.
Trimethylolthane trinitrate-nitrocellulose.
Trimonite.
Trinitroanisole.
Trinitrobenzene.
Trinitrobenzenesulfonic acid [picryl sulfonic acid].
Trinitrobenzoic acid.
Trinitrocresol.
Trinitrofluorenone.
Trinitro-meta-cresol.
Trinitronaphthalene.
Trinitrophenetol.
Trinitrophloroglucinol.
Trinitroresorcinol.
Tritonal.

U

Urea nitrate.

W

Water-bearing explosives having salts of oxidizing acids and nitrogen bases, sulfates, or sulfamates (cap sensitive).
Water-in-oil emulsion explosive compositions.

X

Xanthomonas hydrophilic colloid explosive mixture.

Robert Cekada,

Director.

[FR Doc. 2026–12492 Filed 6–18–26; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—The Institute of Electrical and Electronics Engineers, Inc.

Notice is hereby given that, on April 8, 2026, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), The Institute of Electrical and Electronics Engineers, Inc. (''IEEE'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing additions or changes to its standards development activities. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, 100 new standards have been initiated, and 22 existing standards are being revised. More detail regarding these changes can be found at:

https://standards.ieee.org/about/sasb/sba/12feb2026/

https://standards.ieee.org/about/sasb/sba/26mar2026/

The following pre-standards activities associated with IEEE Industry Connections Activities were launched or renewed:

https://standards.ieee.org/about/bog/cag/approvals/march2026/

The following training and conformity assessment programs associated with published IEEE standards and supporting their promulgation were launched:

https://blp.ieee.org/product/ieee-ethics-for-ai-system-design-training/

https://standards.ieee.org/about/training/ieee-responsible-procurement-of-ai/

On September 17, 2004, IEEE filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on November 3, 2004 (69 FR 64105).

The last notification was filed with the Department on December 17, 2025. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on February 23, 2026 (91 FR 8528).

Suzanne Morris,

Deputy Director Civil Enforcement Operations, Antitrust Division.

[FR Doc. 2026–12353 Filed 6–18–26; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Canton Foundation (F/K/A Global Synchronizer Foundation)

Notice is hereby given that, on April 7, 2026, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Canton Foundation (f/k/a Global Synchronizer Foundation) (''Canton Foundation'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Bitwave, Miami, FL; Finoa Consensus Services GmbH, Berlin, FEDERAL REPUBLIC OF GERMANY; Gevulot Oy, Helsinki, REPUBLIC OF FINLAND; RedStone, Baar, SWISS CONFEDERATION; Zodia Custody, London, UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND; Stats Labs Inc., Mercer Island, WA; Dedge Security S.L., Madrid, KINGDOM OF SPAIN; Tharimmune, Inc., Red Bank, NJ; CaviarNine Limited, Tortola, THE VIRGIN ISLANDS; and Cosimo Fund, Chicago, IL, have been added as parties to this venture.

Also, BitAlpha, Inc., Miami, FL, has withdrawn as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Canton Foundation intends to file additional written notifications disclosing all changes in membership.

On September 18, 2024, Canton Foundation filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on October 11, 2024 (89 FR 82632).

The last notification was filed with the Department on December 22, 2025. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on February 23, 2026 (91 FR 8527).

Suzanne Morris,

Deputy Director Civil Enforcement Operations, Antitrust Division.

[FR Doc. 2026–12351 Filed 6–18–26; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Open Mobile Alliance

Notice is hereby given that, on March 5, 2026, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Open Mobile Alliance (''OMA'') filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Aclara Technologies, St. Louis, MO; Exegin Technologies Ltd., Port Coquitlam, CANADA; Motive Software Solutions Inc., Mississauga, CANADA; Mquest Technologies, Santiago, CHILE; Paradox Engineering SA, Novazzano, SWISS CONFEDERATION; Schréder SA, Carcarvelos, PORTUGUESE REPUBLIC; Six Dee Telecom Solutions Private Limited, Bengaluru, REPUBLIC OF INDIA; and Trasna, Montpellier, FRENCH REPUBLIC, have been added as parties to this venture.

Also, AT&T, Atlanta, GA; Bulk Tainer Telematics Ltd., Stokesley, UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND; Institute for Information Industry (III), Taipei City, REPUBLIC OF CHINA (TAIWAN); IOTECC GmbH, Koblenz, FEDERAL REPUBLIC OF GERMANY; Nokia, Vélizy Villacoublay Cedex, FRENCH REPUBLIC; Polaris Wireless, Mountain View, CA; RedBend Ltd., Rosh Ha'ayin, STATE OF ISRAEL; Six Dee Telecom Solutions Private Limited, Bengaluru, REPUBLIC OF INDIA; Spirent Communications Ltd., Crawley, UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND; Swift Navigation Inc., San Francisco,

CA; Tartabit, LLC., Boca Raton, FL; T-Mobile USA, Inc., Bellevue, WA; Vaisala Oyj, Vantaa, REPUBLIC OF FINLAND; and Weihai Ploumeter Co., LTD., Weihai, PEOPLE'S REPUBLIC OF CHINA, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and OMA intends to file additional written notifications disclosing all changes in membership.

On March 18, 1998, OMA filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on December 31, 1998 (63 FR 72333).

The last notification was filed with the Department on January 11, 2024. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on February 6, 2024 (89 FR 8244).

Suzanne Morris,

Deputy Director Civil Enforcement Operations, Antitrust Division.

[FR Doc. 2026–12363 Filed 6–18–26; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Bytecode Alliance Foundation

Notice is hereby given that, on March 27, 2026, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Bytecode Alliance Foundation has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Akamai, Longmont, CO; and F5, Seattle, WA, have been added as parties to this venture.

Also, Arm, San Jose, CA; Fermyon, Longmont, CO; Docker, Palo Alto, CA; NGINX, Seattle, WA; Nornor, Phayao, KINGDOM OF THAILAND; and Renderlet, Brooklyn, NY, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Bytecode Alliance Foundation intends to file additional written notifications disclosing all changes in membership.

On April 20, 2022, Bytecode Alliance Foundation filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on May 13, 2022 (87 FR 29379).

The last notification was filed with the Department on October 10, 2025. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on January 2, 2026 (91 FR 166).

Suzanne Morris,

Deputy Director Civil Enforcement Operations, Antitrust Division.

[FR Doc. 2026–12356 Filed 6–18–26; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Information Warfare Research Project Consortium

Notice is hereby given that, on April 2, 2026, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Information Warfare Research Project Consortium (''IWRP Consortium'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Agile Communications, Inc., El Segundo, CA; Agily, LLC, Dorado, COMMONWEALTH OF PUERTO RICO; Analygence, Inc., Fulton, MD; Ascade, Inc., New York, NY; Astrion Group, LLC, Huntsville, AL; Calwave Inc., Berkeley, CA; Denovo Solutions LLC, Aurora, CO; Falkonry Inc., Cupertino, CA; First Team Cyber LLC, Saint Peters, MO; Gartner, Inc., Stamford, CT; Integer Technologies LLC, Columbia, SC; Itc Federal, LLC, Fairfax, VA; Logc2 INC, Decatur, AL; McLaughlin Research Corp., New London, CT; MIKEL, Inc., Middletown, RI; Mission Autonomy AI LLC, Naugatuck, CT; Ocean Motion Technologies INC, Pomona, CA; Sierra Management & Technologies INC, California, MD; Signet Technologies, Inc., Columbia, MD; Teksouth Corporation, Gardendale, AL; Tiberius Aerospace, INC, Newport Beach, CA; Torch Technologies INC, Huntsville, AL; TRIMECH SOLUTIONS LLC, Glen Allen, VA; Two Six Labs, LLC, Arlington, VA; Valinor Enterprises Inc., Alexandria, VA; and Vigilant Cyber Systems, Inc., Mount Airy, NC, have been added as parties to this venture.

Also, 1Aardvark LLC, Manassas, VA; Base-2 Solutions, LLC, Columbia, MD; Cynnovative, LLC, Arlington, VA; DOMA Technologies LLC, Virginia Beach, VA; Higherechelon, Inc., Huntsville, AL; Invoke Public Sector USA LLC, Atlanta, GA; Kestrel Intelligence, Inc., Boise, ID; Oneida Professional Services LLC, Milwaukee, WI; and Scix3 LLC, Alexandria, VA, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and IWRP Consortium intends to file additional written notifications disclosing all changes in membership.

On October 15, 2018, IWRP Consortium filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on October 23, 2018 (83 FR 53499).

The last notification was filed with the Department on January 8, 2026. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on February 23, 2026 (91 FR 8529).

Suzanne Morris,

Deputy Director Civil Enforcement Operations, Antitrust Division.

[FR Doc. 2026–12366 Filed 6–18–26; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—PXI Systems Alliance, Inc.

Notice is hereby given that, on March 3, 2026, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), PXI Systems Alliance, Inc. (''PXI Systems'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust

plaintiffs to actual damages under specified circumstances. Specifically, Salland Engineering B.V., Zwolle, KINGDOM OF THE NETHERLANDS; Roketsan AS, Ankara, REPUBLIC OF TÜRKIYE; and Apex Waves LLC, Raleigh, NC, have been added as parties to this venture.

Also, Applicos Bv, Heerde, KINGDOM OF THE NETHERLANDS; OpenATE, Inc., Taipei, REPUBLIC OF CHINA (TAIWAN); SignalCraft Technologies, Inc., Calgary, CANADA; and CERN, Geneva, SWISS CONFEDERATION, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and PXI Systems intends to file additional written notifications disclosing all changes in membership.

On November 22, 2000, PXI Systems filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on March 8, 2001 (66 FR 13971).

The last notification was filed with the Department on September 19, 2025. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on January 20, 2026 (91 FR 2371).

Suzanne Morris,

Deputy Director Civil Enforcement Operations, Antitrust Division.

[FR Doc. 2026–12358 Filed 6–18–26; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—ODVA, Inc.

Notice is hereby given that, on April 14, 2026, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), ODVA, Inc. (''ODVA'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, HAI ROBOTICS Co., Ltd., Shenzhen, Guangdong, PEOPLE'S REPUBLIC OF CHINA; WAGO Electronic (Tianjin) Co., Ltd., Tianjin, PEOPLE'S REPUBLIC OF CHINA; NXP Semiconductors Netherlands B.V., Eindhoven, Noord Brabant, KINGDOM OF THE NETHERLANDS; ProMinent GmbH, Heidelberg, Baden-Württemberg, FEDERAL REPUBLIC OF GERMANY; Beijer Electronics AB, Malmö, Skane, KINGDOM OF SWEDEN; Malema Engineering Corporation, Boca Raton, FL; and Electro Sensors Inc., Minnetonka, MN, have been added as parties to this venture.

Also, PULS GmbH, Elektrastrasse, Munich, FEDERAL REPUBLIC OF GERMANY; and Soft Robotics Inc., Bedford, MA, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and ODVA intends to file additional written notifications disclosing all changes in membership.

On June 21, 1995, ODVA filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on February 15, 1996 (61 FR 6039).

The last notification was filed with the Department on January 13, 2026. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on March 26, 2026 (91 FR 14715).

Suzanne Morris,

Deputy Director Civil Enforcement Operations, Antitrust Division.

[FR Doc. 2026–12352 Filed 6–18–26; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Rust Foundation

Notice is hereby given that, on March 27, 2026, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Rust Foundation has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Canonical Group Limited, London, UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND; and Processing Foundation, New York, NY, have been added as parties to this venture.

Also, Zama, Paris, FRENCH REPUBLIC, has withdrawn as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Rust Foundation intends to file additional written notifications disclosing all changes in membership.

On April 14, 2022, Rust Foundation filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on May 13, 2022 (87 FR 29384).

The last notification was filed with the Department on January 23, 2026. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on March 26, 2026 (91 FR 14716).

Suzanne Morris,

Deputy Director Civil Enforcement Operations, Antitrust Division.

[FR Doc. 2026–12355 Filed 6–18–26; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—UHD Alliance

Notice is hereby given that, on March 23, 2026, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), UHD Alliance, Inc. (''UHD Alliance'') filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Hisense Electric Co., Ltd. Multimedia R&D Center, Qingdao, PEOPLE' S REPUBLIC OF CHINA; and Shenzhen Chuangwei-RGB Electronics Co., Ltd. (Skyworth), Shenzhen, PEOPLE' S REPUBLIC OF CHINA have withdrawn as parties to this venture.

No other changes have been made in either the membership or the planned activity of the group research project. Membership in this group research project remains open, and UHD Alliance intends to file additional written notifications disclosing all changes in membership.

On June 17, 2015, UHD Alliance filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on July 17, 2015 (80 FR 42537).

The last notification was filed with the Department on December 30, 2025. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on February 23, 2026 (91 FR 8529).

Suzanne Morris,

Deputy Director Civil Enforcement Operations, Antitrust Division.

[FR Doc. 2026–12349 Filed 6–18–26; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—1EdTech Consortium, Inc.

Notice is hereby given that, on January 21, 2026, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), 1EdTech Consortium, Inc. (''1EdTech Consortium'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, FWU—Das Medieninstitut der Länder, Grünwald, FEDERAL REPUBLIC OF GERMANY; SchoolsPLP, Phoenix, AZ; Southeastern Community College, West Burlington, IA; Reqlut, Santiago, CHILE; Poudre School District, Fort Collins, CO; Gaggle.Net, Inc., Chicago, IL; heyC AI, Chicago, IL; Compro Technologies, Khel Gaon Marg, REPUBLIC OF INDIA; University of the People, Pasadena, CA; and iDesign, Dallas, TX, have been added as parties to this venture.

Also, Orange County School District, Orlando, FL; MarkAny Chainverse, Inc., Jung-Gu, REPUBLIC OF KOREA; Bill & Melinda Gates Foundation, Seattle, WA; H5P—A D2L Company, Kitchener, CANADA; Jefferson County Public Schools, Louisville, KY; Theta Servv Inc., San Diego, CA; Montgomery County Public Schools, Rockville, MD; The Ron Clark Academy, Atlanta, GA; and Academian Inc., Chandler, AZ, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and 1EdTech Consortium intends to file additional written notifications disclosing all changes in membership.

On April 7, 2000, 1EdTech Consortium filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on September 13, 2000 (65 FR 55283).

The last notification was filed with the Department on October 31, 2025. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on March 26, 2026 (91 FR 14715).

Suzanne Morris,

Deputy Director Civil Enforcement Operations, Antitrust Division.

[FR Doc. 2026–12359 Filed 6–18–26; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—ASTM International

Notice is hereby given that, on February 13, 2026, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), ASTM International (''ASTM'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing additions or changes to its standards development activities. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, ASTM has provided an updated list of current, ongoing ASTM activities originating between December 8, 2025, and February 13, 2026, designated as Work Items. A complete listing of ASTM Work Items, along with a brief description of each, is available at *http://www.astm.org.*

On September 15, 2004, ASTM filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on November 10, 2004 (69 FR 65226).

The last notification was filed with the Department on December 8, 2025. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on March 26, 2026 (91 FR 14720).

Suzanne Morris,

Deputy Director Civil Enforcement Operations, Antitrust Division.

[FR Doc. 2026–12365 Filed 6–18–26; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

[OMB Number 1190–0020]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension of a Previously Approved Collection; Title—Reporting Portal for Civil Rights Violations

AGENCY: Civil Rights Division, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Civil Rights Division, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until August 21, 2026.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact: please contact Randy Abramson, Product Manager, Civil Rights Division, U.S. Department of Justice, 150 M Street NE, Washington, DC 20002.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Bureau of Justice Statistics, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Abstract: This collection is authorized by 18 U.S.C. 245, Federally Protected Activities and 18 U.S.C. 241, 242, Official Misconduct. Civil Rights Division of the U.S. Department of Justice enforces the nation's federal civil rights statutes. Members of the public play a critical role in this effort by reporting civil rights violations to the Division. To facilitate this reporting process, the Division is developing a streamlined online Reporting Portal for Civil Rights Violations. This Portal is designed to facilitate and enhance individual complainant's reporting opportunities.

Overview of This Information Collection

1. Type of Information Collection: Reinstatement of a previously approved collection.

2. The Title of the Form/Collection: Reporting Portal for Civil Rights Violations.

3. The agency form number, if any, and the applicable component of the Department sponsoring the collection: There is no agency form number for this collection. The applicable component within the Department of Justice is the Civil Rights Division.

4. Affected public who will be asked or required to respond, as well as the obligation to respond: Affected Public: Individuals or households. The obligation to respond is voluntary.

5. An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: The total or estimated number of respondents for this collection is 159,036. The time per response is 6 minutes.

6. An estimate of the total annual burden (in hours) associated with the collection: The total annual burden hours for this collection is 15,903 hours.

7. An estimate of the total annual cost burden associated with the collection, if applicable: $566,000.

TOTAL BURDEN HOURS

Activity	Number of respondents	Frequency (annually)	Total annual responses	Time per response	Total annual burden (hours)
Reporting Portal for Civil Rights Violations	159,036	1	159,036	6 min (.1)	15,903
Unduplicated Totals	159,036		159,036		15,903

If additional information is required contact: Darwin Arceo, Department Clearance Officer, United States Department of Justice, Justice Management Division, Service Delivery Staff, Two Constitution Square, 145 N Street NE, 4W–218, Washington, DC.

Dated: June 17, 2026.

Darwin Arceo,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2026–12498 Filed 6–18–26; 8:45 am]

BILLING CODE 4410–13–P

DEPARTMENT OF JUSTICE

[OMB Number 1121–0346]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Reinstatement, With Change, of a Previously Approved Collection for Which Approval has Expired: Census of State and Local Law Enforcement Agencies (CSLLEA)

AGENCY: Bureau of Justice Statistics, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Office of Justice Programs, Bureau of Justice Statistics, Department of Justice (DOJ), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 30 days until July 22, 2026.

FOR FURTHER INFORMATION CONTACT: If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact: Elizabeth Davis, Statistician, Bureau of Justice Statistics, 810 Seventh Street NW, Washington, DC 20531 (email: *bjspra.comments@ojp.usdoj.gov;* telephone: 202–307–0765).

SUPPLEMENTARY INFORMATION: The proposed information collection was previously published in the **Federal Register**, Volume 91, Number 74, pages 20705–20706, on Friday, April 17, 2026, allowing a 60-day comment period. BJS did not receive any comments in response to the 60-day notice.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and/or

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Written comments and recommendations for this information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function and entering either the title of the information collection or the OMB Control Number 1121–0346. This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view Department of

Justice, information collections currently under review by OMB.

DOJ seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOJ notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Overview of This Information Collection

1. *Type of Information Collection:* Reinstatement, with changes, of a previously approved collection for which approval has expired.

2. *Title of the Form/Collection:* 2026 Census of State and Local Law Enforcement Agencies (CSLLEA).

3. *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* The form number is CJ–38. The applicable component within the Department of Justice is the Bureau of Justice Statistics (BJS), in the Office of Justice Programs.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* Respondents will include all state, county, local, and tribal law enforcement agencies in the United States that are (1) publicly funded law enforcement agencies employing at least the equivalent of one full-time sworn officer with general arrest powers or (2) publicly or privately funded campus law enforcement agencies employing at least the equivalent of one full-time sworn officer with general arrest powers. Both general purpose agencies (*i.e.,* any public agency with sworn officers whose patrol and enforcement responsibilities are primarily delimited by the boundaries of a municipal, county, or state government) and special purpose agencies (*e.g.,* campus law enforcement, transportation, natural resources, etc.) meeting the above description will be asked to respond.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* Approximately 22,000 agencies will be invited to participate, spending an average of 32 minutes each to complete form CJ–38, including time to research or find information not readily available. In addition, an estimated 11,000 respondents will be contacted for data quality follow-up at 10 minutes per respondent.

6. *An estimate of the total public burden (in hours) associated with the collection:* The total burden for this collection is 13,566 hours.

Activity	Number of respondents	Frequency	Total annual responses	Time per response	Total annual burden (hours)
Survey	22,000	1	22,000	32 min (0.53 hrs.)	11,733 hrs.
Data Quality Follow-Up	11,000	1	11,000	10 min (0.17 hrs.)	1,833 hrs.
Unduplicated Totals	22,000		22,000		13,566 hrs.

7. *An estimate of the total annual cost burden associated with the collection, if applicable:* $521,000.

If additional information is required, contact: Darwin Arceo, Department Clearance Officer, Service Delivery Staff, Justice Management Division, United States Department of Justice, Two Constitution Square, 145 N Street NE, 3E.206, Washington, DC 20530.

Dated: June 17, 2026

Darwin Arceo,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2026–12430 Filed 6–18–26; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF LABOR

Bureau of Labor Statistics

Proposed Revision of Information Collection; BLS Data Sharing Program

AGENCY: Bureau of Labor Statistics, Department of Labor.

ACTION: Request for comment.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. The Bureau of Labor Statistics (BLS) is soliciting comments concerning the proposed revision of the ''BLS Data Sharing Program.'' A copy of the proposed information collection request can be obtained by contacting the individual listed below in the **ADDRESSES** section of this notice.

DATES: Written comments must be submitted to the office listed in the **ADDRESSES** section of this notice on or before August 21, 2026.

ADDRESSES: Send comments to Erin Good, BLS Clearance Officer, Division of Management Systems, Bureau of Labor Statistics, by email to *BLS_PRA_Public@bls.gov.*

FOR FURTHER INFORMATION CONTACT: Erin Good, BLS Clearance Officer, at 202–691–7628 (this is not a toll free number). (See **ADDRESSES** section.)

SUPPLEMENTARY INFORMATION:

I. Background

An important aspect of the mission of the BLS is to disseminate to the public the maximum amount of information possible. Not all data are publicly available because of the importance of maintaining the confidentiality of BLS data. However, the BLS has opportunities available on a limited basis for eligible researchers to access confidential data for purposes of conducting valid statistical analyses that further the mission of the BLS as permitted in the Confidential Information Protection and Statistical Efficiency Act (CIPSEA).

The BLS makes confidential data available to eligible researchers through three major programs:

1. The National Longitudinal Surveys of Youth (NLSY) is designed to document the transition from school to work and into adulthood. The NLSY collects extensive information about youths' labor market behavior and educational experiences over time. The NLSY includes three different cohorts: the National Longitudinal Survey of Youth 1979 (NLSY79), the NLSY79 Young Adult Survey, and the National Longitudinal Survey of Youth 1997 (NLSY97). NLSY data beyond the public use data are made available in greater detail through an offsite program providing eligible researchers with NLSY State, County, and MSA Geocode data. Eligible researchers can access these data through a Virtual Data Enclave (VDE).

2. The Census of Fatal Occupational Injuries (CFOI), as part of the BLS occupational safety and health statistics program, compiles a count of all fatal work injuries occurring in the U.S. in each calendar year. Multiple sources are used in order to provide as complete and accurate information concerning workplace fatalities as possible. A research file containing CFOI-Masked data is made available offsite to eligible researchers through a VDE.

3. Additionally, the BLS makes available highly restricted data from several employment, prices, compensation, and working conditions surveys to eligible researchers. (Access has been temporarily suspended to all highly restricted datasets other than NLSY due to resource limitations. As other datasets are reinstated, a public notice will be posted on the BLS website.) Eligible researchers can access these data through a VDE.

II. Current Action

Office of Management and Budget clearance is being sought for the revision of the BLS Data Sharing Program. In order to provide access to confidential data under CIPSEA, the BLS must enter into legal agreements with approved researchers' institutions. This information collection allows the BLS to obtain the necessary details for those legal agreements which are not captured through the Standard Application Process (SAP).

BLS data are no longer available at Census Federal Statistical Research Data Centers (FSRDCs). Data are now available only through the BLS VDE. Therefore, the FSRDC-specific Researcher Data Access Information Form has been removed from this OMB package.

III. Desired Focus of Comments

The Bureau of Labor Statistics is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

Title of Collection: BLS Data Sharing Program.

OMB Number: 1220–0180.

Type of Review: Revision.

Affected Public: Individuals.

Form	Total respondents	Frequency	Total responses	Average time per response	Estimated total burden hours
NLSY	60	Once (on occasion).	60	15 minutes	15
CFOI	3	Once (on occasion).	3	15 minutes	0.75
Highly Restricted Datasets	15	Once (on occasion).	15	25 minutes	6.25
Totals	78		78		22

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they also will become a matter of public record.

Signed on June 12, 2026.

Eric Molina,

Chief, Division of Management Systems, Branch of Policy Analysis.

[FR Doc. 2026–12428 Filed 6–18–26; 8:45 am]

BILLING CODE 4510–24–P

DEPARTMENT OF LABOR

Office of Workers' Compensation Programs

[OMB Control No. 1240–0040]

Proposed Extension of a Currently Approved Collection: Certification of Funeral Expenses Under the Longshore and Harbor Workers' Compensation Act; Correction

AGENCY: Office of Workers' Compensation Programs, Division of Longshore and Harbor Workers' Compensation (OWCP/DLHWC), Department of Labor.

ACTION: Notice; correction.

SUMMARY: This is a correction of a notice published June 9, 2026 which in error referenced Administration of the Longshore and Harbor Workers' Compensation Act. The collection of information is for Certification of Funeral Expenses (LS–265).

FOR FURTHER INFORMATION CONTACT: Anjanette Suggs by telephone at 202–354–9660 or by email at *suggs.anjanette@dol.gov.*

SUPPLEMENTARY INFORMATION:

Correction

In the **Federal Register** of June 9, 2026, in FR Doc. 2026–11496, make the following corrections:

1. On page 34837, in the first column, in the first sentence of the **SUMMARY** preamble caption, correct the information collection request title to read ''Certification of Funeral Expenses under the Longshore and Harbor Workers' Compensation Act (LS–265)''.

2. On page 34838, in the first column, under ''Title of Collection:'', correct the title to read, ''Certification of Funeral Expenses under the Longshore and Harbor Workers' Compensation Act (LS–265)''.

(Authority: 33 U.S.C. 909(a) 913 and 937)

Anjanette Suggs,

Agency Clearance Officer.

[FR Doc. 2026–12433 Filed 6–18–26; 8:45 am]

BILLING CODE 4510–CF–P

DEPARTMENT OF LABOR

Office of Workers' Compensation Programs

[OMB Control No. 1240–0026]

Proposed Extension Without Change of Existing Collection; Comment Request; Application for Continuation of Death Benefit for Student (LS–266); Correction

AGENCY: Office of Workers' Compensation Programs, Division of Longshore and Harbor Workers' Compensation (OWCP/DLHWC), Department of Labor.

ACTION: Notice; correction.

SUMMARY: This is a correction of a notice published June 9, 2026, which in error referenced Administration of the Longshore and Harbor Workers' Compensation Act. The collection of information is for the Application of Continuation of Death Benefit for Student (LS–266).

DATES: The OMB will consider all written comments that the agency receives on or before August 10, 2026.

FOR FURTHER INFORMATION CONTACT: Contact Anjanette Suggs, Office of Workers' Compensation Programs, OWCP by telephone at 202–354–9660 or by email at *suggs.anjanette@dol.gov.*

SUPPLEMENTARY INFORMATION:

Correction

In the **Federal Register** of June 9, 2026 (91 FR 34838), make the following correction:

On page 34838, in the first column, correct the subject heading to read, ''Proposed Extension Without Change of Existing Collection; Comment Request; Application for Continuation of Death Benefit for Student (LS–266)''.

Authority: 33 U.S.C. 902(18) and 939(a).

Anjanette Suggs,

Agency Clearance Officer.

[FR Doc. 2026–12439 Filed 6–18–26; 8:45 am]

BILLING CODE 4510–CF–P

NATIONAL CREDIT UNION ADMINISTRATION

Sunshine Act Meetings

TIME AND DATE: 10:00 a.m., Wednesday, June 24, 2026.

PLACE: Board Room, 7th Floor, Room 7B, 1775 Duke Street (All visitors must use Diagonal Road Entrance), Alexandria, VA 22314–3428.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Board Briefing, Regulatory Update.
2. Board Briefing, Share Insurance Fund Quarterly Report.
3. Board Briefing, 2026 Mid-Year Budget Update.

CONTACT PERSON FOR MORE INFORMATION: Ji Kwon, Acting Secretary of the Board, Telephone: 703–518–6322.

Ji Kwon,

Acting Secretary of the Board.

[FR Doc. 2026–12499 Filed 6–17–26; 4:15 pm]

BILLING CODE 7535–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2026–0001]

Sunshine Act Meetings

TIME AND DATE: Weeks of June 22, 29, and July 6, 13, 20, 27, 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 22, 2026

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/.*

Week of July 27, 2026—Tentative

There are no meetings scheduled for the week of July 27, 2026.

CONTACT PERSON FOR MORE INFORMATION: For more information or to verify the status of meetings, contact Wesley Held at 301–287–3591 or via email at *Wesley.Held@nrc.gov.*

The NRC is holding the meetings under the authority of the Government in the Sunshine Act, 5 U.S.C. 552b.

Dated: June 17, 2026.

For the Nuclear Regulatory Commission.

Wesley W. Held,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2026–12515 Filed 6–17–26; 4:15 pm]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2025–0677]

Regulatory Guide: Acceptability of ASME OM–2 Code, Component Testing Requirements at Nuclear Facilities; Correction

AGENCY: Nuclear Regulatory Commission.

ACTION: Direct final guide; issuance and post-promulgation comment period; correction.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is correcting a notice that was published in the **Federal Register** on June 4, 2026, regarding Regulatory Guide: Acceptability of ASME OM–2 Code, Component Testing Requirements at Nuclear Facilities, issuance and post-promulgation comment period. This action is necessary to correct the effective date of Regulatory Guide, 1.220, Revision 0.

DATES: The correction takes effect on June 22, 2026.

ADDRESSES: Please refer to Docket ID NRC–2025–0677 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2025–0677. Address questions about Docket IDs in *Regulations.gov* to Bridget Curran; telephone: 301–415–1003; email: *Bridget.Curran@nrc.gov.* For technical questions, contact the individual(s) listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin ADAMS Public Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, at 301–415–4737, or by email to *PDR.Resource@nrc.gov.*
- *NRC's PDR:* The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Thomas Scarbrough, Office of Nuclear Reactor Regulation, telephone: 301–415–2794; email: *Thomas.Scarbrough@nrc.gov* and Amir Mobasheran, Office of Nuclear Regulatory Research, telephone: 301–415–8112; email: *Amir.Mobasheran@nrc.gov.* Both are staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION: In the **Federal Register** (FR) on June 4, 2026, in FR Doc. 2026–11191, on page 33770, in the third column of the **SUMMARY** section, correct ''This RG is effective on the date of Federal Register Notice publication, with a 30-day post-promulgation comment period'' to read ''This RG is effective on August 18, 2026, with a 30-day post-promulgation comment period.'' Within the **DATES** section, correct ''RG 1.220, Revision 0, takes effect on June 4, 2026'' to read ''RG 1.220, Revision 0, takes effect on August 18, 2026.'' In addition, on page 33771, in the third column of section III, ''Post-Promulgation Comment Procedure,'' correct ''This RG is effective on June 4, 2026'' to read, ''This RG is effective on August 18, 2026.''

Authority: 42 U.S.C. 2011 *et seq.*

Dated: June 17, 2026.

For the Nuclear Regulatory Commission.

James Steckel,

Acting Chief, Guidance and Publications Branch, Division of Guidance, Rulemaking, Economic Analysis and Technical Editing, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2026–12434 Filed 6–18–26; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2026–277 and K2026–274; MC2026–278 and K2026–275; MC2026–279 and K2026–276]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *https://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. Public Proceeding(s)
III. Summary Proceeding(s)

I. Introduction

Pursuant to 39 CFR 3041.405, the Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to Competitive negotiated service agreement(s). The request(s) may propose the addition of a negotiated service agreement from the Competitive product list or the modification of an existing product currently appearing on the Competitive product list.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.[1]

Section II identifies the docket number(s) associated with each Postal Service request, if any, that will be reviewed in a public proceeding as defined by 39 CFR 3010.101(p), the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each such request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 and 39 CFR 3000.114 (Public Representative). The Public Representative does not represent any individual person, entity or particular point of view, and, when Commission attorneys are appointed, no attorney-client relationship is established. Section II also establishes comment deadline(s) pertaining to each such request.

The Commission invites comments on whether the Postal Service's request(s) identified in Section II, if any, are consistent with the policies of title 39. Applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3041. Comment deadline(s) for each such request, if any, appear in Section II.

Section III identifies the docket number(s) associated with each Postal Service request, if any, to add a standardized distinct product to the Competitive product list or to amend a standardized distinct product, the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. Standardized distinct products are negotiated service agreements that are variations of one or more Competitive products, and for which financial models, minimum rates, and classification criteria have undergone advance Commission review. *See* 39 CFR 3041.110(n); 39 CFR 3041.205(a). Such requests are reviewed in summary proceedings pursuant to 39 CFR 3041.325(c)(2) and 39 CFR 3041.505(f)(1). Pursuant to 39 CFR 3041.405(c)-(d), the Commission does not appoint a Public Representative or request public comment in proceedings to review such requests.

II. Public Proceeding(s)

None. *See* Section III for summary proceedings.

[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).

III. Summary Proceeding(s)

1. *Docket No(s).:* MC2026–277 and K2026–274; *Filing Title:* USPS Request to Add New Fulfillment Standardized Distinct Product, PM–GA Contract 1017, and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* June 16, 2026; *Filing Authority:* 39 U.S.C. 3642 and 3633, 39 CFR 3035.105, and 39 CFR 3041.325.

2. *Docket No(s).:* MC2026–278 and K2026–275; *Filing Title:* USPS Request to Add New Fulfillment Standardized Distinct Product, PM–GA Contract 1018, and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* June 16, 2026; *Filing Authority:* 39 U.S.C. 3642 and 3633, 39 CFR 3035.105, and 39 CFR 3041.325.

3. *Docket No(s).:* MC2026–279 and K2026–276; *Filing Title:* USPS Request to Add New Mid-Market Standardized Distinct Product, PM–GA Contract 1019, and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* June 16, 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. 2026–12454 Filed 6–18–26; 8:45 am]

BILLING CODE 7710–FW–P

RAILROAD RETIREMENT BOARD

Sunshine Act Meetings

TIME AND DATE: 10:00 a.m., June 30, 2026.

PLACE: Members of the public wishing to attend the meeting must submit a written request at least 24 hours prior to the meeting to receive dial-in information. All requests must be sent to *SecretarytotheBoard@rrb.gov.*

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED: Office of Legislative Affairs: Legislation and Appropriation Updates.

CONTACT PERSON FOR MORE INFORMATION: Stephanie Hillyard, Secretary to the Board, (312) 751–4920.

Authority: 5 U.S.C. 552b.

Dated: June 16, 2026.

Stephanie Hillyard,

Secretary to the Board.

[FR Doc. 2026–12398 Filed 6–17–26; 11:15 am]

BILLING CODE 7905–01–P

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235–0574]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Extension: Rule 3a–8 Under the Investment Company Act of 1940

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (SEC or ''Commission'') is submitting to the Office of Management and Budget (OMB) this request for extension of the proposed collection of information.

17 CFR 270.3a–8 (rule 3a–8 under the Investment Company Act of 1940 (15 U.S.C. 80a) (the ''Act'')), serves as a nonexclusive safe harbor from investment company status for certain research and development companies (''R&D companies''). The rule requires that the board of directors of an R&D company seeking to rely on the safe harbor adopt an appropriate resolution evidencing that the company is primarily engaged in a non-investment business and record that resolution contemporaneously in its minute books or comparable documents. An R&D company seeking to rely on the safe harbor must retain these records only as long as such records must be maintained in accordance with state law. The rule also requires the board of directors of a company that relies on the safe harbor to adopt a written policy with respect to the company's capital preservation investments. We expect that the board of directors will base its decision to adopt the resolution discussed above, in part, on investment guidelines that the company will follow to ensure its investment portfolio is in compliance with the rule's requirements.

The collection of information imposed by rule 3a–8 is voluntary because the rule is an exemptive safe harbor, and therefore, R&D companies may choose whether to rely on it. The purposes of the information collection requirements in rule 3a–8 are to ensure that: (i) the board of directors of an R&D company is involved in determining whether the company should be considered an investment company and subject to regulation under the Act, and (ii) adequate records are available for Commission review, if necessary. Rule 3a–8 would not require the reporting of any information or the filing of any documents with the Commission.

Commission staff estimates that there is no annual recordkeeping burden associated with the rule's requirements. Nevertheless, the Commission requests authorization to maintain an inventory of one burden hour for administrative purposes.

Commission staff estimates that approximately 721,792 R&D companies may take advantage of rule 3a–8.[1] Given that the board resolutions and investment guidelines will generally need to be adopted only once (unless relevant circumstances change),[2] the Commission believes that all the R&D companies that existed prior to the adoption of rule 3a–8 adopted their board resolutions and established written investment guidelines in 2003 when the rule was adopted. We expect that R&D companies formed subsequent to the adoption of rule 3a–8 would adopt the board resolution and investment guidelines simultaneously with their formation documents in the ordinary course of business.[3] Therefore, we estimate that rule 3a–8 does not impose additional burdens.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB Control Number.

The public may view and comment on this information collection request at: *https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202604-3235-002* or email comment to *MBX.OMB.OIRA.SEC_desk_officer@omb.eop.gov* within 30 days of the day after publication of this notice, by July 23, 2026.

Dated: June 17, 2026.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2026–12452 Filed 6–18–26; 8:45 am]

BILLING CODE 8011–01–P

[1] *See* National Science Foundation, National Center for Science and Engineering Statistics, Business Enterprise Research and Development, 2023 Data Tables, Table 10, *available at: https://ncses.nsf.gov/surveys/business-enterprise-research-development/2023#data.*

[2] In the event of changed circumstances, the Commission believes that the board resolution and investment guidelines will be amended and recorded in the ordinary course of business and would not create additional time burdens.

[3] In order for these companies to raise sufficient capital to fund their product development stage, Commission staff believes that they will need to present potential investors with investment guidelines; investors generally want to be assured that the company's funds are invested consistent with the goals of capital preservation and liquidity.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–105702; File No. SR–NYSENAT–2026–18]

Self-Regulatory Organizations; NYSE National, Inc.; Notice of Filing of Proposed Rule Change To Add a New Partial Cabinet Solution Bundle

June 16, 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 June 2, 2026, NYSE National, Inc. (''NYSE National'' 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 proposes to add a new Partial Cabinet Solution bundle as part of its co-location services. The description of the Partial Cabinet Solution bundles and related fees in the Connectivity Fee Schedule (''Fee Schedule'') would be updated accordingly. The proposed rule change is available on the Exchange's website at *www.nyse.com* and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to add a new Partial Cabinet Solution (''PCS'') bundle as part of its co-location services. Specifically, the Exchange proposes to add a 4 kW PCS bundle. The description of the PCS bundles and related fees in the Fee Schedule would be updated accordingly.

The Exchange expects that the proposed rule change would become operative no later than October 31, 2026. The Exchange will announce the date through a customer notice.

Background

Currently, Users [3] may select a PCS bundle which includes a 2 kW partial cabinet; access to the Liquidity Center Network (''LCN'') and internet protocol (''IP'') network, the local area networks available in the data center; two NMS network [4] connections, two fiber cross connections; and connectivity to one of two time feeds.[5] In addition to other requirements, a User and its Affiliates [6] must have an Aggregate Cabinet Footprint [7] of 2 kW or less to qualify for the PCS bundle.

The PCS bundles were designed to attract smaller Users, including those with minimal power or cabinet space demands or those for which the costs attendant with having a dedicated cabinet or greater network connection bandwidth are too burdensome.[8] That has not changed. But as hardware and other infrastructure has evolved, even those with minimal demands need more power to meet the requirements of their hardware, such that even smaller Users may find the existing 2 kW PCS bundle inadequate to meet their needs.

Proposed Changes

To respond to Users' increased power needs, the Exchange proposes to add a new 4 kW PCS bundle. To differentiate it from the existing 2 kW PCS bundle, the Exchange proposes to label them as Options A and B. Like its predecessor, Option B would be sized to meet the needs of smaller Users and their current power needs.

To implement the changes, the Exchange would amend Note 1, in relevant part, as follows (proposed additions *italicized*):

1. To qualify for a Partial Cabinet Solution bundle, a User must meet the following conditions: (1) it must purchase only one Partial Cabinet Solution bundle; (2) the User and its Affiliates must not currently have a Partial Cabinet Solution bundle; and (3) after the purchase of the Partial Cabinet Solution bundle, the User, together with its Affiliates, will have an Aggregate Cabinet Footprint of no more than 2 kW *for Option A and 4 kW for Option B.*

• A User requesting a Partial Cabinet Solution bundle will be required to certify to the Exchange (a) whether any other Users or Hosted Customers are Affiliates of the certificating User, and (b) that after the purchase of the Partial Cabinet Solution bundle, the User, together with its Affiliates, would have an Aggregate Cabinet Footprint of no more than 2 kW *for Option A and 4 kW for Option B.*

The Exchange would also amend the Fee Schedule to label the 2 kW PCS bundle as Option A and add the new proposed Option B. The amended Fee Schedule would read as follows (proposed deletions bracketed; proposed additions *italicized*):

[3] For purposes of the Exchange's colocation services, a ''User'' means any market participant that requests to receive colocation services directly from the Exchange. *See* Securities Exchange Act Release No. 83351 (May 31, 2018), 83 FR 26314 at n.9 (June 6, 2018) (SR–NYSENAT–2018–07). As specified in the Fee Schedule, a User that incurs colocation fees for a particular colocation service pursuant thereto would not be subject to colocation fees for the same colocation service charged by the New York Stock Exchange LLC, NYSE American LLC, NYSE Arca, Inc., and NYSE Texas, Inc. (together, the ''Affiliate SROs''). Each Affiliate SRO has submitted substantially the same proposed rule change to propose the change described herein.

[4] The NMS Network is an alternate dedicated network connection that Users use to access the NMS feeds for which the Securities Industry Automation Corporation is engaged as the securities information processor. *See* Securities Exchange Act Release No. 88837 (May 7, 2020), 85 FR 28671 (May 13, 2020) (SR–NYSE–2019–46, SR–NYSEAMER–2019–34, SR–NYSEArca–2019–61, SR–NYSENAT–2019–19).

[5] *See* Securities Exchange Act Release No. 97752 (June 16, 2023), 88 FR 41134 (June 23, 2023) (SR–NYSENAT–2023–10).

[6] An ''Affiliate'' of a User is any other User or Hosted Customer that is under 50% or greater common ownership or control of the first User. Fee Schedule, p 1.

[7] The ''Aggregate Cabinet Footprint'' of a User is the total kW of the User's cabinets, including both partial and dedicated cabinets. Fee Schedule, p 1.

[8] *See* Securities Exchange Act No. 84895 (December 29, 2018), 83 FR 67405 (December 28, 2018) (SR–NYSENAT–2018–26).

Partial Cabinet Solution bundles Note: A User and its Affiliates are limited to one Partial Cabinet Solution bundle at a time. A User and its Affiliates must have an Aggregate Cabinet Footprint of 2 kW or less to qualify for [a Partial Cabinet Solution bundle] *Option A and 4 kW or less to qualify for Option B.* See Note 1 under ''Colocation Notes.'' A purchaser of a Partial Cabinet Solution bundle must select NMS Network connections of the same size (*i.e.,* 10 Gb or 40 Gb) as the related LCN and IP network connections.	*Option A:* 2 kW partial cabinet, 1 LCN connection (10 Gb LX or 40 Gb), 1 IP network connection (10 Gb or 40 Gb), 2 NMS Network connections (10 Gb or 40 Gb each), 2 fiber cross connections and either the Network Time Protocol Feed or Precision Timing Protocol. *Option B:* *4 kW partial cabinet, 1 LCN connection (10 Gb LX or 40 Gb), 1 IP network connection (10 Gb or 40 Gb), 2 NMS Network connections (10 Gb or 40 Gb each), 2 fiber cross connections and either the Network Time Protocol Feed or Precision Timing Protocol.*	$10,000 initial charge per bundle plus $16,500 monthly charge per bundle. *$12,000 initial charge per bundle plus $19,000 monthly charge per bundle.*

Application and Impact of the Proposed Change

The proposed change would apply to all PCS bundles. The proposed change would not apply differently to distinct types or sizes of market participants. Rather, it would apply to all Users equally.

Users that require other sizes or combinations of cabinets, network connections and cross connects could still request them. As is currently the case, the purchase of any colocation service, including PCS bundles, is completely voluntary and the Price List is applied uniformly to all Users.

The Exchange expects to obtain at most a handful of new Users as a result of offering the 4 kW PCS bundles. A User, including a User with a 4 kW dedicated cabinet, would be able to convert to the 4 kW PCS bundle if it otherwise met the conditions.

Competitive Environment

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.'' [9]

The Exchange's provision of 4 kW PCS bundles would be subject to competition from Hosting Users. A ''Hosting User'' is a User that hosts another entity in its space within the data center.[10] The hosted customer is a ''Hosted Customer.'' [11] Based on conversations with Users and potential customers, the Exchange understands that Hosting Users offer bundles (''Hosting User Bundles'') that include cabinet space and space on shared LCN and IP network connections—and that the Hosting User Bundles provide their end users with a service similar to that of the PCS bundles.[12]

The Exchange does not believe that the fact that Hosting Users are subject to co-location fees, including a Hosting Fee of $1,000 per cabinet per Hosted Customer for each cabinet in which such Hosted Customer is hosted (all such fees together, ''Hosting User Fees''), precludes Hosting Users from providing services competitive to the proposed 4 kW PCS bundles.[13]

This is because it is in the Exchange's interest to set the Hosting User Fees at a reasonable level so that Hosting Users will maximize their use of the MDC. When the Hosting User Fees are set at a reasonable level, the Exchange believes that Hosting Users are more likely to install equipment in the MDC and to sell connections to Hosted Customers. These Hosting Users then compete with each other and the Exchange by pricing such Hosting User Bundles at competitive rates. These competitive rates for Hosting User Bundles help draw in more Users, including Hosting Users, to the MDC. This directly benefits the Exchange by increasing the customer base to whom the Exchange can sell its colocation services, which include cabinets, power, ports, and connectivity to third-party systems and data feeds, and because more Users, including Hosting Users, and Hosted Customers leads, in many cases, to greater participation on the Exchange. In this way, by setting the Hosting User Fees at a level attractive to Hosting Users, the Exchange spurs demand for all of the services it sells at the MDC.

The Exchange operates in a highly competitive market in which exchanges and other vendors (*i.e.,* Hosting Users) offer co-location services as a means to facilitate the trading and other market activities of those market participants who believe that co-location enhances the efficiency of their operations.

The proposed change is not otherwise intended to address any other issues relating to colocation services or related fees, and the Exchange is not aware of any problems that Users would have in complying with the proposed change.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[14] in general, and furthers the objectives of Section 6(b)(5) of the Act,[15] in particular, because 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 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 and because it is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The Exchange further believes that the proposed rule change is consistent with Section 6(b)(4) of the Act,[16] because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities and

[9] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

[10] *See* 83 FR 26314, *supra* note 4, at 26315.

[11] *Id.*

[12] Because Hosting Users' services are not regulated, they may offer differentiated pricing and are not required to make their pricing public or disclose it to the Exchange. The Exchange therefore does not have direct visibility into the specific range of options, or cost thereof, offered by Hosting Users, and relies on third parties for information.

[13] *See* Securities Exchange Act No. 93214 (September 30, 2021), 86 FR 55672 (October 6, 2021) (SR–NYSE–2021–05, SR–NYSEAmer–2021–04, SR–NYSEArca–2021–07, SR–NYSECHX–2021–01, SR–NYSENAT–2021–01) (Order Disapproving Proposed Rule Changes, as Modified by Partial Amendment No. 1, To Amend Each Exchange's Fee Schedule To Add Two Partial Cabinet Bundles Available in Co-Location and Establish Associated Fees), at 55676 (stating that ''it remains unclear how the presence of Hosting Users brings significant competitive forces to bear on Exchange pricing of the proposed products'').

[14] 15 U.S.C. 78f(b).

[15] 15 U.S.C. 78f(b)(5).

[16] 15 U.S.C. 78f(b)(4).

does not unfairly discriminate between customers, issuers, brokers, or dealers.

The Proposed Change Is Reasonable

The Exchange believes that the proposed rule change is reasonable.

In considering the reasonableness of proposed services and fees, the Commission's market-based test considers ''whether the exchange was subject to significant competitive forces in setting the terms of its proposal . . . , including the level of any fees.'' [17] If the Exchange meets that burden, ''the Commission will find that its proposal is consistent with the Act unless 'there is a substantial countervailing basis to find that the terms' of the proposal violate the Act or the rules thereunder.'' [18] Here, the Exchange is subject to significant competitive forces in setting the terms on which it offers its proposal, in particular because substantially similar substitutes are available from Hosting Users.

The proposed rule is reasonable because it would not force current or potential Users or Hosted Customers to accept a ''one-size-fits-all'' bundle but would instead permit them to choose between the Exchange and Hosting Users to tailor their service selection and fees to meet their own individual business models. That selection may vary depending on the size, customer base, latency and needs of the entity at issue.

Because Users are third parties and are not required to make such information public, the Exchange does not have visibility into exactly how many Users currently offer Hosting User Bundles. However, based in part on the fact that, as of April 30, 2026, Hosting Users reported 57 Hosted Users, the Exchange believes that actual Hosting Users offer, and potential Hosting Users may offer, Hosting User Bundles if it is in their commercial interest. As a result, the Exchange believes that the provision of the 4 kW PCS bundles would be subject to competition from Hosting User Bundles.

The Exchange does not believe that the Hosting User Fees preclude Hosting Users from providing services competitive to the proposed 4 kW PCS bundles. Hosting User Fees are not an impediment because it is in the Exchange's interest to set the Hosting User Fees at a reasonable level so that Hosting Users will maximize their use of the MDC. If the Exchange were to set Hosting User Fees at an unreasonable level, it could expect the competitive environment among Hosting Users to wither. Some current Hosting Users would likely exit the MDC, while others would reduce the scope of their operations there, and some may never enter at all, as Hosting Users are not required to be in the MDC. Fewer Hosting Users in the MDC would lead to less competition for the sale of bundles both among Hosting Users and between them and the Exchange, which would likely cause the prices of bundles to rise. This, in turn, would increase Users' and Hosted Customers' overall costs of doing business in the MDC. Some might choose to exit the MDC altogether, while others might seek to reduce their footprint by decreasing the number of cabinets, ports, and power they use, or by reducing the number of third-party data feeds they connect to at the MDC. The Exchange thus has every incentive to set the Hosting User Fees at a rate that is reasonable for Hosting Users, and no incentive to charge any more than that.

The Exchange's experience with growing numbers of Hosted Customers bears this out. The concept of Hosting Users was introduced in 2011. In 2012 no Hosted Customers were reported to the Exchange, 37 were reported in July 2015, and 57 were reported in April 2026.

The expansion of the footprint of Hosting Users increased even more. As noted, in 2012 no Hosting Users were reported. In July 2015, the amount of kW used by Hosting Users was 103 kW, compared to 546 kW as of April 2026—more than five times the amount. Even if the review is limited to Hosting Users that were present under the same name in both July 2015 and April 2026, the growth remains striking, at more than two and a half times the amount used.

Indeed, the Exchange initially allowed Users to host customers—which increased competition in the MDC—because market participants wanted it. As noted above, if Hosting Users did not find they could make money despite the Hosting User Fees, they would exit the MDC. The reality is that Hosting Users may make Hosting User Fees back multitudes of times over by charging Hosted Customers for the space at whatever price the Hosting User wants to charge and Hosted Customers are willing to pay. In this way, anecdotal evidence suggests that it is commercially viable for the Hosting Users to pay Hosting User Fees in the MDC.

In short, the Hosting User Bundles would compete with the proposed 4 kW PCS bundles and would exert significant competitive forces on the Exchange in setting the terms of its proposal, including the level of the Exchange's proposed fees. If the Exchange were to set its proposed fees too high, Users or potential Users could respond by instead selecting other substantially similar bundles in the form of Hosting User Bundles.

Nor does the Exchange have a competitive advantage over Hosting Users by virtue of the fact that it owns and operates the MDC's meet-me-rooms. Users or Hosted Customers would require a circuit connecting out of the MDC, and in most cases, such circuits are provided by third-party telecommunications service providers that have installed their equipment in the MDC's two meet-me-rooms (''Telecoms'').[19] Currently, 17 Telecoms operate in the meet-me-rooms and provide a variety of circuit choices. It is in the Exchange's best interest to set the fees that Telecoms pay to operate in the meet-me-rooms at a reasonable level [20] so that market participants, including Telecoms, will maximize their use of the MDC. By setting the meet-me-room fees at a reasonable level, the Exchange encourages Telecoms to participate in the meet-me-rooms and to sell circuits to Users for connecting into and out of the MDC. These Telecoms then compete with each other by pricing such circuits at competitive rates. These competitive rates for circuits help draw in more Users and Hosted Customers to the MDC, which directly benefits the Exchange by increasing the customer base to whom the Exchange can sell its colocation services, which include cabinets, power, ports, and connectivity to many third-party data feeds, and because having more Users and Hosted Customers leads, in many cases, to greater participation on the Exchange. In this way, by setting the meet-me-room

[17] Securities Exchange Act Release No. 90209 (October 15, 2020), 85 FR 67044, 67049 (October 21, 2020) (Order Granting Accelerated Approval to Establish a Wireless Fee Schedule Setting Forth Available Wireless Bandwidth Connections and Wireless Market Data Connections) (SR–NYSE–2020–05, SR–NYSEAMER–2020–05, SR–NYSEArca–2020–08, SR–NYSECHX–2020–02, SR–NYSENAT–2020–03, SR–NYSE–2020–11, SR–NYSEAMER–2020–10, SR–NYSEArca–2020–15, SR–NYSECHX–2020–05, SR–NYSENAT–2020–08) (''Wireless Approval Order''), citing Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74781 (December 9, 2008) (''2008 ArcaBook Approval Order''). *See NetCoalition* v. *SEC,* 615 F.3d 525 (D.C. Cir. 2010).

[18] Wireless Approval Order, *supra* note 18, at 67049, citing 2008 ArcaBook Approval Order, *supra* note 18, at 74781.

[19] Note that in the case of wireless connectivity, a User in colocation still requires a fiber circuit to transport data. If a Telecom is used, the data is transmitted wirelessly to the relevant pole, and then from the pole to the meet-me-room using a fiber circuit.

[20] *See* Securities Exchange Act Release No. 98002 (July 26, 2023), 88 FR 50232 (August 1, 2023) (SR–NYSENat–2023–12).

fees at a level attractive to telecommunications firms, the Exchange spurs demand for all of the services it sells at the MDC, while setting the meet-me-room fees too high would negatively affect the Exchange's ability to sell its services at the MDC.[21] Accordingly, there are real constraints on the meet-me-room fees the Exchange charges, such that the Exchange does not have an advantage in terms of costs when compared to third parties that enter the MDC through the meet-me-rooms to provide services to compete with the Exchange's services.

If anything, the Exchange would be subject to a competitive disadvantage vis-à-vis Hosting Users regarding potential bundles. Entities that choose bundles may negotiate terms with a Hosting User through whom such bundle is delivered, in response to competitive forces. Such prices are not required to be filed by any party with the Commission. In contrast, the Exchange's services and pricing would be standardized as set out in this filing, and the Exchange would be unable to respond to pricing pressure from its competitors without seeking a formal fee change in a filing before the Commission.

In sum, because the Exchange is subject to significant competitive forces in setting the terms on which it offers its proposal, in particular because the Exchange believes that there is a substantially similar substitute for PCS bundles, the proposed fees for the 4 kW PCS bundle are reasonable.[22] If the Exchange were to set its prices for the 4 kW PCS bundle at a level that Users found to be too high, Users could easily choose to connect to Hosting User Bundles instead.

For these reasons, the proposed change is reasonable.

The Proposed Change Is Equitable

The Exchange believes that the proposed change provides for the equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers, or dealers because it is not designed to permit unfair discrimination between market participants. Rather, it would apply to all market participants equally.

The PCS bundles were designed to attract smaller Users, including those with minimal power or cabinet space demands or those for which the costs attendant with having a dedicated cabinet or greater network connection bandwidth are too burdensome. As equipment has evolved, even those with minimal demands need more power to meet the requirements of their hardware, such that even smaller Users may not find the existing PCS bundles meet their needs adequately. The proposed 4 kW PCS bundle would be responsive to the evolution of equipment, and so the Exchange believes that its introduction is equitable because it would not force customers to accept a ''one-size-fits-all'' suite of PCS bundles but would instead permit them to tailor their service selection and fees to meet their own individual business models.

Without this proposed rule change, potential Users would have fewer usable options. This would be a detriment for them, especially for potential Users with minimal power or cabinet space demands or those for which the costs attendant with having a dedicated cabinet or greater network connection bandwidth are too burdensome.

In addition, the Exchange believes that the proposal is equitable because only Users that voluntarily select a PCS bundle would be charged for it. As is true now, the PCS bundles would be available to all Users on an equal basis, and all Users that voluntarily choose to purchase a PCS bundle would be charged the same amount, and be subject to the same restrictions, for that bundle.

The Proposed Change Is Not Unfairly Discriminatory

The Exchange believes its proposal is not unfairly discriminatory.

Finally, the Exchange believes that it is subject to significant competitive forces, as described below in the Exchange's statement regarding the burden on competition.

For the reasons above, the proposed changes do not unfairly discriminate between or among market participants that are otherwise capable of satisfying any applicable co-location fees, requirements, terms and conditions established from time to time by the Exchange.

For these reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule changes will not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of Section 6(b)(8) of the Act.[23]

The proposed change does not affect competition among national securities exchanges or among members of the Exchange, but rather between PCS bundles and Hosting User Bundles. The proposed changes would enhance competition by giving smaller Users an option to have a 4 kW PCS bundle to meet their needs. The proposed change may make PCS bundles more attractive to potential Users who might otherwise opt to become Hosted Customers. It would therefore enhance the competitive environment for potential Users, as they would have more options from which to select. This could be especially beneficial for potential Users with minimal power or cabinet space demands or those for which the costs attendant with having a dedicated cabinet or greater network connection bandwidth are too burdensome. At the same time, however, no potential User would be obligated to purchase a PCS bundle, and it would still have the options offered by Hosting Users.

The Exchange believes that the proposed change is a reasonable attempt to maintain a more level playing field between the Exchange and the Hosting Users. Because Hosting Users' services are not regulated, they may offer differentiated pricing and are not required to make their pricing public. The Exchange believes that the proposed change may offer a PCS bundle that is more attractive to potential Users who might otherwise opt to become Hosted Customers.

The Exchange operates in a highly competitive market in which exchanges and other vendors (*i.e.,* Hosting Users) offer co-location services as a means to facilitate the trading and other market activities of those market participants who believe that co-location enhances the efficiency of their operations.

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.'' [24]

For the reasons described above, the Exchange believes that the proposed

[21] *See id.* at 50235. Importantly, the Exchange is prevented from making any alteration to its meet-me-room services or fees without filing a proposal for such changes with the Commission.

[22] *See* Wireless Approval Order, *supra* note 18.

[23] 15 U.S.C. 78f(b)(8).

[24] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

rule changes reflect this competitive environment.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will:

A. by order approve or disapprove such proposed rule change, or

B. institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–NYSENAT–2026–18 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–NYSENAT–2026–18. 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–NYSENAT–2026–18 and should be submitted on or before July 13, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[25]

Stephanie J. Fouse,

Assistant Secretary.

[FR Doc. 2026–12408 Filed 6–18–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235–0362]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Extension: Form 5—Annual Statement of Beneficial Ownership

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget this request for extension of the previously approved collection of information discussed below. The Commission also is requesting approval from OMB to designate this existing collection of information (OMB Control No. 3235–0362) as a ''common form'' for purposes of PRA submissions [1] because the Board of Governors of the Federal Reserve System uses this information collection (under OMB Control No. 7100–0091).

Congress enacted Section 16 of the Securities Exchange Act of 1934 (''Exchange Act'') to address insider trading. Pursuant to Section 16(a), every person who owns more than ten percent of any class of equity security (other than an exempted security) which is registered under Section 12 of the Exchange Act, or who is a director or an officer of the issuer of such security (collectively ''reporting persons'') are required to file statements disclosing their ownership of the issuer's equity securities. The Commission adopted Form 5 (17 CFR 249.105) pursuant to Section 16. Form 5 requires disclosure of certain information about a reporting person and their beneficial ownership of the relevant class of securities. A reporting person must file a Form 5 on or before the 45th day after the end of the issuer's fiscal year end. The information required by Form 5 is mandatory, and Form 5 filings are publicly available on the Commission's Electronic Data Gathering, Analysis, and Retrieval (''EDGAR'') system. We estimate that Form 5 takes approximately one hour per response and is filed once per year by approximately 2,724 respondents, for an estimated total of 2,724 responses annually.[2] We estimate that 100% of the one hour per response is carried internally by the respondent for annual reporting burden of 2,724 hours (one hour per response × 2,724 responses) and $0 of estimated annual cost burden.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB Control Number. The public may view and comment on this information collection request at: *https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202603-3235-014* or send an email comment to *MBX.OMB.OIRA.SEC_desk_officer@omb.eop.gov* within 30 days of the day after publication of this notice by July 23, 2026.

Dated: June 16, 2026.

Stephanie J. Fouse,

Assistant Secretary.

[FR Doc. 2026–12374 Filed 6–18–26; 8:45 am]

BILLING CODE 8011–01–P

[25] 17 CFR 200.30–3(a)(12).

[1] *See* ROCIS PRA Module User Guide v. 8.2, at 110–111 (Mar. 2024), available at *https://www.rocis.gov/rocis/viewResources.do* (''A 'common form' is an information collection that can be used by two or more agencies, or government-wide, for the same purpose. The Common Forms Module [in ROCIS] allows a 'host' agency to obtain [OMB] approval of an information collection for use by one or more 'using' agencies. After OMB grants approval, any prospective using agency that seeks to collect identical information for the same purpose can obtain approval to use the 'common form' by providing its agency-specific information to OMB (*e.g.,* burden estimates and number of respondents). . . . The host agency will indicate in the Federal Register notices that it is requesting approval of a common form and, if known, identify other agencies that may use the information collection. Both the Federal Register notices and the ICR should account only for the burden imposed by the host agency's use of the common form. Once the host agency has received approval from OMB, any agency will be able to request OMB approval for its use of the common form in ROCIS by providing its agency specific information to OMB (*e.g.,* burden estimates and number of respondents). Additional public notice by those agencies will not be required.'').

[2] We calculated this estimate by adding (A) the average number of Form 5 filings annually for the period 2023 through 2025 (1,550 responses annually) to (B) the Commission's estimated increase in the annual number of Form 5 filings based on its recent amendments to implement the Holding Foreign Insiders Accountable Act (1,174 responses). *See Holding Foreign Insiders Accountable Act Disclosure,* Release No. 34–104903 (Feb. 27, 2026) [91 FR 10320 (Mar. 3, 2026)].

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–105703; File No. SR–NYSE–2026–28]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing of Proposed Rule Change To Add a New Partial Cabinet Solution Bundle

June 16, 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 June 2, 2026, New York Stock Exchange LLC (''NYSE'' 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 proposes to add a new Partial Cabinet Solution bundle as part of its co-location services. The description of the Partial Cabinet Solution bundles and related fees in the Connectivity Fee Schedule (''Fee Schedule'') would be updated accordingly. The proposed rule change is available on the Exchange's website at *www.nyse.com* and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to add a new Partial Cabinet Solution (''PCS'') bundle as part of its co-location services. Specifically, the Exchange proposes to add a 4 kW PCS bundle. The description of the PCS bundles and related fees in the Fee Schedule would be updated accordingly.

The Exchange expects that the proposed rule change would become operative no later than October 31, 2026. The Exchange will announce the date through a customer notice.

Background

Currently, Users [3] may select a PCS bundle which includes a 2 kW partial cabinet; access to the Liquidity Center Network (''LCN'') and internet protocol (''IP'') network, the local area networks available in the data center; two NMS network [4] connections, two fiber cross connections; and connectivity to one of two time feeds.[5] In addition to other requirements, a User and its Affiliates [6] must have an Aggregate Cabinet Footprint [7] of 2 kW or less to qualify for the PCS bundle.

The PCS bundles were designed to attract smaller Users, including those with minimal power or cabinet space demands or those for which the costs attendant with having a dedicated cabinet or greater network connection bandwidth are too burdensome.[8] That has not changed. But as hardware and other infrastructure has evolved, even those with minimal demands need more power to meet the requirements of their hardware, such that even smaller Users may find the existing 2 kW PCS bundle inadequate to meet their needs.

Proposed Changes

To respond to Users' increased power needs, the Exchange proposes to add a new 4 kW PCS bundle. To differentiate it from the existing 2 kW PCS bundle, the Exchange proposes to label them as Options A and B. Like its predecessor, Option B would be sized to meet the needs of smaller Users and their current power needs.

To implement the changes, the Exchange would amend Note 1, in relevant part, as follows (proposed additions italicized):

1. To qualify for a Partial Cabinet Solution bundle, a User must meet the following conditions: (1) it must purchase only one Partial Cabinet Solution bundle; (2) the User and its Affiliates must not currently have a Partial Cabinet Solution bundle; and (3) after the purchase of the Partial Cabinet Solution bundle, the User, together with its Affiliates, will have an Aggregate Cabinet Footprint of no more than 2 kW *for Option A and 4 kW for Option B.*

• A User requesting a Partial Cabinet Solution bundle will be required to certify to the Exchange (a) whether any other Users or Hosted Customers are Affiliates of the certificating User, and (b) that after the purchase of the Partial Cabinet Solution bundle, the User, together with its Affiliates, would have an Aggregate Cabinet Footprint of no more than 2 kW *for Option A and 4 kW for Option B.*

The Exchange would also amend the Fee Schedule to label the 2 kW PCS bundle as Option A and add the new proposed Option B. The amended Fee Schedule would read as follows (proposed deletions bracketed; proposed additions *italicized*):

[3] For purposes of the Exchange's colocation services, a ''User'' means any market participant that requests to receive colocation services directly from the Exchange. *See* Securities Exchange Act Release No. 76008 (September 29, 2015), 80 FR 60190 (October 5, 2015) (SR–NYSE–2015–40). As specified in the Fee Schedule, a User that incurs colocation fees for a particular colocation service pursuant thereto would not be subject to colocation fees for the same colocation service charged by NYSE American LLC, NYSE Arca, Inc., NYSE National, Inc. and NYSE Texas, Inc. (together, the ''Affiliate SROs''). Each Affiliate SRO has submitted substantially the same proposed rule change to propose the change described herein.

[4] The NMS Network is an alternate dedicated network connection that Users use to access the NMS feeds for which the Securities Industry Automation Corporation is engaged as the securities information processor. Securities Exchange Act Release No. 88837 (May 7, 2020), 85 FR 28671 (May 13, 2020) (SR–NYSE–2019–46, SR–NYSEAMER–2019–34, SR–NYSEArca–2019–61, SR–NYSENAT–2019–19).

[5] *See* Securities Exchange Act Release No. 97747 (June 16, 2023), 88 FR 41455 (June 26, 2023) (SR—NYSE–2023–23).

[6] An ''Affiliate'' of a User is any other User or Hosted Customer that is under 50% or greater common ownership or control of the first User. Fee Schedule, p 1.

[7] The ''Aggregate Cabinet Footprint'' of a User is the total kW of the User's cabinets, including both partial and dedicated cabinets. Fee Schedule, p 1.

[8] *See* Securities Exchange Act No. 77072 (February 5, 2016), 81 FR 7394 (February 11, 2016) (SR–NYSE–2015–53).

Partial Cabinet Solution bundles Note: A User and its Affiliates are limited to one Partial Cabinet Solution bundle at a time. A User and its Affiliates must have an Aggregate Cabinet Footprint of 2 kW or less to qualify for [a Partial Cabinet Solution bundle] *Option A and 4 kW or less to qualify for Option B.* See Note 1 under ''Colocation Notes.'' A purchaser of a Partial Cabinet Solution bundle must select NMS Network connections of the same size (*i.e.,* 10 Gb or 40 Gb) as the related LCN and IP network connections.	*Option A:* 2 kW partial cabinet, 1 LCN connection (10 Gb LX or 40 Gb), 1 IP network connection (10 Gb or 40 Gb), 2 NMS Network connections (10 Gb or 40 Gb each), 2 fiber cross connections and either the Network Time Protocol Feed or Precision Timing Protocol. *Option B:* *4 kW partial cabinet, 1 LCN connection (10 Gb LX or 40 Gb), 1 IP network connection (10 Gb or 40 Gb), 2 NMS Network connections (10 Gb or 40 Gb each), 2 fiber cross connections and either the Network Time Protocol Feed or Precision Timing Protocol.*	$10,000 initial charge per bundle plus $16,500 monthly charge per bundle. *$12,000 initial charge per bundle plus $19,000 monthly charge per bundle.*

Application and Impact of the Proposed Change

The proposed change would apply to all PCS bundles. The proposed change would not apply differently to distinct types or sizes of market participants. Rather, it would apply to all Users equally.

Users that require other sizes or combinations of cabinets, network connections and cross connects could still request them. As is currently the case, the purchase of any colocation service, including PCS bundles, is completely voluntary and the Price List is applied uniformly to all Users.

The Exchange expects to obtain at most a handful of new Users as a result of offering the 4 kW PCS bundles. A User, including a User with a 4 kW dedicated cabinet, would be able to convert to the 4 kW PCS bundle if it otherwise met the conditions.

Competitive Environment

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.'' [9]

The Exchange's provision of 4 kW PCS bundles would be subject to competition from Hosting Users. A ''Hosting User'' is a User that hosts another entity in its space within the data center.[10] The hosted customer is a ''Hosted Customer.'' [11] Based on conversations with Users and potential customers, the Exchange understands that Hosting Users offer bundles (''Hosting User Bundles'') that include cabinet space and space on shared LCN and IP network connections—and that the Hosting User Bundles provide their end users with a service similar to that of the PCS bundles.[12]

The Exchange does not believe that the fact that Hosting Users are subject to co-location fees, including a Hosting Fee of $1,000 per cabinet per Hosted Customer for each cabinet in which such Hosted Customer is hosted (all such fees together, ''Hosting User Fees''), precludes Hosting Users from providing services competitive to the proposed 4 kW PCS bundles.[13]

This is because it is in the Exchange's interest to set the Hosting User Fees at a reasonable level so that Hosting Users will maximize their use of the MDC. When the Hosting User Fees are set at a reasonable level, the Exchange believes that Hosting Users are more likely to install equipment in the MDC and to sell connections to Hosted Customers. These Hosting Users then compete with each other and the Exchange by pricing such Hosting User Bundles at competitive rates. These competitive rates for Hosting User Bundles help draw in more Users, including Hosting Users, to the MDC. This directly benefits the Exchange by increasing the customer base to whom the Exchange can sell its colocation services, which include cabinets, power, ports, and connectivity to third-party systems and data feeds, and because more Users, including Hosting Users, and Hosted Customers leads, in many cases, to greater participation on the Exchange. In this way, by setting the Hosting User Fees at a level attractive to Hosting Users, the Exchange spurs demand for all of the services it sells at the MDC.

The Exchange operates in a highly competitive market in which exchanges and other vendors (*i.e.,* Hosting Users) offer co-location services as a means to facilitate the trading and other market activities of those market participants who believe that co-location enhances the efficiency of their operations.

The proposed change is not otherwise intended to address any other issues relating to colocation services or related fees, and the Exchange is not aware of any problems that Users would have in complying with the proposed change.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[14] in general, and furthers the objectives of Section 6(b)(5) of the Act,[15] in particular, because 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 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 and because it is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The Exchange further believes that the proposed rule change is consistent with Section 6(b)(4) of the Act,[16] because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities and

[9] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

[10] *See* 80 FR 60190, *supra* note 4.

[11] *Id.*

[12] Because Hosting Users' services are not regulated, they may offer differentiated pricing and are not required to make their pricing public or disclose it to the Exchange. The Exchange therefore does not have direct visibility into the specific range of options, or cost thereof, offered by Hosting Users, and relies on third parties for information.

[13] *See* Securities Exchange Act No. 93214 (September 30, 2021), 86 FR 55672 (October 6, 2021) (SR–NYSE–2021–05, SR–NYSEAmer–2021–04, SR–NYSEArca–2021–07, SR–NYSECHX–2021–01, SR–NYSENAT–2021–01) (Order Disapproving Proposed Rule Changes, as Modified by Partial Amendment No. 1, To Amend Each Exchange's Fee Schedule To Add Two Partial Cabinet Bundles Available in Co-Location and Establish Associated Fees), at 55676 (stating that ''it remains unclear how the presence of Hosting Users brings significant competitive forces to bear on Exchange pricing of the proposed products'').

[14] 15 U.S.C. 78f(b).

[15] 15 U.S.C. 78f(b)(5).

[16] 15 U.S.C. 78f(b)(4).

does not unfairly discriminate between customers, issuers, brokers, or dealers.

The Proposed Change Is Reasonable

The Exchange believes that the proposed rule change is reasonable.

In considering the reasonableness of proposed services and fees, the Commission's market-based test considers ''whether the exchange was subject to significant competitive forces in setting the terms of its proposal . . . , including the level of any fees.'' [17] If the Exchange meets that burden, ''the Commission will find that its proposal is consistent with the Act unless 'there is a substantial countervailing basis to find that the terms' of the proposal violate the Act or the rules thereunder.'' [18] Here, the Exchange is subject to significant competitive forces in setting the terms on which it offers its proposal, in particular because substantially similar substitutes are available from Hosting Users.

The proposed rule is reasonable because it would not force current or potential Users or Hosted Customers to accept a ''one-size-fits-all'' bundle but would instead permit them to choose between the Exchange and Hosting Users to tailor their service selection and fees to meet their own individual business models. That selection may vary depending on the size, customer base, latency and needs of the entity at issue.

Because Users are third parties and are not required to make such information public, the Exchange does not have visibility into exactly how many Users currently offer Hosting User Bundles. However, based in part on the fact that, as of April 30, 2026, Hosting Users reported 57 Hosted Users, the Exchange believes that actual Hosting Users offer, and potential Hosting Users may offer, Hosting User Bundles if it is in their commercial interest. As a result, the Exchange believes that the provision of the 4 kW PCS bundles would be subject to competition from Hosting User Bundles.

The Exchange does not believe that the Hosting User Fees preclude Hosting Users from providing services competitive to the proposed 4 kW PCS bundles. Hosting User Fees are not an impediment because it is in the Exchange's interest to set the Hosting User Fees at a reasonable level so that Hosting Users will maximize their use of the MDC. If the Exchange were to set Hosting User Fees at an unreasonable level, it could expect the competitive environment among Hosting Users to wither. Some current Hosting Users would likely exit the MDC, while others would reduce the scope of their operations there, and some may never enter at all, as Hosting Users are not required to be in the MDC. Fewer Hosting Users in the MDC would lead to less competition for the sale of bundles both among Hosting Users and between them and the Exchange, which would likely cause the prices of bundles to rise. This, in turn, would increase Users' and Hosted Customers' overall costs of doing business in the MDC. Some might choose to exit the MDC altogether, while others might seek to reduce their footprint by decreasing the number of cabinets, ports, and power they use, or by reducing the number of third-party data feeds they connect to at the MDC. The Exchange thus has every incentive to set the Hosting User Fees at a rate that is reasonable for Hosting Users, and no incentive to charge any more than that.

The Exchange's experience with growing numbers of Hosted Customers bears this out. The concept of Hosting Users was introduced in 2011. In 2012 no Hosted Customers were reported to the Exchange, 37 were reported in July 2015, and 57 were reported in April 2026.

The expansion of the footprint of Hosting Users increased even more. As noted, in 2012 no Hosting Users were reported. In July 2015, the amount of kW used by Hosting Users was 103 kW, compared to 546 kW as of April 2026—more than five times the amount. Even if the review is limited to Hosting Users that were present under the same name in both July 2015 and April 2026, the growth remains striking, at more than two and a half times the amount used.

Indeed, the Exchange initially allowed Users to host customers—which increased competition in the MDC—because market participants wanted it. As noted above, if Hosting Users did not find they could make money despite the Hosting User Fees, they would exit the MDC. The reality is that Hosting Users may make Hosting User Fees back multitudes of times over by charging Hosted Customers for the space at whatever price the Hosting User wants to charge and Hosted Customers are willing to pay. In this way, anecdotal evidence suggests that it is commercially viable for the Hosting Users to pay Hosting User Fees in the MDC.

In short, the Hosting User Bundles would compete with the proposed 4 kW PCS bundles and would exert significant competitive forces on the Exchange in setting the terms of its proposal, including the level of the Exchange's proposed fees. If the Exchange were to set its proposed fees too high, Users or potential Users could respond by instead selecting other substantially similar bundles in the form of Hosting User Bundles.

Nor does the Exchange have a competitive advantage over Hosting Users by virtue of the fact that it owns and operates the MDC's meet-me-rooms. Users or Hosted Customers would require a circuit connecting out of the MDC, and in most cases, such circuits are provided by third-party telecommunications service providers that have installed their equipment in the MDC's two meet-me-rooms (''Telecoms'').[19] Currently, 17 Telecoms operate in the meet-me-rooms and provide a variety of circuit choices. It is in the Exchange's best interest to set the fees that Telecoms pay to operate in the meet-me-rooms at a reasonable level [20] so that market participants, including Telecoms, will maximize their use of the MDC. By setting the meet-me-room fees at a reasonable level, the Exchange encourages Telecoms to participate in the meet-me-rooms and to sell circuits to Users for connecting into and out of the MDC. These Telecoms then compete with each other by pricing such circuits at competitive rates. These competitive rates for circuits help draw in more Users and Hosted Customers to the MDC, which directly benefits the Exchange by increasing the customer base to whom the Exchange can sell its colocation services, which include cabinets, power, ports, and connectivity to many third-party data feeds, and because having more Users and Hosted Customers leads, in many cases, to greater participation on the Exchange. In this way, by setting the meet-me-room

[17] Securities Exchange Act Release No. 90209 (October 15, 2020), 85 FR 67044, 67049 (October 21, 2020) (Order Granting Accelerated Approval to Establish a Wireless Fee Schedule Setting Forth Available Wireless Bandwidth Connections and Wireless Market Data Connections) (SR–NYSE–2020–05, SR–NYSEAMER–2020–05, SR–NYSEArca–2020–08, SR–NYSECHX–2020–02, SR–NYSENAT–2020–03, SR–NYSE–2020–11, SR–NYSEAMER–2020–10, SR–NYSEArca–2020–15, SR–NYSECHX–2020–05, SR–NYSENAT–2020–08) (''Wireless Approval Order''), citing Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74781 (December 9, 2008) (''2008 ArcaBook Approval Order''). *See NetCoalition* v. *SEC,* 615 F.3d 525 (D.C. Cir. 2010).

[18] Wireless Approval Order, *supra* note 18, at 67049, citing 2008 ArcaBook Approval Order, *supra* note 18, at 74781.

[19] Note that in the case of wireless connectivity, a User in colocation still requires a fiber circuit to transport data. If a Telecom is used, the data is transmitted wirelessly to the relevant pole, and then from the pole to the meet-me-room using a fiber circuit.

[20] *See* Securities Exchange Act Release No. 97998 (July 26, 2023), 88 FR 50238 (August 1, 2023) (SR–NYSE–2023–27).

fees at a level attractive to telecommunications firms, the Exchange spurs demand for all of the services it sells at the MDC, while setting the meet-me-room fees too high would negatively affect the Exchange's ability to sell its services at the MDC.[21] Accordingly, there are real constraints on the meet-me-room fees the Exchange charges, such that the Exchange does not have an advantage in terms of costs when compared to third parties that enter the MDC through the meet-me-rooms to provide services to compete with the Exchange's services.

If anything, the Exchange would be subject to a competitive disadvantage vis-à-vis Hosting Users regarding potential bundles. Entities that choose bundles may negotiate terms with a Hosting User through whom such bundle is delivered, in response to competitive forces. Such prices are not required to be filed by any party with the Commission. In contrast, the Exchange's services and pricing would be standardized as set out in this filing, and the Exchange would be unable to respond to pricing pressure from its competitors without seeking a formal fee change in a filing before the Commission.

In sum, because the Exchange is subject to significant competitive forces in setting the terms on which it offers its proposal, in particular because the Exchange believes that there is a substantially similar substitute for PCS bundles, the proposed fees for the 4 kW PCS bundle are reasonable.[22] If the Exchange were to set its prices for the 4 kW PCS bundle at a level that Users found to be too high, Users could easily choose to connect to Hosting User Bundles instead.

For these reasons, the proposed change is reasonable.

The Proposed Change Is Equitable

The Exchange believes that the proposed change provides for the equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers, or dealers because it is not designed to permit unfair discrimination between market participants. Rather, it would apply to all market participants equally.

The PCS bundles were designed to attract smaller Users, including those with minimal power or cabinet space demands or those for which the costs attendant with having a dedicated cabinet or greater network connection bandwidth are too burdensome. As equipment has evolved, even those with minimal demands need more power to meet the requirements of their hardware, such that even smaller Users may not find the existing PCS bundles meet their needs adequately. The proposed 4 kW PCS bundle would be responsive to the evolution of equipment, and so the Exchange believes that its introduction is equitable because it would not force customers to accept a ''one-size-fits-all'' suite of PCS bundles but would instead permit them to tailor their service selection and fees to meet their own individual business models.

Without this proposed rule change, potential Users would have fewer usable options. This would be a detriment for them, especially for potential Users with minimal power or cabinet space demands or those for which the costs attendant with having a dedicated cabinet or greater network connection bandwidth are too burdensome.

In addition, the Exchange believes that the proposal is equitable because only Users that voluntarily select a PCS bundle would be charged for it. As is true now, the PCS bundles would be available to all Users on an equal basis, and all Users that voluntarily choose to purchase a PCS bundle would be charged the same amount, and be subject to the same restrictions, for that bundle.

The Proposed Change Is Not Unfairly Discriminatory

The Exchange believes its proposal is not unfairly discriminatory.

Finally, the Exchange believes that it is subject to significant competitive forces, as described below in the Exchange's statement regarding the burden on competition.

For the reasons above, the proposed changes do not unfairly discriminate between or among market participants that are otherwise capable of satisfying any applicable co-location fees, requirements, terms and conditions established from time to time by the Exchange.

For these reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule changes will not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of Section 6(b)(8) of the Act.[23]

The proposed change does not affect competition among national securities exchanges or among members of the Exchange, but rather between PCS bundles and Hosting User Bundles. The proposed changes would enhance competition by giving smaller Users an option to have a 4 kW PCS bundle to meet their needs. The proposed change may make PCS bundles more attractive to potential Users who might otherwise opt to become Hosted Customers. It would therefore enhance the competitive environment for potential Users, as they would have more options from which to select. This could be especially beneficial for potential Users with minimal power or cabinet space demands or those for which the costs attendant with having a dedicated cabinet or greater network connection bandwidth are too burdensome. At the same time, however, no potential User would be obligated to purchase a PCS bundle, and it would still have the options offered by Hosting Users.

The Exchange believes that the proposed change is a reasonable attempt to maintain a more level playing field between the Exchange and the Hosting Users. Because Hosting Users' services are not regulated, they may offer differentiated pricing and are not required to make their pricing public. The Exchange believes that the proposed change may offer a PCS bundle that is more attractive to potential Users who might otherwise opt to become Hosted Customers.

The Exchange operates in a highly competitive market in which exchanges and other vendors (*i.e.,* Hosting Users) offer co-location services as a means to facilitate the trading and other market activities of those market participants who believe that co-location enhances the efficiency of their operations.

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.'' [24]

For the reasons described above, the Exchange believes that the proposed

[21] *See id.* at 50241. Importantly, the Exchange is prevented from making any alteration to its meet-me-room services or fees without filing a proposal for such changes with the Commission.

[22] *See* Wireless Approval Order, *supra* note 18.

[23] 15 U.S.C. 78f(b)(8).

[24] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

rule changes reflect this competitive environment.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will:

A. by order approve or disapprove such proposed rule change, or

B. institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–NYSE–2026–28 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–NYSE–2026–28. 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–NYSE–2026–28 and should be submitted on or before July 13, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[25]

Stephanie J. Fouse,

Assistant Secretary.

[FR Doc. 2026–12409 Filed 6–18–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–105699; File No. SR–MRX–2026–26]

Self-Regulatory Organizations; Nasdaq MRX, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Exchange Rules General 8 and Options 7 To Revise Certain Fees

June 16, 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 2, 2026, Nasdaq MRX, LLC (''MRX'' or ''Exchange'') 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

The Exchange proposes to revise certain fees under Rules General 8 and Options 7, as described below.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/mrx/rulefilings,* and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rules General 8 and Options 7 to revise certain fees to align them with changes intended but inadvertently not made in a previous proposal. Specifically, on November 8, 2024, the Exchange filed a proposed rule change, SR–MRX–2024–43,[3] which proposed to amend certain Exchange fees under both Rules General 8 and Options 7 by 10 percent (10%).[4] The 2024 Proposal accurately described the proposed fee changes that are the subject of this proposed rule change. Exhibit 5 to the 2024 Proposal, however, depicted figures with respect to those proposed fee changes that were inconsistent with their description in the 2024 Proposal.

In particular, Exhibit 5 to the 2024 Proposal depicted errors with respect to *two* items under Rule General 8 and *one* item under Rule Options 7, Section 7. The two fee items to be corrected under Rule General 8 consist of (1) the Remote Hands Service fee and (2) the Fiber Patch Cords—Multi-mode fee, both under Rule General 8, Section 1(d). The one fee item to be corrected under Rule Options 7 consists of certain Testing Facility fees under Rule Options 7, Section 7. This proposed rule change would revise such fees to align them with the changes intended in the 2024 Proposal, as described below.

Rule General 8, Section 1(d)

Fees for Remote Hands and Fiber Patch Cords—Multi-mode Services. In the 2024 Proposal, the Exchange ''propose[d] to increase its fees throughout [Rule] General 8 by 10%.''[5] Exhibit 5 to the 2024 Proposal, however, depicted an increase of approximately 1% for the Remote Hands Service fee (from $150.00 to $151.50) and a percentage increase of approximately 17% for one component of the Fiber

[25] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 101686 (Nov. 21, 2024), 89 FR 93685 (Nov. 27, 2024) (SR–MRX–2024–43) (''2024 Proposal'').

[4] *See* 2024 Proposal, *supra* note 3. The 2024 Proposal included certain exceptions to the general 10% adjustment proposed therein. None of the changes proposed in this proposed rule change were subject to those exceptions but rather were subject to the full 10% adjustment, as discussed in greater detail below.

[5] *See* 2024 Proposal, *supra* note 3.

Patch Cords—Multi-mode fee (from $1.50 to $1.75 per meter).[6] There is no basis for those adjustments in the 2024 Proposal. Moreover, the varying adjustments are inconsistent with corresponding 2024 fee adjustments for other Nasdaq exchanges.[7]

The Exchange proposes to address those errors by adjusting each of those fees to reflect the adjustments intended in the 2024 Proposal, as follows.

First, the Exchange would increase the Remote Hands Service fee from $151.50 to $165.00.[8] Second, the Exchange would reduce the per-meter component of the Fiber Patch Cords—Multi-mode fee from $1.75 to $1.65.[9] The Exchange believes the proposed changes are appropriate to more accurately reflect the adjustments that were intended for these offerings in the 2024 Proposal.[10]

Rule Options 7, Section 7

Exchange Testing Facility Fees. In the 2024 Proposal, the Exchange also proposed increasing certain fees in Options 7, Section 7, relating to the Exchange's Testing Facility located in Carteret, New Jersey. Specifically, the Exchange proposed to increase (1) the monthly $1,000 per hand-off fee for connecting to the Testing Facility and (2) the one-time installation fee of $1,000 per hand-off for the Testing Facility as follows. In particular, the Exchange proposed ''to increase these aforementioned fees by 10% to require that subscribers to the Testing Facility shall pay a fee of $1,100 per hand-off, per month for connection to the Testing Facility and a one-time installation fee of $1,100 per hand-off.'' [11]

Exhibit 5 to the 2024 Proposal, however, depicted fees for such Testing Facility that are inconsistent with that description. Specifically, Exhibit 5 depicted (1) a monthly fee of $1,055 per hand-off for connection to the Testing Facility and (2) a one-time installation fee of $1,055 per hand-off.[12] That change represents an increase of approximately 5%. Thus, the figures depicted in Exhibit 5 of the 2024 Proposal for the Exchange's Testing Facility are inconsistent with the percentage increase as well as specific figures described for such Testing Facility in the 2024 Proposal.

The Exchange therefore proposes to amend Rule Options 7, Section 7 to more accurately reflect the changes intended in the 2024 Proposal. Specifically, the Exchange proposes to amend Options 7, Section 7 to increase both the monthly and installation fees for the Testing Facility from $1,055 to $1,100.[13] The Exchange believes the proposed increases are appropriate to more accurately reflect the increases that were intended in the 2024 Proposal for the Testing Facility fees under Options 7, Section 7.[14]

As discussed in the 2024 Proposal, the proposed fee increases would enable the Exchange to maintain and improve its market technology and services to remain competitive with its peers. Over the years, customer demand for more sophisticated, higher-throughput, lower-latency, and higher-power connectivity solutions has increased. The Exchange continues to invest in maintaining, improving, and enhancing its connectivity products, services, and facilities for the benefit of its customers and global investors and often at their behest. As of the date of the 2024 Proposal, the Exchange had not increased the fees for the connectivity services since on or about 2017. In this proposal, the Exchange proposes to adjust the fees for the offerings included in this proposal by levels which, combined with the changes effectuated in the 2024 Proposal, would render such fees consistent with the adjustments that were intended in the 2024 Proposal.

As discussed below, and consistent with the 2024 Proposal, the Exchange proposes to adjust its fees by an industry- and product-specific inflationary measure. It is reasonable and consistent with the Act for the Exchange to recoup its investments, at least in part, by adjusting its fees. Continuing to operate at current fee levels impacts the Exchange's ability to enhance its offerings and the interests of market participants and investors.

The fee increases the Exchange proposes are based on an industry-specific Producer Price Index (''PPI''), which is a tailored measure of inflation.[15] As a general matter, the Producer Price Index is a family of indexes that measures the average change over time in selling prices received by domestic producers of goods and services. PPI measures price change from the perspective of the seller. This contrasts with other metrics, such as the Consumer Price Index (''CPI''), that measure price change from the purchaser's perspective.[16] About 10,000 PPIs for individual products and groups of products are tracked and released each month.[17] PPIs are available for the output of nearly all industries in the goods-producing sectors of the U.S. economy—mining, manufacturing, agriculture, fishing, and forestry—as well as natural gas, electricity, and construction, among others. The PPI program covers approximately 69 percent of the service sector's output, as measured by revenue reported in the 2017 Economic Census.

For purposes of this proposal, the relevant industry-specific PPI is the Data Processing and Related Services PPI (''Data PPI''), which is an industry net-output PPI that measures the average change in selling prices received by companies that provide data processing services.

The Data PPI was introduced in January 2002 by the Bureau of Labor Statistics (''BLS'') as part of an ongoing effort to expand Producer Price Index coverage of the services sector of the U.S. economy and is identified as NAICS—518210 in the North American Industry Classification System.[18] According to the BLS ''[t]he primary output of NAICS 518210 is the provision of electronic data processing services. In the broadest sense, computer services companies help their customers efficiently use technology. The processing services market consists of vendors who use their own computer systems—often utilizing proprietary software—to process customers' transactions and data. Companies that offer processing services collect, organize, and store a customer's transactions and other data for record-keeping purposes. Price movements for the NAICS 518210 index are based on changes in the revenue received by companies that provide data processing services. Each month, companies provide net transaction prices for a specified service. The transaction is an actual contract selected by probability,

[6] *See* 2024 Proposal, *supra* note 3; Rule General 8, Section 1(d).

[7] *See, e.g.,* Securities Exchange Act Release No. 101687 (Nov. 21, 2024), 89 FR 93780 (Nov. 27, 2024) (SR–ISE–2024–52).

[8] The Exchange notes that the proposed increase for the Remote Hands Service fee, when combined with the increase effectuated through the 2024 Proposal for such fees, is consistent with the adjustment levels intended in but not effected through the 2024 Proposal.

[9] The Exchange notes that the proposed reduction in the Fiber Patch Multi-mode fee is consistent with the changes intended in but not effected through the 2024 Proposal. *See* 2024 Proposal, *supra* note 3.

[10] *See* 2024 Proposal, *supra* note 3.

[11] *See* 2024 Proposal, *supra* note 3.

[12] *See* 2024 Proposal, *supra* note 3.

[13] The Exchange notes that the proposed increase represents an increase of approximately 4.27%, which, together with the adjustments made in the 2024 Proposal, results in an increase that is better aligned with the 10% increase (from the original $1,000 fee) described in the 2024 Proposal.

[14] *See* 2024 Proposal, *supra* note 3.

[15] *See https://fred.stlouisfed.org/series/PCU518210518210.*

[16] *See https://www.bls.gov/ppi/overview.htm.*

[17] *See Id.*

[18] NAICS appears in table 5 of the PPI Detailed Report and is available at *https://data.bls.gov/timeseries/PCU518210518210.*

where the price-determining characteristics are held constant while the service is repriced. The prices used in index calculation are the actual prices billed for the selected service contract.[19]

The Exchange believes the Data PPI is an appropriate measure to be considered in the context of the proposed rule change to modify the fee for its connectivity products because the Exchange uses its ''own computer systems'' and ''proprietary software,'' *i.e.,* its own data center and proprietary matching engine software, respectively, to collect, organize, store and report customers' transactions in U.S. equity securities on the Exchange's proprietary trading platform. In other words, the Exchange is in the business of data processing and related services.

For purposes of this proposed rule change, the Exchange examined the Data PPI value for the period from January 2017 through February 2026.[20] The Data PPI had a starting value of 109 in January 2017 and an ending value of 123.670 in February 2026, representing an increase of approximately 13.59% over this period.

This indicates that companies who are also in the data storage and processing business have generally increased prices for a specified service covered under NAICS 518210 by an average of 13.59% during this period. Based on that percentage change, the Exchange proposes to make a one-time fee increase of 10%, which reflects only a portion of the cumulative inflation experienced since the most recent adjustments to these fees on or about 2017.

The Exchange further believes the Data PPI is an appropriate measure for purposes of the proposed rule change on the basis that it is a stable metric with limited volatility, unlike other consumer-side inflation metrics. In fact, the Data PPI has not experienced a greater than 3.09% increase year over year since Data PPI was introduced into the PPI in January 2002. The average calendar year change from January 2002 to January 2026 was 0.70%, with a cumulative increase of 20.32% over this 24-year period. The Exchange believes the Data PPI is considerably less volatile than other inflation metrics such as CPI, which has had individual calendar-year increases of more than 6.5%, and a cumulative increase of over 81% over the same period.[21]

The Exchange believes the Data PPI, and significant investments into, and enhanced performance of, the Exchange support the reasonableness of the proposed fee increases.[22] As the Exchange notes above, the Exchange has relied on Data PPI, as well as its investments into and enhanced performance of the Exchange to support the reasonableness of proposed fees for a substantively identical service or product under Rule Equity 7.[23]

With respect to reductions proposed for the Fiber Patch Cords—Multi-mode offering, the Exchange believes such changes are appropriate to correctly reflect the adjustments intended in the 2024 Proposal, as discussed above.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[24] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[25] in particular, in that it provides for the equitable allocation of reasonable dues, fees, and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

This belief is based on two factors. First, the current fees for the offerings that are included in this proposal, as reflected in Rules General 8 and Options 7, Section 7, do not properly reflect the quality of the services and products, as fees for the services and products in question have been static in nominal terms, and therefore falling in real terms due to inflation. Second, the Exchange believes that investments made in enhancing the capacity and speed of Exchange systems increase the performance of the services and products.

The Proposed Rule Change Is Reasonable

As noted above, as of the date of the 2024 Proposal, the Exchange had not increased any of the fees included in this proposal since 2017 or earlier. However, in the years following the most recent fee increases, the Exchange has made significant investments in upgrades to its connectivity products, services, and facilities, enhancing the quality of its services. Between 2017 and 2026, the period under consideration in this proposal, the inflation rate was 3.25% per year, on average, producing a cumulative inflation rate of 33.32%.[26] Using the more targeted inflation number of Data PPI, the cumulative inflation rate was 13.59%. The Exchange believes the Data PPI is a reasonable metric to base this fee increase on because it is targeted to producer-side increases in the data processing industry.

The proposed fee changes represent a modest increase from the current fees and are intended to effectuate the adjustments that were intended in the 2024 Proposal. As discussed above, the Exchange is limiting its proposed fee increase to not more than 10% of the current fees, which, as discussed above, reflects only a portion of the cumulative inflation experienced since on or about 2017. The Exchange believes the proposed fee increase is reasonable in light of the Exchange's continued expenditure in maintaining a robust technology ecosystem. Furthermore, the Exchange continues to invest in maintaining and enhancing its connectivity products for the benefit of its customers and global investors and often at their behest.[27] The goal of the enhancements discussed above, among other things, is to provide faster, higher-capacity, and more modern connectivity products and services. Accordingly, the Exchange continues to expend resources to innovate and modernize technology so that it may benefit its members in offering its connectivity products and services.

With respect to the reduction in the per-meter component of the Fiber Patch Cords—Multi-mode fee, the Exchange believes the reduction in that fee is appropriate because it correctly reflects the changes intended but not effectuated in the 2024 Proposal, which limited the proposed fee increase to 10% of the then-current fees.

Moreover, as discussed above, the Exchange in 2024 filed a proposed rule change to amend, among other rules, Rule Equity 7 (''Pricing Schedule''), to increase certain fees for its Testing Facilities by 10%.[28] In this proposal, the Exchange is merely proposing a corresponding increase to the analogous

[19] *See https://www.bls.gov/ppi/factsheets/producer-price-index-for-the-data-processing-and-related-servicesindustry-naics-518210.htm.*

[20] *See* 2024 Proposal, *supra* note 3.

[21] *See https://www.usinflationcalculator.com/.*

[22] *See supra* discussion of connectivity product and facility improvements. Additionally, other exchanges have filed for increases in certain fees, based in part on comparisons to inflation. *See, e.g.,* Securities Exchange Act Release Nos. 34–100004 (April 22, 2024), 89 FR 32465 (April 26, 2024) (SR–CboeBYX–2024–012); and 34–100398 (June 21, 2024), 89 FR 53676 (June 27, 2024) (SR–BOX–2024–16); Securities Exchange Act Release No. 34–100994 (September 10, 2024), 89 FR 75612 (September 16, 2024) (SR–NYSEARCA–2024–79). *See also supra* note 4 and accompanying text.

[23] *See* 2024 Proposal, *supra* note 3.

[24] 15 U.S.C. 78f(b).

[25] 15 U.S.C. 78f(b)(4) and (5).

[26] *See https://www.officialdata.org/us/inflation/2017?amount=1.*

[27] *See* 2024 Proposal, *supra* note 3 (describing such continued maintenance enhancements).

[28] *See* 2024 Proposal, *supra* note 3.

Testing Facility fees under Options 7, consistent with the basis for and rationale supporting the analogous Rule Equity 7 adjustments in the 2024 Proposal. The Exchange is proposing no other changes to its rules.

The Proposed Fees Are Equitably Allocated and Not Unfairly Discriminatory

The Exchange believes that the proposed fee increases or adjustments are equitably allocated and not unfairly discriminatory because they would apply to all market participants that choose to purchase connectivity products and services from the Exchange. Any participant that chooses to purchase the Exchange's connectivity products and services would be subject to the same fee schedule, regardless of the type of business they operate or the use they plan to make of the products and services. Additionally, the fee increase or adjustment would be applied uniformly to market participants without regard to Exchange membership status or the extent of any other business with the Exchange or affiliated entities. Finally, the Exchange believes that the proposed fee changes are not unfairly discriminatory because the fees would be assessed uniformly across all market participants, in the same manner they are today, that voluntarily purchase the Exchange's connectivity products and services, which would remain available for purchase by all market participants.

Moreover, with respect to Options 7, and as discussed above, the Exchange is merely proposing an increase to the Testing Facility fees under Options 7, consistent with the basis for and rationale supporting the fee increase adopted in the 2024 Proposal for the analogous Testing Facility under Rule Equity 7.

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.

Intramarket Competition

The Exchange believes that the proposed fees do not put any market participants at a relative disadvantage compared to other market participants. As noted above, the fee schedule would continue to apply to all purchasers of the Exchange's connectivity products and services in the same manner as it does today, albeit at inflation-adjusted rates for certain fees, and customers may choose whether to purchase these products and services at all. The Exchange also believes that the level of the proposed fees neither favors nor penalizes one or more categories of market participants in a manner that would impose an undue burden on competition.

Intermarket Competition

The Exchange believes that the proposed fees do not impose a burden on competition or on other SROs that is not necessary or appropriate. In determining the proposed fees, the Exchange relied on an objective and stable metric with limited volatility. Utilizing Data PPI over a specified period of time is a reasonable means of recouping the Exchange's investment in maintaining and enhancing its connectivity products, services, and facilities. Thus, the Exchange believes utilizing Data PPI, a tailored measure of inflation, to increase certain fees for connectivity products and services to recoup the Exchange's investment in maintaining and enhancing such products, services, and its facilities would not impose a burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.[29]

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: (i) necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–MRX–2026–26 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–MRX–2026–26. 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–MRX–2026–26 and should be submitted on or before July 13, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[30]

Stephanie J. Fouse,

Assistant Secretary.

[FR Doc. 2026–12405 Filed 6–18–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235–0287]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Extension: Form 4—Statement of Changes in Beneficial Ownership of Securities

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget this

[29] 15 U.S.C. 78s(b)(3)(A)(ii).

[30] 17 CFR 200.30–3(a)(12).

request for extension of the previously approved collection of information discussed below. The Commission also is requesting approval from OMB to designate this existing collection of information (OMB Control No. 3235–0287) as a ''common form'' for purposes of PRA submissions [1] because the Board of Governors of the Federal Reserve System uses this information collection (under OMB Control No. 7100–0091).

Congress enacted Section 16 of the Securities Exchange Act of 1934 (''Exchange Act'') to address insider trading. Pursuant to Section 16(a), every person who owns more than ten percent of any class of equity security (other than an exempted security) which is registered under Section 12 of the Exchange Act, or who is a director or an officer of the issuer of such security (collectively ''reporting persons'') are required to file statements disclosing their ownership of the issuer's equity securities. The Commission adopted Form 4 (17 CFR 249.104) pursuant to Section 16. Form 4 requires disclosure of certain information about a reporting person and their beneficial ownership of the relevant class of securities. A reporting person must file a Form 4 before the end of the second business day following the day on which a transaction resulting in a change in beneficial ownership has been executed. The information required by Form 4 is mandatory, and Form 4 filings are publicly available on the Commission's Electronic Data Gathering, Analysis, and Retrieval (''EDGAR'') system. We estimate that Form 4 takes approximately 0.5 hours per response and is filed approximately 3.3 times per year by approximately 62,243 respondents, for an estimated total of 212,003 responses annually.[2] We estimate that 100% of the 0.5 hours per response is carried internally by the respondent for annual reporting burden of 106,002 hours (0.50 hours per response × 212,003 responses) and $0 of estimated annual cost burden.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB Control Number.

The public may view and comment on this information collection request at: *https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202603-3235-013* or send an email comment to *MBX.OMB.OIRA.SEC_desk_officer@omb.eop.gov* within 30 days of the day after publication of this notice by July 23, 2026.

Dated: June 16, 2026.

Stephanie J. Fouse,

Assistant Secretary.

[FR Doc. 2026–12375 Filed 6–18–26; 8:45 am]

BILLING CODE 8011–01–P

[1] *See* ROCIS PRA Module User Guide v. 8.2, at 110–111 (Mar. 2024), available at *https://www.rocis.gov/rocis/viewResources.do* (''A 'common form' is an information collection that can be used by two or more agencies, or government-wide, for the same purpose. The Common Forms Module [in ROCIS] allows a 'host' agency to obtain [OMB] approval of an information collection for use by one or more 'using' agencies. After OMB grants approval, any prospective using agency that seeks to collect identical information for the same purpose can obtain approval to use the 'common form' by providing its agency-specific information to OMB (*e.g.,* burden estimates and number of respondents) . . . . The host agency will indicate in the Federal Register notices that it is requesting approval of a common form and, if known, identify other agencies that may use the information collection. Both the Federal Register notices and the ICR should account only for the burden imposed by the host agency's use of the common form. Once the host agency has received approval from OMB, any agency will be able to request OMB approval for its use of the common form in ROCIS by providing its agency specific information to OMB (*e.g.,* burden estimates and number of respondents). Additional public notice by those agencies will not be required.'').

[2] We calculated this estimate by adding (A) the average number of Form 4 filings annually for the period 2023 through 2025 (176,300 responses annually) to (B) the Commission's estimated increase in the annual number of Form 4 filings based on its recent amendments to implement the Holding Foreign Insiders Accountable Act (35,703 responses). *See Holding Foreign Insiders Accountable Act Disclosure,* Release No. 34–104903 (Feb. 27, 2026) [91 FR 10320 (Mar. 3, 2026)].

SECURITIES AND EXCHANGE COMMISSION

[Investment Advisers Act Release No. 6972/File No. 803–00295]

Benjamin Partners LLC

June 16, 2026.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice.

Notice of application for an exemptive order under Section 202(a)(11)(H) of the Investment Advisers Act of 1940 (the ''Act'').

Applicant: Benjamin Partners LLC.

Summary of Application: The Applicant requests that the Commission issue an order under Section 202(a)(11)(H) of the Act declaring the Applicant to be a person not within the intent of Section 202(a)(11) of the Advisers Act, which defines the term ''investment adviser.''

Filing Dates: The application was filed on June 3, 2026.

Hearing or Notification of Hearing: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing on any application by emailing the SEC's Secretary at *Secretarys-Office@sec.gov* and serving the Applicant with a copy of the request by email, if an email address is listed for the Applicant below, or personally or by mail, if a physical address is listed for the Applicant below. The email should include the file number referenced above. Hearing requests should be received by the Commission by 5:30 p.m., Eastern time, on July 13, 2026, and should be accompanied by proof of service on the Applicant in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons may request notification of a hearing by emailing the Commission's Secretary.

ADDRESSES: The Commission: *Secretarys-Office@sec.gov.* The Applicant: 589 Broadway New York, NY 10012; *amy.doberman@wilmerhale.com, gretchen.roin@wilmerhale.com.*

FOR FURTHER INFORMATION CONTACT: Taylor Evenson, Senior Counsel, or Matthew Cook, Branch Chief, at (202) 551–6825 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: For the Applicant's representations, legal analysis, and conditions, please refer to the Applicant's application dated June 3, 2026, which may be obtained via the Commission's website by searching for the file number at the top of this document, or for the Applicant using the Company name search field, on the SEC's EDGAR system. The SEC's EDGAR system may be searched at *https://www.sec.gov/search-filings.* You may also call the SEC's Office of Investor Education and Assistance at (202) 551–8090.

For the Commission, by the Division of Investment Management, under delegated authority.

Stephanie J. Fouse,

Assistant Secretary.

[FR Doc. 2026–12400 Filed 6–18–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235–0779]

Agency Information Collection Activities; Proposed Collection; Comment Request; Extension: Rule 2a–5

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (''PRA''), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information titled, ''Rule 2a–5 under the Investment Company Act of 1940, Fair Value.'' The OMB Control Number is 3235–0779. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB Control Number.

Section 2(a)(41) of the Investment Company Act of 1940 (''Investment Company Act'') requires funds to value their portfolio investments using the market value of their portfolio securities when market quotations for those securities are ''readily available,'' and, when a market quotation for a portfolio security is not readily available, by using the fair value of that security, as determined in good faith by the fund's board. The aggregate value of a fund's investments is the primary determinant of the fund's net asset value (''NAV''), which for many funds determine the price at which their shares are offered and redeemed (or repurchased).

17 CFR 270.2a–5 (''rule 2a–5'') provides requirements for determining in good faith the fair value of the investments of a registered investment company or companies that have elected to be treated as business development companies under the Investment Company Act (''BDCs'' and, collectively, ''funds'') for purposes of section 2(a)(41) of the Investment Company Act and rule 2a–4 thereunder. Under the rule, fair value as determined in good faith requires assessing and managing material risks associated with fair value determinations; selecting, applying, and testing fair value methodologies; and overseeing and evaluating any pricing services used. The rule also permits a fund's board to designate a ''valuation designee'' to perform fair value determinations. The valuation designee can be the adviser of the fund or an officer of an internally managed fund. When a board designates the performance of determinations of fair value to a valuation designee for some or all of the fund's investments under the rule, the rule requires the board to oversee the valuation designee's performance of fair value determinations.

To facilitate the board's oversight, the rule also includes certain reporting and other requirements in the case of designation to a valuation designee. As relevant here, the rule requires, if the board designates performance of fair value determinations to a valuation designee, that the valuation designee report to the board in both periodic and as needed reports on a per-fund basis.

Specifically, on a periodic basis, the valuation designee must provide the following to the board:

- Quarterly Reports. At least quarterly, in writing, (1) any reports or materials requested by the board related to the fair value of designated investments or the valuation designee's process for fair valuing fund investments and (2) a summary or description of material fair value matters that occurred in the prior quarter. This summary or description must include (1) any material changes in the assessment and management of valuation risks, including any material changes in conflicts of interest of the valuation designee (and any other service provider), (2) any material changes to, or material deviations from, the fair value methodologies, and (3) any material changes to the valuation designee's process for selecting and overseeing pricing services, as well as any material events related to the valuation designee's oversight of pricing services.
- Annual Reports. At least annually, in writing, an assessment of the adequacy and effectiveness of the valuation designee's process for determining the fair value of the designated portfolio of investments. At a minimum, this annual report must include a summary of the results of the testing of fair value methodologies required under the rule and an assessment of the adequacy of resources allocated to the process for determining the fair value of designated investments, including any material changes to the roles or functions of the persons responsible for determining fair value.

Further, the rule requires the valuation designee to provide a written notification to the board of the occurrence of matters that materially affect the fair value of the designated portfolio of investments (defined as ''material matters'') within a time period determined by the board, but in no event later than five business days after the valuation designee becomes aware of the material matter. Material matters in this instance include, as examples, a significant deficiency or material weakness in the design or effectiveness of the valuation designee's fair value determination process or of material errors in the calculation of net asset value. The valuation designee must also provide such timely follow-on reports as the board may reasonably determine are appropriate.

The rule constitutes a ''collection of information'' for PRA purposes. Respondents are funds. Compliance with rule 2a–5 is mandatory for any fund that would need to determine fair value under the Investment Company Act. To the extent that records required to be created and maintained under the rule are provided to the Commission in connection with examinations or investigations, such information would be kept confidential subject to the provisions of applicable law.

Commission staff estimates that 10,047 respondents will provide one response each, for an aggregate of 10,047 responses, annually. Commission staff estimates 34 hours per response, for an aggregate of 341,598 hours, annually. Commission staff estimates a monetized time cost of $33,422 per response, for an aggregate monetized time cost of $335,790,834, annually. Commission staff estimates an external cost burden of $3,632 per response, for an aggregate external cost burden of $36,490,704, annually.

Written comments are invited on: (a) whether this proposed collection of information is necessary for the proper performance of the functions of the SEC, including whether the information will have practical utility; (b) the accuracy of the SEC's estimate of the burden imposed by the proposed collection of information, including the validity of the methodology and the assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated, electronic collection techniques or other forms of information technology.

Please direct your written comments on this 60-Day Collection Notice to Austin Gerig, Director/Chief Data Officer, Securities and Exchange Commission, c/o Tanya Ruttenberg via email to *PaperworkReductionAct@sec.gov* by August 21, 2026. There will be a second opportunity to comment on this Commission request following the **Federal Register** publishing a 30-Day Submission Notice.

Dated: June 17, 2026.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2026–12489 Filed 6–18–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–105696; File No. SR–ISE–2026–22]

Self-Regulatory Organizations; Nasdaq ISE, LLC; Order Approving a Proposed Rule Change To Permit the Listing of A.M.-Settled Options on the Nasdaq-100 Index That Expire on Any Monday, Tuesday, Wednesday, Thursday, or Friday (Other than the Third Friday-of-the-Month or Days That Coincide With an End-of-Month Expiration) and Expire on the Last Trading Day of the Month

June 16, 2026.

I. Introduction

On April 28, 2026, Nasdaq ISE, LLC (''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to permit the listing of A.M.-settled options on the Nasdaq-100® Index (''NDX'') that expire (1) on any Monday, Tuesday, Wednesday, Thursday, or Friday (other than the third Friday-of-the-month or days that coincide with an end-of-month expiration) and (2) the last trading day of the month. The proposed rule change was published for comment in the **Federal Register** on May 8, 2026.[3] This order approves the proposed rule change.

II. Description of the Proposed Rule Change

Under the Exchange's Nonstandard Expirations Program, the Exchange can open for trading (1) P.M.-settled weekly expirations on any broad-based index eligible for standard options trading to expire on any Monday, Tuesday, Wednesday, Thursday, or Friday (other than the third Friday-of-the-month (''Expiration Friday'') or days that coincide with an end-of-month expiration) (''Weekly Expirations'') and (2) P.M.-settled end-of-month expirations on the last trading day of the month (''EOM Expirations'' or ''EOMs'') on any broad-based index eligible for standard options trading to expire on last trading day of the month.[4] With respect to NDX options, the Exchange can open for trading standard monthly expirations with A.M.-settlement on Expiration Friday,[5] P.M.-settlement on Expiration Friday,[6] Weekly Expirations with P.M.-settlement,[7] and EOM Expirations with P.M.-settlement.[8]

The Exchange proposes to amend its Nonstandard Expirations Program to permit the Exchange to open for trading A.M.-settled Weekly Expirations and A.M.-settled EOM Expirations on NDX (collectively, ''A.M.-settled Nonstandard NDX Options'').[9] The Exchange states that the proposed A.M.-settled Nonstandard NDX Options would be subject to all provisions of Options 4A, Section 12 and treated the same as A.M.-settled options on NDX that expire on Expiration Friday, as well as P.M.-settled Weekly Expirations and EOM Expirations on NDX.[10] The maximum number of expirations that may be listed for each A.M.-settled Nonstandard NDX Option would be the same as the maximum number of expirations permitted in Options 4A, Section 12(a)(3) for standard options on NDX.[11] Under the proposal, A.M.-settled Weekly Expirations on NDX need not be for consecutive Monday, Tuesday, Wednesday, Thursday, or Friday expirations as applicable; however, the expiration date of a nonconsecutive expiration may not be beyond what would be considered the last expiration date if the maximum number of expirations were listed consecutively.[12] A.M.-settled Weekly Expirations that are first listed on NDX may expire up to four weeks from the actual listing date.[13]

Similar to A.M.-settled Weekly Expirations on NDX, the Exchange proposes that A.M.-settled EOM Expirations on NDX need not be for consecutive end of month expirations; however, the expiration date of a non-consecutive expiration may not be beyond what would be considered the last expiration date if the maximum number of expirations were listed consecutively.[14] A.M.-settled EOM Expirations on NDX that are first listed may expire up to four weeks from the actual listing date.[15] If the Exchange lists A.M.-settled EOM Expirations on NDX and A.M.-settled Weekly Expirations on NDX, the Exchange would list an A.M.-settled EOM Expiration on NDX instead of an A.M.-settled Weekly Expiration on NDX that expires on the same day.[16] Other expirations in the same class would not be counted as part of the maximum number of A.M.-settled Weekly Expirations or EOM Expirations on NDX.[17]

III. Discussion and Commission Findings

After careful review, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.[18] In particular, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act,[19] which requires, among other things, 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 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.

In support of its proposal, the Exchange states permitting A.M.-settled Nonstandard NDX Options along with A.M.-settled standard expirations on NDX (as well as P.M-settled Nonstandard Expirations on NDX) will allow investors to purchase options on NDX in a manner more aligned with specific timing needs, which may reduce the premium cost of buying protection.[20] The Exchange states that

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 105365 (May 5, 2026), 91 FR 25393 (''Notice''). The Commission received no comments on the Notice.

[4] *See* Supplementary Material .07 to Options 4A, Section 12.

[5] *See* Options 4A, Section 12(a)(5).

[6] *See* Options 4A, Section 12(a)(6).

[7] *See* Supplementary Material .07(a) to Options 4A, Section 12.

[8] *See* Supplementary Material .07(b) to Options 4A, Section 12.

[9] *See* Notice, *supra* note 3, at 25394. The Exchange also proposes conforming amendments to Supplementary Material .07(a) and (b) to Options 4A, Section 12 to replace certain existing references to ''Weekly Expirations'' with ''P.M.-settled Weekly Expirations,'' to reflect that those provisions are applicable to P.M.-settled options series and to distinguish them from the A.M.-settled Weekly Expirations proposed. *See id.* at 25395, n. 24. The Exchange also proposes to remove language stating that Weekly Expirations and EOMs shall be P.M-settled. *See* proposed Supplementary Material .07(a) and (b) to Options 4A, Section 12. The Exchange states that there are no changes to the P.M.-settled Weekly Expirations or EOMs as a result of the proposed change. *See id.* at 25395, n. 24.

[10] *See id.* at 25395.

[11] *See id.*

[12] *See id.*

[13] *See id.*

[14] *See id.*

[15] *See id.*

[16] *See id.*

[17] *See id.*

[18] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[19] 15 U.S.C. 78f(b)(5).

[20] *See* Notice, *supra* note 3, at 25396.

expanding its NDX options offerings to include A.M.-settled Nonstandard NDX Options will provide investors with additional means of managing their risk exposures and carrying out their investment objectives.[21] Further, the Exchange also states there is sufficient investor interest in and demand for A.M.-settled Nonstandard NDX Options to warrant adding these expirations.[22]

In addition, the Exchange states that it does not believe increases in the number of options series and expirations will have any significant adverse economic impact on the futures, index, or underlying index component securities markets.[23] The Exchange states that it currently lists standard A.M.-settled expirations for NDX options along with P.M.-settled expirations.[24] The Exchange explains that it has not experienced any meaningful regulatory concerns, nor adverse impact on fair and orderly markets, in connection with the listing of standard A.M.-settled expirations NDX options concurrently with P.M.-settled expirations for NDX, nor with its Nonstandard Expirations Program more generally.[25] The Exchange represents that it has the necessary systems capacity to support any additional traffic associated with trading of A.M.-settled Nonstandard NDX Options and does not believe that its Members will experience any capacity issues as a result of this proposal.[26] Finally, the Exchange represents that its existing surveillance and reporting safeguards in place are adequate to deter and detect possible manipulative trading which might arise from listing and trading A.M.-settled Nonstandard NDX Options.[27]

As noted above, the Exchange may currently trade standard A.M.-settled NDX options on the same day as P.M.-settled NDX options on Expiration Friday. The Exchange's proposal, which would permit additional A.M.-settled NDX option expirations, is reasonably designed as a limited expansion of the existing NDX index options expirations and may provide the investing public and other market participants more flexibility to closely tailor their investment and hedging decisions. The Exchange has represented that it has an adequate surveillance program in place to monitor trading in A.M.-settled Nonstandard NDX Options and has the necessary systems capacity to support the new options series.[28] The Exchange also represents that it will monitor the trading volume associated with any possible additional NDX options series listed as a result of the proposal and the effect of these additional series on market fragmentation and on the capacity of the Exchange's automated systems.[29] The Commission expects the Exchange to continue to monitor any potential risks from large A.M.-settled positions and take appropriate action on a timely basis if warranted.

For these reasons, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act [30] and the rules and regulations thereunder applicable to a national securities exchange.

IV. Conclusion

It Is therefore ordered, pursuant to Section 19(b)(2) of the Act,[31] that the proposed rule change (SR–ISE–2026–22), be, and hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[32]

Stephanie J. Fouse,

Assistant Secretary.

[FR Doc. 2026–12402 Filed 6–18–26; 8:45 am]

BILLING CODE 8011–01–P

[21] *See id.*

[22] *See id.* at 25395.

[23] *See id.* at 25396.

[24] *See id.* at 25395.

[25] *See id.* at 25396.

[26] *See id.*

[27] *See id.* at 25395.

[28] *See id.*

[29] *See id.*

[30] 15 U.S.C. 78f(b)(5).

[31] 15 U.S.C. 78s(b)(2).

[32] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235–0515]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Extension: Schedule TO

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget the request for extension of the previously approved collection of information discussed below.

Schedule TO (17 CFR 240.14d–100) sets forth the information that certain persons conducting certain tender offers must disclose in connection with that tender offer. The purpose of Schedule TO is to ensure investors have access to information necessary to make an informed investment decisions in connection with tender offers. The information required by Schedule TO is mandatory, and Schedule TO filings are publicly available on the Commission's Electronic Data Gathering, Analysis, and Retrieval (''EDGAR'') system. We estimate that Schedule TO is filed approximately 2.28 times per year by 259 respondents, for an estimated total of 591 responses annually. We estimate that Schedule TO requires approximately 22.38 burden hours per response and approximately $8,949.93 cost burden per response, for an estimated total annual reporting burden of 13,227 hours (22.38 burden hours per response × 591 responses) and an estimated total annual cost burden of $5,289,409 (591 responses × $8,949.93 per response).

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB Control Number.

The public may view and comment on this information collection request at: *https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202604-3235-001* or send an email comment to *MBX.OMB.OIRA.SEC_desk_officer@omb.eop.gov* within 30 days of the day after publication of this notice by July 23, 2026.

Dated: June 16, 2026.

Stephanie J. Fouse,

Assistant Secretary.

[FR Doc. 2026–12370 Filed 6–18–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

TIME AND DATE: 2:00 p.m. on Thursday, June 25, 2026.

PLACE: The meeting will be held via remote means and at the Commission's headquarters, 100 F Street NE, Washington, DC 20549.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters also may be present.

In the event that the time, date, or location of this meeting changes, an announcement of the change, along with the new time, date, and/or place of the

meeting will be posted on the Commission's website at *https://www.sec.gov*.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (6), (7), (8), 9(B) and (10) and 17 CFR 200.402(a)(3), (a)(5), (a)(6), (a)(7), (a)(8), (a)(9)(ii) and (a)(10), permit consideration of the scheduled matters at the closed meeting.

The subject matter of the closed meeting will consist of the following topics:

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings;

Resolution of litigation claims; and

Other matters relating to examinations and enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting agenda items that may consist of adjudicatory, examination, litigation, or regulatory matters.

CONTACT PERSON FOR MORE INFORMATION: For further information, please contact Vanessa A. Countryman from the Office of the Secretary at (202) 551–5400.

Authority: 5 U.S.C. 552b.

Dated: June 17, 2026.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2026–12522 Filed 6–17–26; 4:15 pm]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235–0328]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Extension: Form ID—Application for EDGAR Access

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget this request for extension of the previously approved collection of information discussed below.

Form ID (17 CFR 232.10(b), 17 CFR 239.63, 17 CFR 249.446, 17 CFR 269.7, and 17 CFR 274.402) must be completed and submitted to the Commission by all individuals, companies, and other organizations that seek access to file electronically on the Commission's Electronic Data Gathering, Analysis, and Retrieval system (''EDGAR''). Those seeking access to file on EDGAR typically include those who are required to make certain disclosures pursuant to the federal securities laws. The information provided on Form ID is an essential part of the security of EDGAR. Form ID must be submitted whenever an applicant seeks an EDGAR identification number (Central Index Key or CIK) and/or access codes to file on EDGAR. The currently approved burden includes an estimate of 82,483 Form ID filings annually and a further estimate that it takes approximately 0.6 hours per response for a total annual burden of 49,490 hours.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB Control Number.

The public may view and comment on this information collection request at: *https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202603-3235-024* or send an email comment to *MBX.OMB.OIRA.SEC_desk_officer@omb.eop.gov* within 30 days of the day after publication of this notice by July 23, 2026.

Dated: June 16, 2026.

Stephanie J. Fouse,

Assistant Secretary.

[FR Doc. 2026–12371 Filed 6–18–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–105706; File No. SR–ISE–2026–35]

Self-Regulatory Organizations; Nasdaq ISE, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Delay the Implementation of SR–ISE–2026–04

DATES: June 16, 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 4, 2026, Nasdaq ISE, LLC (''ISE'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to delay the implementation of certain enhancements to electronic FLEX trading.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/ise/rulefilings,* and at the principal office of the Exchange.

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 this proposed rule change is to delay the implementation date of SR–ISE–2026–04 [3] from being implemented on a date that is ''on or before December 20, 2026'' to being implemented ''on or before December 20, 2027.''

The Exchange filed a rule proposal to introduce certain FLEX enhancements which was noticed by the Commission.[4] After further review and assessment, the Exchange has determined that additional time is necessary to ensure proper implementation of the changes set forth in SR–ISE–2026–04. The Exchange believes that extending the implementation date by one year will provide the Exchange and its members with sufficient time to complete the necessary systems changes, testing, and other preparations required to implement the rule changes in an orderly manner.

The Exchange notes that this proposed rule change does not alter the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Exchange Release No. 10472 (January 28, 2026), 91 FR 4721 (February 2, 2026) (SR–ISE–2026–04) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend FLEX Rules).

[4] *See id.*

substance of the rule changes set forth in SR–ISE–2026–04. Rather, this filing solely proposes to extend the implementation date to allow for additional preparation time.

The Exchange will announce the implementation date of the rule changes set forth in SR–ISE–2026–04 via an Options Trader Alert prior to implementation.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[5] in general, and furthers the objectives of Section 6(b)(5) of the Act,[6] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system.

The Exchange believes that the proposed rule change promotes just and equitable principles of trade because delaying the implementation date will provide the Exchange and its Members with additional time to prepare for the changes set forth in SR–ISE–2026–04. This additional time will help ensure that the implementation is conducted in an orderly manner, which will benefit all market participants.

The Exchange further believes that the proposed rule change removes impediments to and perfects the mechanism of a free and open market because providing additional time for implementation will reduce the risk of operational issues that could arise from a rushed implementation. The Exchange believes that a well-prepared and orderly implementation serves the interests of investors and the public.

Finally, the Exchange believes that the proposed rule change protects investors and the public interest because it will allow the Exchange to ensure that all necessary preparations are completed before implementation, thereby reducing the potential for disruption to the marketplace.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is not designed to address any competitive issues but rather to delay the implementation date of SR–ISE–2026–04 to allow for additional preparation time. The proposed delay will apply equally to all Members and market participants.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act[7] and subparagraph (f)(6) of Rule 19b–4 thereunder.[8]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–ISE–2026–35 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–ISE–2026–35. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–ISE–2026–35 and should be submitted on or before July 13, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

Stephanie J. Fouse,

Assistant Secretary.

[FR Doc. 2026–12412 Filed 6–18–26; 8:45 am]

BILLING CODE 8011–01–P

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

[7] 15 U.S.C. 78s(b)(3)(A)(iii).

[8] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[9] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235–0101]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Extension: Form 144—Notice of Proposed Sale of Securities Pursuant to Rule 144 Under the Securities Act of 1933

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget this request for extension of the previously approved collections of information discussed below.

Form 144 (17 CFR 239.144) is used to report the sale of securities during any three-month period that exceeds 5,000 shares or other units and has an aggregate sales price that does not exceed $50,000. Form 144 operates in conjunction with Rule 144 (17 CFR 230.144). Rule 144 is designed to prohibit the creation of public markets

in securities of issuers concerning which adequate current information is not available to the public. At the same time, where adequate current information concerning the issuer is available to the public, the rule permits the public sale in ordinary trading transactions of limited amounts of securities owned by persons controlling, controlled by, or under common control with, the issuer and by persons who have acquired restricted securities of the issuer. The information required by Form 144 is mandatory, and Form 144 must be filed with the Commission and is publicly available. We estimate that Form 144 takes approximately one hour per response and is filed approximately 2.8 times per year by approximately 11,500 respondents, for a total of approximately 32,276 responses annually. We estimate that 100% of the burden is carried internally by the respondent for total annual reporting burden of 32,276 hours (one hour per response × 32,276 responses).

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB Control Number.

The public may view and comment on this information collection request at: *https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202603-3235-010* or send an email comment to *MBX.OMB.OIRA.SEC_desk_officer@omb.eop.gov* within 30 days of the day after publication of this notice by July 23, 2026.

Dated: June 16, 2026.

Stephanie J. Fouse,

Assistant Secretary.

[FR Doc. 2026–12372 Filed 6–18–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235–0104]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Extension: Form 3—Initial Statement of Beneficial Ownership of Securities

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget this request for extension of the previously approved collection of information discussed below. The Commission also is requesting approval from OMB to designate this existing collection of information (OMB Control No. 3235–0104) as a ''common form'' for purposes of PRA submissions [1] because the Board of Governors of the Federal Reserve System uses this information collection (under OMB Control No. 7100–0091).

Congress enacted Section 16 of the Securities Exchange Act of 1934 (''Exchange Act'') to address insider trading. Pursuant to Section 16(a), every person who owns more than ten percent of any class of equity security (other than an exempted security) which is registered under Section 12 of the Exchange Act, or who is a director or an officer of the issuer of such security (collectively ''reporting persons'') are required to file statements disclosing their ownership of the issuer's equity securities. The Commission adopted Form 3 (17 CFR 249.103) pursuant to Section 16. Form 3 requires disclosure of certain information about a reporting person and their beneficial ownership of the relevant class of securities. The information required by Form 3 is mandatory, and Form 3 filings are publicly available on the Commission's Electronic Data Gathering, Analysis, and Retrieval (''EDGAR'') system. We estimate that Form 3 takes approximately 0.5 hours per response and is filed once per year by approximately 15,371 respondents, for a total of approximately 15,371 responses annually.[2] We estimate that 100% of the 0.5 hours per response is carried internally by the respondent for annual reporting burden of 7,686 hours (0.50 hours per response × 15,371 responses) and $0 of estimated annual cost burden.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB Control Number. The public may view and comment on this information collection request at: *https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202603-3235-012* or send an email comment to *MBX.OMB.OIRA.SEC_desk_officer@omb.eop.gov* within 30 days of the day after publication of this notice by July 23, 2026.

Dated: June 16, 2026.

Stephanie J. Fouse,

Assistant Secretary.

[FR Doc. 2026–12368 Filed 6–18–26; 8:45 am]

BILLING CODE 8011–01–P

[1] *See* ROCIS PRA Module User Guide v. 8.2, at 110–111 (Mar. 2024), available at *https://www.rocis.gov/rocis/viewResources.do* (''A 'common form' is an information collection that can be used by two or more agencies, or government-wide, for the same purpose. The Common Forms Module [in ROCIS] allows a 'host' agency to obtain [OMB] approval of an information collection for use by one or more 'using' agencies. After OMB grants approval, any prospective using agency that seeks to collect identical information for the same purpose can obtain approval to use the 'common form' by providing its agency-specific information to OMB (*e.g.,* burden estimates and number of respondents) . . . . The host agency will indicate in the **Federal Register** notices that it is requesting approval of a common form and, if known, identify other agencies that may use the information collection. Both the **Federal Register** notices and the ICR should account only for the burden imposed by the host agency's use of the common form. Once the host agency has received approval from OMB, any agency will be able to request OMB approval for its use of the common form in ROCIS by providing its agency specific information to OMB (*e.g.,* burden estimates and number of respondents). Additional public notice by those agencies will not be required.'').

[2] We calculated this estimate by adding (A) the average number of Form 3 filings annually for the period 2023 through 2025 (12,404 responses annually) to (B) the Commission's estimated increase in the annual number of Form 3 filings based on its recent amendments to implement the Holding Foreign Insiders Accountable Act (2,967 responses). *See Holding Foreign Insiders Accountable Act Disclosure,* Release No. 34–104903 (Feb. 27, 2026) [91 FR 10320 (Mar. 3, 2026)].

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–105700; File No. SR–NYSEAMER–2026–50]

Self-Regulatory Organizations; NYSE American LLC; Notice of Filing of Proposed Rule Change To Add a New Partial Cabinet Solution Bundle

June 16, 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 June 2, 2026, NYSE American LLC (''NYSE American'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to add a new Partial Cabinet Solution bundle as part of its co-location services. The description of the Partial Cabinet Solution bundles and related fees in the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

Connectivity Fee Schedule (''Fee Schedule'') would be updated accordingly. The proposed rule change is available on the Exchange's website at *www.nyse.com* and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to add a new Partial Cabinet Solution (''PCS'') bundle as part of its co-location services. Specifically, the Exchange proposes to add a 4 kW PCS bundle. The description of the PCS bundles and related fees in the Fee Schedule would be updated accordingly.

The Exchange expects that the proposed rule change would become operative no later than October 31, 2026. The Exchange will announce the date through a customer notice.

Background

Currently, Users [3] may select a PCS bundle which includes a 2 kW partial cabinet; access to the Liquidity Center Network (''LCN'') and internet protocol (''IP'') network, the local area networks available in the data center; two NMS network [4] connections, two fiber cross connections; and connectivity to one of two time feeds.[5] In addition to other requirements, a User and its Affiliates [6] must have an Aggregate Cabinet Footprint [7] of 2 kW or less to qualify for the PCS bundle.

The PCS bundles were designed to attract smaller Users, including those with minimal power or cabinet space demands or those for which the costs attendant with having a dedicated cabinet or greater network connection bandwidth are too burdensome.[8] That has not changed. But as hardware and other infrastructure has evolved, even those with minimal demands need more power to meet the requirements of their hardware, such that even smaller Users may find the existing 2 kW PCS bundle inadequate to meet their needs.

Proposed Changes

To respond to Users' increased power needs, the Exchange proposes to add a new 4 kW PCS bundle. To differentiate it from the existing 2 kW PCS bundle, the Exchange proposes to label them as Options A and B. Like its predecessor, Option B would be sized to meet the needs of smaller Users and their current power needs.

To implement the changes, the Exchange would amend Note 1, in relevant part, as follows (proposed additions italicized):

1. To qualify for a Partial Cabinet Solution bundle, a User must meet the following conditions: (1) it must purchase only one Partial Cabinet Solution bundle; (2) the User and its Affiliates must not currently have a Partial Cabinet Solution bundle; and (3) after the purchase of the Partial Cabinet Solution bundle, the User, together with its Affiliates, will have an Aggregate Cabinet Footprint of no more than 2 kW *for Option A and 4 kW for Option B.*

• A User requesting a Partial Cabinet Solution bundle will be required to certify to the Exchange (a) whether any other Users or Hosted Customers are Affiliates of the certificating User, and (b) that after the purchase of the Partial Cabinet Solution bundle, the User, together with its Affiliates, would have an Aggregate Cabinet Footprint of no more than 2 kW *for Option A and 4 kW for Option B.*

The Exchange would also amend the Fee Schedule to label the 2 kW PCS bundle as Option A and add the new proposed Option B. The amended Fee Schedule would read as follows (proposed deletions bracketed; proposed additions *italicized*):

Partial Cabinet Solution bundles Note: A User and its Affiliates are limited to one Partial Cabinet Solution bundle at a time. A User and its Affiliates must have an Aggregate Cabinet Footprint of 2 kW or less to qualify for [a Partial Cabinet Solution bundle] *Option A and 4 kW or less to qualify for Option B.* See Note 1 under ''Colocation Notes.'' A purchaser of a Partial Cabinet Solution bundle must select NMS Network connections of the same size (*i.e.,* 10 Gb or 40 Gb) as the related LCN and IP network connections.	*Option A:* 2 kW partial cabinet, 1 LCN connection (10 Gb LX or 40 Gb), 1 IP network connection (10 Gb or 40 Gb), 2 NMS Network connections (10 Gb or 40 Gb each), 2 fiber cross connections and either the Network Time Protocol Feed or Precision Timing Protocol. *Option B:* *4 kW partial cabinet, 1 LCN connection (10 Gb LX or 40 Gb), 1 IP network connection (10 Gb or 40 Gb), 2 NMS Network connections (10 Gb or 40 Gb each), 2 fiber cross connections and either the Network Time Protocol Feed or Precision Timing Protocol.*	$10,000 initial charge per bundle plus $16,500 monthly charge per bundle. *$12,000 initial charge per bundle plus $19,000 monthly charge per bundle.*

[3] For purposes of the Exchange's colocation services, a ''User'' means any market participant that requests to receive colocation services directly from the Exchange. *See* Securities Exchange Act Release No. 76009 (September 29, 2015), 80 FR 60213 (October 5, 2015) (SR–NYSEMKT–2015–67). As specified in the Fee Schedule, a User that incurs colocation fees for a particular colocation service pursuant thereto would not be subject to colocation fees for the same colocation service charged by the New York Stock Exchange LLC, NYSE Arca, Inc., NYSE National, Inc. and NYSE Texas, Inc. (together, the ''Affiliate SROs''). Each Affiliate SRO has submitted substantially the same proposed rule change to propose the change described herein.

[4] The NMS Network is an alternate dedicated network connection that Users use to access the NMS feeds for which the Securities Industry Automation Corporation is engaged as the securities information processor. *See* Securities Exchange Act Release No. 88837 (May 7, 2020), 85 FR 28671 (May 13, 2020) (SR–NYSE–2019–46, SR–NYSEAMER–2019–34, SR–NYSEArca-2019–61, SR–NYSENAT–2019–19).

[5] *See* Securities Exchange Act Release No. 97748 (June 16, 2023), 88 FR 41164 (June 23, 2023) (SR–NYSEAMER–2023–32).

[6] An ''Affiliate'' of a User is any other User or Hosted Customer that is under 50% or greater common ownership or control of the first User. Fee Schedule, p 1.

[7] The ''Aggregate Cabinet Footprint'' of a User is the total kW of the User's cabinets, including both partial and dedicated cabinets. Fee Schedule, p 1.

[8] *See* Securities Exchange Act No. 77071 (February 5, 2016), 81 FR 7382 (February 11, 2016) (SR–NYSEMKT–2015–89).

Application and Impact of the Proposed Change

The proposed change would apply to all PCS bundles. The proposed change would not apply differently to distinct types or sizes of market participants. Rather, it would apply to all Users equally.

Users that require other sizes or combinations of cabinets, network connections and cross connects could still request them. As is currently the case, the purchase of any colocation service, including PCS bundles, is completely voluntary and the Price List is applied uniformly to all Users.

The Exchange expects to obtain at most a handful of new Users as a result of offering the 4 kW PCS bundles. A User, including a User with a 4 kW dedicated cabinet, would be able to convert to the 4 kW PCS bundle if it otherwise met the conditions.

Competitive Environment

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.'' [9]

The Exchange's provision of 4 kW PCS bundles would be subject to competition from Hosting Users. A ''Hosting User'' is a User that hosts another entity in its space within the data center.[10] The hosted customer is a ''Hosted Customer.'' [11] Based on conversations with Users and potential customers, the Exchange understands that Hosting Users offer bundles (''Hosting User Bundles'') that include cabinet space and space on shared LCN and IP network connections—and that the Hosting User Bundles provide their end users with a service similar to that of the PCS bundles.[12]

The Exchange does not believe that the fact that Hosting Users are subject to co-location fees, including a Hosting Fee of $1,000 per cabinet per Hosted Customer for each cabinet in which such Hosted Customer is hosted (all such fees together, ''Hosting User Fees''), precludes Hosting Users from providing services competitive to the proposed 4 kW PCS bundles.[13]

This is because it is in the Exchange's interest to set the Hosting User Fees at a reasonable level so that Hosting Users will maximize their use of the MDC. When the Hosting User Fees are set at a reasonable level, the Exchange believes that Hosting Users are more likely to install equipment in the MDC and to sell connections to Hosted Customers. These Hosting Users then compete with each other and the Exchange by pricing such Hosting User Bundles at competitive rates. These competitive rates for Hosting User Bundles help draw in more Users, including Hosting Users, to the MDC. This directly benefits the Exchange by increasing the customer base to whom the Exchange can sell its colocation services, which include cabinets, power, ports, and connectivity to third-party systems and data feeds, and because more Users, including Hosting Users, and Hosted Customers leads, in many cases, to greater participation on the Exchange. In this way, by setting the Hosting User Fees at a level attractive to Hosting Users, the Exchange spurs demand for all of the services it sells at the MDC.

The Exchange operates in a highly competitive market in which exchanges and other vendors (*i.e.,* Hosting Users) offer co-location services as a means to facilitate the trading and other market activities of those market participants who believe that co-location enhances the efficiency of their operations.

The proposed change is not otherwise intended to address any other issues relating to colocation services or related fees, and the Exchange is not aware of any problems that Users would have in complying with the proposed change.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[14] in general, and furthers the objectives of Section 6(b)(5) of the Act,[15] in particular, because 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 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 and because it is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The Exchange further believes that the proposed rule change is consistent with Section 6(b)(4) of the Act,[16] because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers, or dealers.

The Proposed Change Is Reasonable

The Exchange believes that the proposed rule change is reasonable.

In considering the reasonableness of proposed services and fees, the Commission's market-based test considers ''whether the exchange was subject to significant competitive forces in setting the terms of its proposal . . . , including the level of any fees.'' [17] If the Exchange meets that burden, ''the Commission will find that its proposal is consistent with the Act unless 'there is a substantial countervailing basis to find that the terms' of the proposal violate the Act or the rules thereunder.'' [18] Here, the Exchange is subject to significant competitive forces in setting the terms on which it offers its proposal, in particular because substantially similar

[9] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

[10] *See* 80 FR 60213, *supra* note 4, at 60214.

[11] *Id.*

[12] Because Hosting Users' services are not regulated, they may offer differentiated pricing and are not required to make their pricing public or disclose it to the Exchange. The Exchange therefore does not have direct visibility into the specific range of options, or cost thereof, offered by Hosting Users, and relies on third parties for information.

[13] *See* Securities Exchange Act No. 93214 (September 30, 2021), 86 FR 55672 (October 6, 2021) (SR–NYSE–2021–05, SR–NYSEAmer–2021–04, SR–NYSEArca–2021–07, SR–NYSECHX–2021–01, SR–NYSENAT–2021–01) (Order Disapproving Proposed Rule Changes, as Modified by Partial Amendment No. 1, To Amend Each Exchange's Fee Schedule To Add Two Partial Cabinet Bundles Available in Co-Location and Establish Associated Fees), at 55676 (stating that ''it remains unclear how the presence of Hosting Users brings significant competitive forces to bear on Exchange pricing of the proposed products'').

[14] 15 U.S.C. 78f(b).

[15] 15 U.S.C. 78f(b)(5).

[16] 15 U.S.C. 78f(b)(4).

[17] Securities Exchange Act Release No. 90209 (October 15, 2020), 85 FR 67044, 67049 (October 21, 2020) (Order Granting Accelerated Approval to Establish a Wireless Fee Schedule Setting Forth Available Wireless Bandwidth Connections and Wireless Market Data Connections) (SR–NYSE–2020–05, SR–NYSEAMER–2020–05, SR–NYSEArca–2020–08, SR–NYSECHX–2020–02, SR–NYSENAT–2020–03, SR–NYSE–2020–11, SR–NYSEAMER–2020–10, SR–NYSEArca–2020–15, SR–NYSECHX–2020–05, SR–NYSENAT–2020–08) (''Wireless Approval Order''), citing Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74781 (December 9, 2008) (''2008 ArcaBook Approval Order''). *See NetCoalition* v. *SEC,* 615 F.3d 525 (D.C. Cir. 2010).

[18] Wireless Approval Order, *supra* note 18, at 67049, citing 2008 ArcaBook Approval Order, *supra* note 18, at 74781.

substitutes are available from Hosting Users.

The proposed rule is reasonable because it would not force current or potential Users or Hosted Customers to accept a ''one-size-fits-all'' bundle but would instead permit them to choose between the Exchange and Hosting Users to tailor their service selection and fees to meet their own individual business models. That selection may vary depending on the size, customer base, latency and needs of the entity at issue.

Because Users are third parties and are not required to make such information public, the Exchange does not have visibility into exactly how many Users currently offer Hosting User Bundles. However, based in part on the fact that, as of April 30, 2026, Hosting Users reported 57 Hosted Users, the Exchange believes that actual Hosting Users offer, and potential Hosting Users may offer, Hosting User Bundles if it is in their commercial interest. As a result, the Exchange believes that the provision of the 4 kW PCS bundles would be subject to competition from Hosting User Bundles.

The Exchange does not believe that the Hosting User Fees preclude Hosting Users from providing services competitive to the proposed 4 kW PCS bundles. Hosting User Fees are not an impediment because it is in the Exchange's interest to set the Hosting User Fees at a reasonable level so that Hosting Users will maximize their use of the MDC. If the Exchange were to set Hosting User Fees at an unreasonable level, it could expect the competitive environment among Hosting Users to wither. Some current Hosting Users would likely exit the MDC, while others would reduce the scope of their operations there, and some may never enter at all, as Hosting Users are not required to be in the MDC. Fewer Hosting Users in the MDC would lead to less competition for the sale of bundles both among Hosting Users and between them and the Exchange, which would likely cause the prices of bundles to rise. This, in turn, would increase Users' and Hosted Customers' overall costs of doing business in the MDC. Some might choose to exit the MDC altogether, while others might seek to reduce their footprint by decreasing the number of cabinets, ports, and power they use, or by reducing the number of third-party data feeds they connect to at the MDC. The Exchange thus has every incentive to set the Hosting User Fees at a rate that is reasonable for Hosting Users, and no incentive to charge any more than that.

The Exchange's experience with growing numbers of Hosted Customers bears this out. The concept of Hosting Users was introduced in 2011. In 2012 no Hosted Customers were reported to the Exchange, 37 were reported in July 2015, and 57 were reported in April 2026.

The expansion of the footprint of Hosting Users increased even more. As noted, in 2012 no Hosting Users were reported. In July 2015, the amount of kW used by Hosting Users was 103 kW, compared to 546 kW as of April 2026—more than five times the amount. Even if the review is limited to Hosting Users that were present under the same name in both July 2015 and April 2026, the growth remains striking, at more than two and a half times the amount used.

Indeed, the Exchange initially allowed Users to host customers which increased competition in the MDC because market participants wanted it. As noted above, if Hosting Users did not find they could make money despite the Hosting User Fees, they would exit the MDC. The reality is that Hosting Users may make Hosting User Fees back multitudes of times over by charging Hosted Customers for the space at whatever price the Hosting User wants to charge and Hosted Customers are willing to pay. In this way, anecdotal evidence suggests that it is commercially viable for the Hosting Users to pay Hosting User Fees in the MDC.

In short, the Hosting User Bundles would compete with the proposed 4 kW PCS bundles and would exert significant competitive forces on the Exchange in setting the terms of its proposal, including the level of the Exchange's proposed fees. If the Exchange were to set its proposed fees too high, Users or potential Users could respond by instead selecting other substantially similar bundles in the form of Hosting User Bundles.

Nor does the Exchange have a competitive advantage over Hosting Users by virtue of the fact that it owns and operates the MDC's meet-me-rooms. Users or Hosted Customers would require a circuit connecting out of the MDC, and in most cases, such circuits are provided by third-party telecommunications service providers that have installed their equipment in the MDC's two meet-me-rooms (''Telecoms'').[19] Currently, 17 Telecoms operate in the meet-me-rooms and provide a variety of circuit choices. It is in the Exchange's best interest to set the fees that Telecoms pay to operate in the meet-me-rooms at a reasonable level [20] so that market participants, including Telecoms, will maximize their use of the MDC. By setting the meet-me-room fees at a reasonable level, the Exchange encourages Telecoms to participate in the meet-me-rooms and to sell circuits to Users for connecting into and out of the MDC. These Telecoms then compete with each other by pricing such circuits at competitive rates. These competitive rates for circuits help draw in more Users and Hosted Customers to the MDC, which directly benefits the Exchange by increasing the customer base to whom the Exchange can sell its colocation services, which include cabinets, power, ports, and connectivity to many third-party data feeds, and because having more Users and Hosted Customers leads, in many cases, to greater participation on the Exchange. In this way, by setting the meet-me-room fees at a level attractive to telecommunications firms, the Exchange spurs demand for all of the services it sells at the MDC, while setting the meet-me-room fees too high would negatively affect the Exchange's ability to sell its services at the MDC.[21] Accordingly, there are real constraints on the meet-me-room fees the Exchange charges, such that the Exchange does not have an advantage in terms of costs when compared to third parties that enter the MDC through the meet-me-rooms to provide services to compete with the Exchange's services.

If anything, the Exchange would be subject to a competitive disadvantage vis-à-vis Hosting Users regarding potential bundles. Entities that choose bundles may negotiate terms with a Hosting User through whom such bundle is delivered, in response to competitive forces. Such prices are not required to be filed by any party with the Commission. In contrast, the Exchange's services and pricing would be standardized as set out in this filing, and the Exchange would be unable to respond to pricing pressure from its competitors without seeking a formal fee change in a filing before the Commission.

In sum, because the Exchange is subject to significant competitive forces in setting the terms on which it offers its proposal, in particular because the

[19] Note that in the case of wireless connectivity, a User in colocation still requires a fiber circuit to transport data. If a Telecom is used, the data is transmitted wirelessly to the relevant pole, and then from the pole to the meet-me-room using a fiber circuit.

[20] *See* Securities Exchange Act Release No. 97999 (July 26, 2023), 88 FR 50190 (August 1, 2023) (SR–NYSEAmer–2023–36).

[21] *See id.* at 50193. Importantly, the Exchange is prevented from making any alteration to its meet-me-room services or fees without filing a proposal for such changes with the Commission.

Exchange believes that there is a substantially similar substitute for PCS bundles, the proposed fees for the 4 kW PCS bundle are reasonable.[22] If the Exchange were to set its prices for the 4 kW PCS bundle at a level that Users found to be too high, Users could easily choose to connect to Hosting User Bundles instead.

For these reasons, the proposed change is reasonable.

The Proposed Change Is Equitable

The Exchange believes that the proposed change provides for the equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers, or dealers because it is not designed to permit unfair discrimination between market participants. Rather, it would apply to all market participants equally.

The PCS bundles were designed to attract smaller Users, including those with minimal power or cabinet space demands or those for which the costs attendant with having a dedicated cabinet or greater network connection bandwidth are too burdensome. As equipment has evolved, even those with minimal demands need more power to meet the requirements of their hardware, such that even smaller Users may not find the existing PCS bundles meet their needs adequately. The proposed 4 kW PCS bundle would be responsive to the evolution of equipment, and so the Exchange believes that its introduction is equitable because it would not force customers to accept a ''one-size-fits-all'' suite of PCS bundles but would instead permit them to tailor their service selection and fees to meet their own individual business models.

Without this proposed rule change, potential Users would have fewer usable options. This would be a detriment for them, especially for potential Users with minimal power or cabinet space demands or those for which the costs attendant with having a dedicated cabinet or greater network connection bandwidth are too burdensome.

In addition, the Exchange believes that the proposal is equitable because only Users that voluntarily select a PCS bundle would be charged for it. As is true now, the PCS bundles would be available to all Users on an equal basis, and all Users that voluntarily choose to purchase a PCS bundle would be charged the same amount, and be subject to the same restrictions, for that bundle.

The Proposed Change Is Not Unfairly Discriminatory

The Exchange believes its proposal is not unfairly discriminatory.

Finally, the Exchange believes that it is subject to significant competitive forces, as described below in the Exchange's statement regarding the burden on competition.

For the reasons above, the proposed changes do not unfairly discriminate between or among market participants that are otherwise capable of satisfying any applicable co-location fees, requirements, terms and conditions established from time to time by the Exchange.

For these reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule changes will not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of Section 6(b)(8) of the Act.[23]

The proposed change does not affect competition among national securities exchanges or among members of the Exchange, but rather between PCS bundles and Hosting User Bundles. The proposed changes would enhance competition by giving smaller Users an option to have a 4 kW PCS bundle to meet their needs. The proposed change may make PCS bundles more attractive to potential Users who might otherwise opt to become Hosted Customers. It would therefore enhance the competitive environment for potential Users, as they would have more options from which to select. This could be especially beneficial for potential Users with minimal power or cabinet space demands or those for which the costs attendant with having a dedicated cabinet or greater network connection bandwidth are too burdensome. At the same time, however, no potential User would be obligated to purchase a PCS bundle, and it would still have the options offered by Hosting Users.

The Exchange believes that the proposed change is a reasonable attempt to maintain a more level playing field between the Exchange and the Hosting Users. Because Hosting Users' services are not regulated, they may offer differentiated pricing and are not required to make their pricing public. The Exchange believes that the proposed change may offer a PCS bundle that is more attractive to potential Users who might otherwise opt to become Hosted Customers.

The Exchange operates in a highly competitive market in which exchanges and other vendors (*i.e.,* Hosting Users) offer co-location services as a means to facilitate the trading and other market activities of those market participants who believe that co-location enhances the efficiency of their operations.

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.'' [24]

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will:

A. by order approve or disapprove such proposed rule change, or

B. institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–

[22] *See* Wireless Approval Order, *supra* note 18.

[23] 15 U.S.C. 78f(b)(8).

[24] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

NYSEAMER–2026–50 on the subject line.

Paper Comments

• Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–NYSEAMER–2026–50. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–NYSEAMER–2026–50 and should be submitted on or before July 13, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[25]

Stephanie J. Fouse,

Assistant Secretary.

[FR Doc. 2026–12406 Filed 6–18–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–105697; File No. SR–24X–2026–20]

Self-Regulatory Organizations; 24X National Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Exchange's Rules To Enable the Trading of Securities on the Exchange in Tokenized Form During the Pendency of a Pilot Program To be Operated by the Depository Trust Company

June 16, 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 11, 2026, 24X National Exchange LLC (''24X'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the Exchange's rules to enable the trading of securities on the Exchange in tokenized form during the pendency of a pilot program to be operated by the Depository Trust Company (''DTC'') pursuant to the terms of a December 11, 2025 Securities and Exchange Commission (''Commission'') Staff No-Action Letter.[3] Specifically, proposed changes to 24X Rules 11.2, 11.3, 11.8, and 11.10 will clarify how 24X enables the trading of tokenized securities under this pilot program. The proposed rule change is available on the Exchange's website at *https://equities.24exchange.com/regulation* and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend 24X Rules 11.2 (Securities Eligible for Trading), 11.3 (Access), 11.8 (Priority of Orders), and 11.10 (Routing Orders to Away Trading Centers) to enable the trading of securities on the Exchange in tokenized form during the pendency of a pilot program to be operated by DTC pursuant to the terms of the No-Action Letter[4] (''DTC Pilot Program''). As described below, the proposed rule change is based on a similar proposal recently made by The Nasdaq Stock Market LLC (''Nasdaq'')[5] that was approved by the Commission.[6]

Background and Proposed Rule Change

The proposed rule change would establish that Exchange Members[7] that are eligible to participate in the DTC Pilot Program (''DTC Eligible Participants'')[8] may trade tokenized versions of those equity securities and exchange traded products on the Exchange that are eligible for tokenization as part of the DTC Pilot Program (''DTC Eligible Securities''), pursuant to the terms of the No-Action Letter. Pursuant to the proposed changes, DTC Eligible Securities would be able to trade on the Exchange within the current national market system, using DTC to clear and settle trades in token form, per order handling instructions that DTC Eligible Participants may select upon entering their orders for DTC Eligible Securities on the Exchange.[9]

The Exchange's rules do not currently permit the trading of tokenized securities on the Exchange and, unless the Exchange adopts the proposed rules, the Exchange would lack a clear framework for DTC Eligible Participants to designate, at order entry, that a DTC Eligible Security be cleared and settled in tokenized form pursuant to the DTC Pilot Program.[10]

The Exchange accordingly proposes to amend its rules to enable the trading of DTC Eligible Securities in tokenized form on the Exchange during the pendency of the DTC Pilot Program, subject to the same conditions and restrictions as the Nasdaq rule change

[25] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] No-Action Letter Request Related to The Depository Trust Company's Development of the DTCC Tokenization Services (Dec. 11, 2025), available at: *https://www.sec.gov/files/tm/no-action/dtc-nal-121125.pdf* (the ''No-Action Letter'').

[4] *Id.*

[5] *See* Securities Exchange Act Release No. 104693 (Jan. 27, 2026), 91 FR 4138 (Jan. 30, 2026) (SR–NASDAQ–2025–072).

[6] *See* Securities Exchange Act Release No. 105047 (Mar. 18, 2026), 91 FR 13900 (Mar. 23, 2026) (SR–NASDAQ–2025–072).

[7] *See* 24X Rule 1.5(u).

[8] ''DTC Eligible Participant'' would be defined in proposed 24X Rule 11.3(f) as ''a Member (as that term is defined in Rule 1.5(u) that is eligible to participate in the Depository Trust Company's ('DTC's') three-year tokenization pilot program (the ''DTC Pilot Program''), pursuant to its terms and those of the No-Action Letter (as that term is defined in Rule 11.2(a)).''

[9] The Exchange is assessing various methods of tokenization and trading of tokenized securities. If the Exchange plans to adopt any particular alternative to the DTC approach, then it will file rule proposals with the Commission before doing so.

[10] Nasdaq recently amended its rules to enable the trading of securities in tokenized form during the pendency of the DTC Pilot Program. *See supra* notes 5–6. Except for certain non-substantive differences as described below, the proposed rule changes are substantially similar to Nasdaq's amendments.

approved by the Commission. The Exchange believes that the existing regulatory structure mandated by Congress applies to tokenized securities, regardless of whether such securities have certain unique properties like the ability to be settled on a blockchain, much like it did when the Commission allowed securities to be decimalized and electronified and when exchange traded funds and other novel securities were initially approved. The Exchange believes that no significant exemptions or parallel market structure constructs are needed for tokenized securities to trade alongside other securities, and that the markets can accommodate tokenization while continuing to provide the benefits and protections of the national market system.[11]

To tackle the challenge of trading tokenized equities, the Exchange offers a simple proposal that accommodates an approach to tokenization that DTC is pursuing in the DTC Pilot Program. The Exchange believes that this approach will leverage existing structures, players, and rules in a way that is beneficial to investors and in the markets' best interests.

The proposed rules provide that the term ''tokenized'' refers to digital representations of paper securities that utilize digital ledger or blockchain technology, as opposed to ''traditional'' securities, which are also digital representations of paper securities, but do not utilize blockchain technology. As long as DTC Eligible Securities are fungible with, have the same CUSIP number and trading symbol as, and afford their holders the same rights and privileges as traditional securities of an equivalent class, the Exchange will trade DTC Eligible Securities in tokenized form together with traditional securities on the same 24X Book [12] and according to the same execution priority rules. A tokenized DTC Eligible Security would be deemed to provide the same rights and privileges as a traditional security if, among other things, it conveys an equity interest in an underlying company, a right to receive any dividends that the company issues to its shareholders, a right to exercise any voting rights that shareholders are due, and a right to receive a share of the residual assets of the company upon liquidation. The Exchange will not treat tokenized instruments as equivalent to their traditional counterparts if they do not convey such rights or share the same CUSIP and trading symbol; instead, the Exchange will treat these instruments as distinct (*e.g.,* derivative securities or American Depositary Receipts).[13]

As noted above, the Exchange proposes to trade DTC Eligible Securities within the confines of existing securities laws and rules. All existing Exchange rules that currently apply to non-tokenized securities will continue to apply, without modification, except as set forth below.

To effectuate these changes, the Exchange proposes to amend 24X Rules 11.2, 11.3, 11.8, and 11.10 as follows.

Rule 11.2

First, the Exchange proposes to amend 24X Rule 11.2 to clarify that 24X adopts the Exchange Act's definition of ''security,'' and to announce that DTC Eligible Participants may trade DTC Eligible securities in token form on the Exchange during the duration of, and pursuant to the terms of the DTC Pilot Program, as authorized by the No-Action Letter. The proposed rule change also clarifies that the term ''tokenized'' in this instance refers to digital representations of paper securities that utilize digital ledger or blockchain technology, as opposed to ''traditional'' securities, which are also digital representations of paper securities, but do not utilize blockchain technology. The proposal describes how the Exchange will trade DTC Eligible Securities in token form, noting that as long as DTC Eligible Securities are fungible with, have the same CUSIP number and trading symbol as, and afford their holders the same rights and privileges as do traditional securities of an equivalent class, then the Exchange will trade DTC Eligible Securities in token form together with traditional securities on the same 24X Book [14] and according to the same execution priority rules. A tokenized DTC Eligible Security would be deemed to provide the same rights and privileges as a traditional security if, among other things, it conveys an equity interest in an underlying company, a right to receive any dividends that the company issues to its shareholders, a right to exercise any voting rights that shareholders are due, and a right to receive a share of the residual assets of the company upon liquidation. The Exchange will not treat tokenized instruments to be equivalent to their traditional counterparts if they do not convey such rights or share the same CUSIP and trading symbol, but instead the Exchange will treat these instruments as distinct (*e.g.,* derivative securities or ADRs).[15] The proposed amended rule text is as follows, with proposed changes italicized:

(a) The Exchange shall designate securities for trading. Any class of securities listed or admitted to unlisted trading privileges on the Exchange pursuant to Chapter 14 of these Rules shall be eligible to become designated for trading on the Exchange. All securities designated for trading are eligible for odd-lot, round-lot and mixed lot executions, unless otherwise indicated by the Exchange or limited pursuant to these Rules. *A security (as that term is defined in Section 3(a)(10) of the Exchange Act, as amended) may be traded on the Exchange in either traditional form (a digital representation of ownership and rights, but without utilizing distributed ledger (''blockchain'' technology)) or, for the duration and under the terms of a pilot program operated by the Depository Trust Company (''DTC''), in tokenized form (a digital representation of ownership and rights which utilizes blockchain technology). Under the terms of a Securities and Exchange Commission Staff No-Action Letter issued to DTC, dated December 11, 2025 (the ''No-Action Letter''), only a subset of securities traded on the Exchange will be eligible for trading in tokenized form (''DTC Eligible Securities''). The Exchange will publish periodic communications to identify for DTC Eligible Participants (as that term is defined in Rule 11.3(f)) a current list of those DTC Eligible Securities that may trade in tokenized form on the Exchange. A share of a tokenized DTC Eligible Security shall be tradable on the Exchange together with, on the same 24X Book (as that term is defined in Rule 1.5(a)) as, and with the same execution priority as, its traditional counterpart, but only if the tokenized security is fungible with, has the same CUSIP number and trading symbol as, and affords its shareholders the same rights and privileges as does a share of an equivalent class of the traditional security.*

Except for internal cross-references to Exchange rules, references to the 24X

[11] Section 11A of the Act states that ''[t]he linking of all markets for qualified securities . . . will foster efficiency, enhance competition, increase the information available to brokers, dealers, and investors, facilitate the offsetting of investors' orders, and contribute to best execution of such orders'' such that Congress directed the Commission to ''use its authority under this chapter to facilitate the establishment of a national market system for securities.'' 15 U.S.C. 78k–1(a). Permitting the trading of tokenized securities on the Exchange will further these policy objectives.

[12] *See* 24X Rule 1.5(a).

[13] This rule proposal does not address whether and how the Exchange may choose to trade these non-fungible tokenized instruments in the future pursuant to a proposed Rule change.

[14] *See* 24X Rule 1.5(a).

[15] This rule proposal does not address whether and how the Exchange may choose to trade these non-fungible tokenized instruments in the future pursuant to a proposed Rule change.

Book and Exchange terminology, addition of the defined term ''No-Action Letter,'' specification that the No-Action Letter was written by Commission Staff, and minor grammatical differences, the proposed language is substantially the same as Nasdaq Equity 1, Section 1.

Rule 11.3

Second, the Exchange proposes to amend 24X Rule 11.3 to describe how a DTC Eligible Participant can communicate its desire to clear and settle a DTC Eligible Security in tokenized form. The proposed amended Rule states that a DTC Eligible Participant that wishes for its order in a DTC Eligible Security to clear and settle in tokenized form must notate its preference upon entry of the order in the System by selecting a flag that the Exchange designates for this purpose, in accordance with the Exchange's procedures. When a DTC Eligible Participant enters an order for a DTC Eligible Security with the tokenization flag selected, the Exchange will communicate the DTC Eligible Participant's tokenization preference to DTC on a post-trade basis. The flag will indicate the DTC Eligible Participant's preference as to what form the security will take (*i.e.,* token or traditional) and it also may include other information or instructions that DTC may require the DTC Eligible Participant to enter, in accordance with DTC's rules, policies, and procedures, and the terms of the No-Action Letter, to effectuate the flag, such as the DTC Eligible Participant's selection of a blockchain and a digital wallet address for a tokenized DTC Eligible Security (the Exchange will issue a communication prior to requiring a DTC Eligible Participant to enter any such information or instructions to the flag, other than its tokenization preference). When a DTC Eligible Participant enters an order for a DTC Eligible Security with the tokenization flag selected, the Exchange, as an agent or designee of such DTC Eligible Participant, will communicate the DTC Eligible Participant's flag, and any associated information or instructions to DTC. DTC will then carry out the DTC Eligible Participant's tokenization preference, as set forth in the flag, as well as any instructions attendant thereto (as discussed herein) to the extent that the flag or instruction is executable in accordance with DTC's rules, policies, and procedures, and the terms of the No-Action Letter.

The proposed amended rule further provides that the Exchange's systems will not determine whether a Member [16] is a DTC Eligible Participant or whether a security is a DTC Eligible Security at the time of order entry and selection of the tokenization flag. The Exchange also will not determine whether DTC is able to execute a tokenization order for other reasons, including because the DTC Eligible Participant wishes to mint the token to a blockchain that is not compatible with the DTC Pilot Program or deposit it into a digital wallet that is not registered with DTC.[17] Thus, if at the time of order entry, a Member is not a DTC Eligible Participant, the security selected for tokenization is not a DTC Eligible Security, or there are other reasons why DTC cannot execute a tokenization preference or instruction, DTC will settle the executed order in traditional (non-tokenized) form, in accordance with DTC's rules, policies, and procedures. It is the sole responsibility of Members to determine for themselves whether they are DTC Eligible Participants, if the securities subject to an order are DTC Eligible Securities, if the blockchains and wallets to which they wish to mint and deposit tokens are compatible with the DTC Pilot Program, or whether the tokenization instruction is otherwise consistent with the terms of that program and the No-Action Letter. That said, the Exchange intends to develop functionality that would allow for it to check for eligibility at order entry, and it will submit a rule proposal to effectuate that functionality at the appropriate time.

Except for certain non-substantive differences,[18] the proposed language is substantially the same as Nasdaq Equity 4, Rule 4756.

Rule 11.8

Third, the Exchange proposes to amend 24X Rule 11.8 to clarify that the mere fact that an order contains tokenized securities or indicates a preference to clear and settle securities in token form will not affect the priority in which the Exchange executes that order. Except for the addition of internal cross-references to Exchange rules, the proposed language is substantially the same as Nasdaq Equity 4, Rule 4757.

Rule 11.10

Fourth and finally, the Exchange proposes to amend 24X Rule 11.10 to note that when the Exchange routes orders in DTC Eligible Securities that DTC Eligible Participants have designated for clearing and settlement in token form, in accordance with the Exchange's order entry rules and procedures, then the Exchange will communicate this tokenization instruction to DTC upon receiving an execution for an order that was routed to another trading venue. Except for the addition of internal cross-references to Exchange rules, the proposed language is substantially the same as Nasdaq Equity 4, Rule 4758.

General Considerations

Other than as described above, from an Exchange system and matching engine perspective, the Exchange's trading procedures and behavior will be the same regardless of whether a DTC Eligible Participant opts to trade tokenized or traditional shares of a DTC Eligible Security.[19] Among other things, the following aspects of the Exchange's current trading system and procedures will not change when trading tokenized securities:

- All Exchange order types and attributes will be available for use by tokenized securities;
- All Exchange routing strategies will be available for orders in tokenized securities;
- Orders in tokenized securities may participate in all of the Exchange's trading sessions [20] subject to generally applicable eligibility criteria;
- Exchange Members may utilize their existing connectivity to enter orders in tokenized securities;
- The Exchange's fee schedule will not vary based upon whether shares that

[16] *See* 24X Rule 1.5(u).

[17] According to the No-Action Letter, any DTC participant would be permitted—at the DTC participant's election—to participate in the DTC pilot tokenization services with an exception (*i.e.,* participants for which DTC has U.S. tax withholding or reporting obligations, or a Treasury International Capital reporting obligation). As of October 31, 2025, DTC states that it has U.S. tax withholding and reporting obligations, or a TIC reporting obligation, for approximately 11 percent of its participants. Once DTC resolves outstanding tax and TIC compliance questions, it envisions offering the services to these participants as well. *See supra* note 3.

Additionally, the No-Action Letter states that DTC will not execute a tokenization instruction if a DTC Eligible Participant cannot pass DTC's risk management and compliance controls. *See id.* If a transaction would result in a participant breaching its Net Debit Cap, then the control would not allow that transaction to process until it could do so without breaching the cap. *See id.*

[18] The non-substantive differences include references to Members and Exchange terminology, internal cross-references to Exchange rules, the addition of the defined term ''DTC Pilot Program,'' and the movement of the defined term ''No-Action Letter'' to 24X Rule 11.2.

[19] The Exchange's pricing structure and rates will not vary depending upon whether a transaction involves a share of a tokenized stock. *See also supra* notes 5–6.

[20] Orders in tokenized securities may also take place during the 24X Market Session, as permitted under the terms of the DTC Pilot Program, once the Exchange commences operation of that trading session pursuant to 24X Rule 1.5(c).

Exchange Members execute are tokenized or traditional in nature;

- Market data feeds will not differentiate between tokenized and traditional securities;
- The Exchange will comply with any Commission requirements to report tokenization data to the Consolidated Audit Trail;
- Market surveillance of tokenized and traditional securities will rely upon the same underlying data, which will continue to be accessible by the Exchange and the Financial Industry Regulatory Authority (''FINRA'');
- Trades in tokenized securities handled by DTC will continue to settle on a T+1 basis;
- The Exchange's clearly erroneous and risk management measures will cover tokenized securities; and
- Trading of tokenized securities under this proposal is not expected to alter the existing proxy distribution process.[21]

This proposal to offer trading in tokenized securities will become effective once the requisite infrastructure and post-trade settlement services have been established by DTC. The Exchange understands that DTC is working to develop the necessary infrastructure, services, and procedures to facilitate such tokenization and the related post-trade settlement infrastructure and services.[22] On December 11, 2025, the No-Action Letter was issued, which enables DTC to begin providing services that support the Exchange's proposal as soon as this development is complete.

Securities that are DTC Eligible Securities—meaning that they are eligible for tokenization and de-tokenization as part of the DTC Pilot Program—will be limited to the following, for purposes of this proposal: (i) securities in the Russell 1000 Index at the time the service launches as well as any additions to the index thereafter and notwithstanding the subsequent removal of any securities from the index; and (ii) exchange traded funds that track major indices. These categories of DTC Eligible Securities will be the only tokenized equities that are available to trade on the Exchange under this proposal.

The Exchange will publish a communication to its Members at least 30 calendar days before the Exchange begins trading DTC Eligible Securities in tokenized form on its market.

DTC states that it will provide tokenization services on a pilot basis, as described above, for a period of three years after launch, after which time DTC will sunset the service.[23] Thus, the Exchange will revisit this rule proposal when it knows what, if anything, will replace the service after it sunsets.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act[24] in general, and furthers the objectives of Section 6(b)(5) of the Act[25] 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 by strengthening the Exchange's ability to oversee and police its marketplace.

The Exchange believes that the proposed rule change is consistent with the Act because it would enable the trading of tokenized securities within the existing framework of the national market system, without requiring wholesale exemptions from investor protections. The proposed amendments are narrowly tailored to accommodate the DTC Pilot Program while preserving the integrity, efficiency, and investor protections of the Exchange's existing trading rules. The Exchange believes that all existing Commission and Exchange rules that currently apply to non-tokenized securities will continue to apply, without modification, to the trading of tokenized securities, except as expressly provided herein. The Exchange also believes that the proposed rule change is not designed to permit unfair discrimination between customers, brokers and dealers, consistent with Section 6(b)(5) of the Act.[26] The proposal is not designed to permit unfair discrimination between brokers and dealers because the proposed changes will apply equally to all similarly situated Members seeking to trade tokenized securities on the Exchange.

The Exchange further believes the proposed rule change furthers the objectives of Section 6(b)(5) of the Act in that it is designed to prevent fraudulent and manipulative acts and practices. The proposed rule change ensures that tokenized securities may only be traded on the Exchange if they are fungible with, share the same CUSIP number and trading symbol as, and afford their holders the same rights and privileges as, traditional securities of an equivalent class. By tethering tokenized securities to their traditional counterparts in this manner, the proposal eliminates the potential for price dislocation, manipulation, and investor confusion that could arise from the trading of tokenized instruments outside the national market system. In addition, all Exchange rules, including rules governing clearly erroneous transactions, short sales, risk management, and market surveillance will apply equally to tokenized and traditional securities. Market surveillance of tokenized and traditional securities will rely upon the same underlying data, which will continue to be accessible by the Exchange and FINRA. Trades in tokenized securities handled by DTC will continue to settle on a T+1 basis. The Exchange's clearly erroneous and risk management measures will cover tokenized securities.

The Exchange also believes the proposed rule change furthers the objectives of Section 6(b)(5) of the Act in that it is designed to promote just and equitable principles of trade and to remove impediments to and perfect the mechanism of a free and open market and a national market system. The Commission has previously approved rules of another national securities exchange—Nasdaq—enabling the trading of tokenized securities. The Exchange's proposal to adopt comparable rules to allow DTC Eligible Participants to trade DTC Eligible Securities in tokenized form on the Exchange, subject to the same conditions and restrictions as approved for Nasdaq, promotes a fair, consistent, and interoperable national market system framework for tokenized securities trading. Members will be able to access tokenized securities trading across multiple exchanges on equivalent terms, promoting competition and efficient price discovery. The Exchange will comply with any Commission requirements to report tokenization data to the Consolidated Audit Trail, further

[21] According to DTC, a DTC Eligible Participant may need to issue a de-tokenization instruction or DTC may need to force conversion of the Tokenized Entitlement into a Book-Entry Entitlement in order to receive a distribution or replacement security or to issue instructions in relation to the corporate action. In such situations, DTC would, to the extent feasible, provide the relevant participants with advance notice of the need to provide such instruction or DTC's need to take such action. *See supra* note 3. ''Tokenized Entitlement'' and ''Book-Entry Entitlement'' are used as defined in the No-Action Letter. *See id.* at 2–3.

[22] *See id.*

[23] *See* DTCC, No-Action Letter and DTC Tokenization Service FAQ, at 1, available at *https://www.dtcc.com/-/media/Files/Downloads/digital-assets/dtc-tokenization-service-faq.pdf.*

[24] 15 U.S.C. 78f(b).

[25] 15 U.S.C. 78f(b)(5).

[26] 15 U.S.C. 78f(b)(5).

supporting the integrity and transparency of the national market system.

In addition, the Exchange believes that the proposed rule change is not designed to permit unfair discrimination between customers, brokers and dealers, consistent with Section 6(b)(5) of the Act [27] because the proposed changes will apply equally to all similarly situated Members seeking to trade tokenized securities on the Exchange. All DTC Eligible Participants will be subject to the same conditions for tokenized trading, including the requirement to select a tokenization flag at order entry, and all DTC Eligible Securities will be subject to the same fungibility, CUSIP, and rights requirements. The Exchange will not impose conditions on tokenized trading that favor any particular Member or class of securities over any other.

Finally, the Exchange believes the proposed rule change is designed to foster cooperation and coordination with persons engaged in facilitating transactions in securities, consistent with Section 6(b)(5) of the Act. The Exchange's proposal is expressly designed to work in coordination with the DTC Pilot Program, pursuant to the No-Action Letter. The proposed rules establish a clear and workable framework for the Exchange, DTC, and Exchange Members to cooperate in enabling the clearing and settlement of tokenized securities through the existing post-trade infrastructure. This cooperative approach, leveraging DTC's established role as the nation's central securities depository, ensures that tokenized securities trading occurs within a safe, regulated, and transparent framework that protects investors and promotes the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change would enable the trading of tokenized securities on the Exchange in a manner that is consistent with the approved rules of another national securities exchange for the same purpose. Facilitating access to tokenized securities across multiple exchanges promotes competition and is in the interest of investors and the investing public. The proposed rule change does not impose any barriers to entry for Members and does not create any competitive disadvantages between and among market participants. The Exchange believes the proposed rule changes, taken together, will strengthen the Exchange's ability to carry out its role and responsibilities as a self-regulatory organization in connection with the trading of tokenized securities. As such, the Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

The Exchange believes that its proposal will be particularly attractive because it will provide for the trading of tokenized DTC Eligible Securities in a manner that is familiar to Members and investors and which is consistent with existing laws and rules. Under this proposal, the extent to which Members will need to modify their back-end systems and practices to accommodate tokenized securities trading should be minimal; those systems may simply need to account for the availability of the new flag and be set up to provide any information that the flag requires to the Exchange. The Exchange notes that Exchange Members will remain free to trade, clear, and settle securities in traditional form, including both DTC Eligible Securities and other securities.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act [28] and Rule 19b–4(f)(6) [29] thereunder. Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [30] and Rule 19b–4(f)(6) [31] thereunder.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include file number SR–24X–2026–20 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–24X–2026–20. 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–24X–2026–20 and should be submitted on or before July 13, 2026.

[27] 15 U.S.C. 78f(b)(5).

[28] 15 U.S.C. 78s(b)(3)(A).

[29] 17 CFR 240.19b–4(f)(6).

[30] 15 U.S.C. 78s(b)(3)(A).

[31] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[32]

Stephanie J. Fouse,

Assistant Secretary.

[FR Doc. 2026–12403 Filed 6–18–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–105698; File No. SR–NYSEARCA–2026–64]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Changes To Amend Certain Representations Relating to United States Copper Index Fund

June 16, 2026

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on June 3, 2026, NYSE Arca, Inc. (''NYSE Arca'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to make changes to certain representations made in the proposed rule change previously filed with the Securities and Exchange Commission (''Commission'') pursuant to Rule 19b–4 relating to United States Copper Index Fund, shares of which are currently listed and traded under NYSE Arca Rule 8.200–E (Trust Issued Receipts). The proposed rule change is available on the Exchange's website at *www.nyse.com* and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Commission has approved the listing and trading on the Exchange of shares (''Shares'') of the United States Copper Index Fund (the ''Fund'') [4] under NYSE Arca Rule 8.200–E, which governs the listing and trading of Trust Issued Receipts.[5]

The Shares are issued by United States Commodity Index Funds Trust (the ''Trust''). United States Commodity Funds LLC (the ''Sponsor'') serves as the Trust's Sponsor.

In this proposed rule change, the Exchange proposes to amend certain representations made in the Prior Release to afford the Fund greater flexibility with respect to the combination of commodity interests in which the Fund invests to meet its investment objective.[6]

The Exchange believes that providing the Fund such flexibility is appropriate and consistent with the best interests of the Fund and Fund shareholders because it will provide the Fund with the possibility of obtaining greater liquidity and the potential to execute transactions with more favorable pricing. The Exchange expects the proposed rule change to better allow the Fund to meet its investment objective and decrease the potential for tracking error by giving the Fund the flexibility to track its underlying index in the most efficient and cost-effective way through the use of Benchmark Component Copper Futures Contracts, other Eligible Copper Futures Contracts (each as defined in the Prior Release) or over-the-counter (''OTC'') derivatives, as discussed below. In support of the proposed rule change, the Exchange notes that the Commission has previously approved rule changes for funds managed by the Sponsor that have the same flexibility to invest in derivative instruments as is contemplated in this proposed rule change.[7] The Exchange believes that the Sponsor's application of consistent procedures regarding its commodity-based funds' investments in derivatives other than primary futures contract(s) will promote operational efficiency in furtherance of each fund's investment objective.

Investment Objective and Strategy as Stated in Prior Release

As stated in the Prior Release, the investment objective of the Fund is for the daily changes in percentage terms of the Fund's Shares' net asset value (''NAV'') to reflect the daily changes in percentage terms of the SummerHaven Copper Index Total Return™ (the ''Index''), less the Fund's expenses. Specifically, the Fund seeks to achieve its investment objective by investing so that the average daily percentage change in the Fund's NAV for any period of 30 successive valuation days will be within plus/minus ten percent (10%) of the average daily percentage change in the prices of the Benchmark Component Copper Futures Contracts over the same period. The Fund currently seeks to

[32] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* Securities Exchange Act Release Nos. 65601 (October 20, 2011), 76 FR 66339 (October 26, 2011) (SR–NYSEArca–2011–63) (Order Approving a Proposed Rule Change To List and Trade Shares of the United States Metals Index Fund, the United States Agriculture Index Fund and the United States Copper Index Fund Under NYSE Arca Equities Rule 8.200) (the ''Prior Order''); 65249 (September 2, 2011), 76 FR 55956 (September 9, 2011) (SR–NYSEArca–2011–63) (Notice of Filing of Proposed Rule Change To List and Trade Shares of the United States Metals Index Fund, the United States Agriculture Index Fund and the United States Copper Index Fund Under NYSE Arca Equities Rule 8.200) (the ''Prior Notice'' and, together with the Prior Order, the ''Prior Release'').

[5] Commentary .02 to NYSE Arca Rule 8.200–E applies to Trust Issued Receipts that invest in ''Financial Instruments.'' The term ''Financial Instruments,'' as defined in Commentary .02(b)(4) to NYSE Arca Rule 8.200–E, means any combination of investments, including cash; securities; options on securities and indices; futures contracts; options on futures contracts; forward contracts; equity caps, collars and floors; and swap agreements.

[6] The Fund has filed a registration statement on Form S–3 under the Securities Act of 1933 (File No. 333–268247) (the ''Registration Statement''). A post-effective amendment to the Registration Statement containing the Fund's investment strategy, as described herein, was declared effective on April 25, 2024, and the Fund's prospectus was filed pursuant to Rule 424(b)(3) on April 26, 2024 (''Prospectus''). The description of the Fund and the Shares contained herein are based on the Prospectus. The Sponsor represents that it will not implement the changes described herein until this proposed rule change is operative.

[7] *See* Securities Exchange Act Release Nos. 61881 (April 9, 2010), 75 FR 20028 (April 16, 2010) (SR–NYSEArca–2010–14) (Order Granting Accelerated Approval of Proposed Rule Change Relating to the Listing of the United States Brent Oil Fund, LP); 61721 (March 16, 2010), 75 FR 14237 (March 24, 2010) (SR–NYSEArca–2010–14) (Notice of Filing of Proposed Rule Change Relating to the Listing of the United States Brent Oil Fund, LP); 55632 (April 13, 2007), 72 FR 19987 (April 20, 2007) (SR–Amex–2006–112) (Order Granting Approval of a Proposed Rule Change, as Modified by Amendment No. 1, Relating to the Listing and Trading of Units of the United States Natural Gas Fund, LP); and 55372 (February 28, 2007), 72 FR 10267 (March 7, 2007) (SR–Amex–2006–112) (Notice of Filing of Proposed Rule Change as Modified by Amendment No. 1 Thereto Relating to the Listing and Trading of Units of the United States Natural Gas Fund, LP).

achieve its investment objective by investing to the fullest extent possible in the Benchmark Component Copper Futures Contracts. If constrained by regulatory requirements (described below) or in view of market conditions (described below), the Fund invests next in other Eligible Copper Futures Contracts, and finally to a lesser extent, in other exchange-traded futures contracts that are economically identical or substantially similar to the Benchmark Component Copper Futures Contracts (together with the Benchmark Component Copper Futures Contracts and other Eligible Copper Futures Contracts, ''Futures Contracts'') if one or more other Eligible Copper Futures Contracts are not available. When the Fund has invested to the fullest extent possible in Futures Contracts, the Fund may then invest in other contracts and instruments based on the Benchmark Component Copper Futures Contracts, other Eligible Copper Futures Contracts, or physical copper, such as cash-settled options, forward contracts, cleared swap contracts and non-cleared OTC transactions that are based on the price of Benchmark Component Copper Futures Contracts, copper or indices based on the foregoing (collectively, ''Other Copper Derivatives''). Other exchange-traded futures contracts that are economically identical or substantially similar to the Benchmark Component Copper Futures Contracts and Other Copper Derivatives are collectively referred to as ''Other Copper-Related Investments.''

Regulatory Requirements. As stated in the Prior Release, the Fund may at times invest in other Eligible Copper Futures Contracts, and to a lesser extent, in other exchange-traded futures contracts that are economically identical or substantially similar to the Benchmark Component Copper Futures Contracts if one or more other Eligible Copper Futures Contracts are not available in order to comply with regulatory requirements. For example, the Fund's assets may be invested in one or more other Eligible Copper Futures Contracts if the Fund is required by law or regulation, or by one of its regulators, including a futures exchange, to reduce its position in one or more Benchmark Component Copper Futures Contracts to the applicable position limit or to a specified accountability level for such contracts. If one or more such Eligible Copper Futures Contracts were unavailable or economically impracticable, the Fund could invest in Other Copper-Related Investments that are intended to replicate the return on the Index or particular Benchmark Component Copper Futures Contracts. As another example, to avoid triggering applicable position limits, accountability levels or other regulatory limits, the Fund may invest its assets in one or more other Eligible Copper Futures Contracts to the extent practicable and then in Other Copper-Related Investments.

When investing in Other Copper-Related Investments, the Fund first invests in other exchange-traded futures contracts that are economically identical or substantially similar to the Benchmark Component Copper Futures Contracts, and then in Other Copper Derivatives.

Market Conditions. As stated in the Prior Release, there may be market conditions that could cause the Fund to invest in other Eligible Copper Futures Contracts. One such type of market condition would be where demand for Benchmark Component Copper Futures Contracts exceeded supply and, as a result, the Fund was able to obtain more favorable terms under other Eligible Copper Futures Contracts. An example of more favorable terms would be where the aggregate costs to the Fund from investing in other Eligible Copper Futures Contracts (including actual or expected direct costs such as the costs to buy, hold, or sell such investments, as well as indirect costs such as opportunity costs) were less than the costs of investing in Benchmark Component Copper Futures Contracts. Only after the Fund becomes subject to position limits in any Eligible Copper Futures Contract does the Fund invest in Other Copper-Related Investments to replicate exposure to the Eligible Copper Futures Contract that is position-limited.

Greater Flexibility to Use OTC Derivatives

The Fund proposes to revise the limits on its use of OTC derivative instruments in pursuit of its investment strategy to provide greater flexibility in how the Fund achieves its investment objective. The proposed rule change will allow the Fund to invest in OTC derivative transactions that are based on the price of copper, such as swaps, even when the Fund has not invested in Futures Contracts to the fullest extent possible. The investment objective of the Fund will remain unchanged.

As a result of the proposed change to the combination of commodity interests that comprise the Fund's investments, the Exchange proposes to amend the representations in the Prior Release described in the previous sub-section as follows.

The Fund seeks to achieve its investment objective by investing primarily in Benchmark Component Copper Futures Contracts. The Fund may also, to a lesser extent, invest in other Eligible Copper Futures Contracts beyond the Benchmark Component Copper Futures Contracts or Other Copper-Related Investments. The following factors, among others, may be considered when determining the Fund's investments in Eligible Copper Futures Contracts or in Other Copper-Related Investments: regulatory requirements, risk mitigation measures taken by the Fund, the Fund's futures commission merchants, counterparties or other market participants, liquidity requirements and market conditions. Other factors that may impact the Fund's investments in other Eligible Copper Futures Contracts or Other Copper-Related Investments include allowing the Fund to obtain greater liquidity or to execute transactions with more favorable pricing. In addition, the Fund may need to hold significant portions of its portfolio in cash beyond what it has historically held for reasons including (but not limited to) the need to address changes in market conditions, regulatory requirements or risk mitigation measures or the need to satisfy potential margin requirements. For convenience and unless otherwise specified, Benchmark Component Copper Futures Contracts, other Eligible Copper Futures Contracts and Other Copper-Related Investments collectively are referred to as ''Copper Interests.''

The Fund anticipates that the use of Copper Interests, as necessary, will produce price and total return results that closely track the Index. The Fund will invest only in Copper Interests that are traded in sufficient volume to permit, in the opinion of the Sponsor and SummerHaven Investment Management, LLC (''SummerHaven''), the Fund's trading advisor, ease of accumulating and liquidating positions in these financial interests. While certain Copper Interests traded on exchanges can be physically settled, the Fund does not intend to take or make physical delivery.

The Sponsor endeavors to have the value of the Fund's cash, whether held by the Fund or posted as margin or collateral, at all times approximate the aggregate market value of the Fund's obligations under its Copper Interests. The Fund does not and will not borrow money or use debt to satisfy its margin or collateral obligations in respect of its investments.

Some copper-based derivatives transactions contain fairly generic terms and conditions and are available from a

wide range of participants. Other copper-based derivatives have highly customized terms and conditions and are not as widely available. Some OTC contracts are cash-settled forwards for the future delivery of copper that have terms similar to the Futures Contracts. Others take the form of ''swaps'' in which the two parties exchange cash flows based on pre-determined formulas tied to the copper spot price, forward copper price, the Benchmark Component Copper Futures Contract price, or other copper futures contract prices. Certain of these swaps may be cleared through clearinghouses and have margin and other requirements akin to those found in futures contracts. The Fund may also enter into OTC derivative contracts such as swaps or cash-settled forwards for the future delivery of copper that are not cleared. For example, the Fund may enter into OTC derivative contracts whose value is tied to changes in the difference between the Benchmark Component Copper Futures Contract price and the price of other Futures Contracts that may be invested in by the Fund.

To protect itself from the credit risk that arises in connection with such OTC transactions, the Fund will enter into agreements with each counterparty that provide for the netting of its overall exposure to its counterparty, such as the agreements published by the International Swaps and Derivatives Association, Inc. (''ISDA''). The Fund will also require that the counterparty be highly rated and/or provide collateral or other credit support to address the Fund's exposure to the counterparty. The creditworthiness of each potential counterparty will be assessed by the Sponsor.

The Exchange believes that providing the Fund with greater flexibility with respect to the combination of commodity interests in which the Fund invests to meet its investment objective (as described herein) is appropriate and consistent with the best interests of the Fund and Fund shareholders. While the Fund will have an increased ability to invest in OTC derivative transactions, this additional flexibility is not material because (1) the Fund's investment objective and principal investment strategy will remain the same; (2) the Fund will continue to primarily invest in Benchmark Component Copper Futures Contracts; and (3) the principal investment risks are substantially the same as those noted in the Prior Release. The Exchange notes that with respect to the Fund's futures contracts and options on futures contracts, which will all be traded on United States-based futures exchanges (the ''Futures Exchanges''),[8] not more than 10% of the weight of such futures and options contracts in the aggregate shall consist of components whose principal trading market is not a member of Intermarket Surveillance Group (''ISG'') or is a market with which the Exchange does not have a comprehensive surveillance sharing agreement (''CSSA'').

This proposed rule change is intended to allow the Fund an increased ability to invest in OTC derivative transactions related to copper, although the Fund will continue to invest primarily in Benchmark Component Copper Futures Contracts. This proposed rule change is designed to provide the Fund with greater flexibility in pursuing its investment objective, in light of increasing demand for copper and the anticipated corresponding growth in Fund assets.[9] As demand for Futures Contracts, including Benchmark Component Copper Futures Contracts, continues to increase, the Fund would benefit from the flexibility to invest in Other Copper Derivatives to obtain more favorable terms than may be available for Benchmark Component Copper Futures Contracts. In addition, regulatory requirements and market conditions may make Other Copper Derivatives more advantageous for the Fund and its shareholders. For example, if the Fund began approaching position limits, accountability levels or other regulatory limits, the Fund may seek to avoid triggering such limits or levels by investing in Other Copper Derivatives. Likewise, if demand for Benchmark Component Copper Futures Contracts exceeded supply, the Fund would be better positioned to continue to track its benchmark Index with increased flexibility to invest in Other Copper Derivatives, such as OTC swaps, that are designed to reflect the Fund's investments in the Benchmark Component Copper Futures Contracts that comprise the Index. There is increasing demand for copper overall. In addition, the Sponsor has experienced corresponding growth in Fund assets and anticipates continued growth as copper demand increases. The proposed rule change is designed to provide the Fund with flexibility to obtain greater liquidity and the potential to execute transactions with more favorable pricing, which would benefit the Fund and its shareholders as the copper market and Fund assets grow over time.

Except for the changes noted above, all other representations made in the Prior Release remain unchanged.[10] The Fund is required to comply with all continued listing requirements under NYSE Arca Rule 8.200–E, and the Sponsor is required to notify the Exchange if the Fund ceases to comply with any such requirements.

2. Statutory Basis

The basis under the Act for this proposed rule change is the requirement under Section 6(b)(5) [11] that an exchange have rules that are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to, and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest.

The Exchange believes that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices in that Shares of the Fund will continue to be listed and traded on the Exchange pursuant to the listing criteria in NYSE Arca Rule 8.200–E. The Exchange represents that trading in the Shares of the Fund will be subject to the existing trading surveillances administered by the Exchange, as well as cross-market surveillances administered by the Financial Industry Regulatory Authority

[8] CME, CBOT, COMEX, NYMEX (all of which are part of CME Group, Inc.) (collectively, ''CME Group''), London Metal Exchange (''LME''), and ICE Futures (''ICE Futures''), are referred to, collectively, as the ''Futures Exchanges.''

[9] There are widespread forecasts from industry experts that project substantial increases in copper demand over the next decade and beyond. As of January 2026, S&P Global Energy projects copper demand will increase by 50% by 2040, driven by the growth of certain key industries, including artificial intelligence, data centers, digital industries, electric vehicles, defense spending, and grid expansion. *See* Copper in the Age of AI: Challenges of Electrification, S&P Global Energy & Market Intelligence (January 2026), available at *https://www.spglobal.com/content/dam/spglobal/global-assets/en/special-reports/copper-in-the-age-of-ai/Copper%20in%20the%20Age%20of%20AI_Full%20Report_January%202026.pdf.* Further, in its commodity outlook report for 2026, CRU Group notes rapidly growing data center production and artificial intelligence have turned copper into a ''scarcity market.'' *See* Commodity Outlook for 2026, CRU Group (2026), accessible at *https://www.crugroup.com/en/campaigns/commodity-outlook-for-2026/.* In addition, May 2025, the International Energy Agency predicted an increase in demand for copper over the next 15 years while warning of a potential 30% supply deficit by 2035. *See* Global Critical Minerals Outlook 2025, International Energy Agency (May 2025), available at: *https://www.iea.org/reports/global-critical-minerals-outlook-2025.* Additionally, Bloomberg, calling out similar industries as S&P and CRU Group, predicted that the rapid growth of generative artificial intelligence and data centers could result in a 3% annual increase in North American copper growth through 2035. *See* Copper demand is set for data-center boost, Bloomberg Intelligence (June 17, 2024), available at: *https://www.bloomberg.com/professional/insights/commodities/copper-demand-is-set-for-data-center-boost/.*

[10] *See supra,* note 4.

[11] 15 U.S.C. 78f(b)(5).

(''FINRA'') on behalf of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws. The Exchange represents that these procedures are adequate to properly monitor Exchange trading of the Shares of the Fund in all trading sessions and to deter and detect violations of Exchange rules and federal securities laws applicable to trading on the Exchange.

The Exchange or FINRA, on behalf of the Exchange, or both, will communicate as needed regarding trading of Shares of the Fund with other markets and other entities that are members of the ISG, and the Exchange or FINRA, on behalf of the Exchange, or both, may obtain trading information regarding trading in the Shares of the Fund from such markets and other entities. In addition, the Exchange may obtain information regarding trading in the Shares of the Fund from markets and other entities that are members of ISG or with which the Exchange has in place a CSSA. The Exchange may also obtain information regarding trading in copper futures from markets trading such futures that are members of ISG or with which the Exchange has in place a CSSA.

The Exchange notes that not all Other Copper Derivatives may trade on markets that are members of ISG or with which the Exchange has in place a CSSA. The Exchange believes that the proposal is nonetheless consistent with Section 6(b)(5) of the Act in that it is designed to prevent fraudulent and manipulative acts and practices. Whether the Fund pursues its investment objective by investing in Futures Contracts or in Other Copper Derivatives, the Fund's investment objective of seeking daily changes in percentage terms of its NAV that reflect the daily changes in percentage terms of the Index, less the Fund's expenses, will not change. For the reasons discussed below, the Exchange believes that the safeguards that currently exist to protect the Fund's shareholders from fraudulent or manipulative activity would be equally as effective if the Fund uses Other Copper Derivatives to the extent contemplated in the proposal.

The Commission Has Recognized That Surveillance-Sharing Agreements Can Help Detect and Prevent Manipulative and Fraudulent Trading Activity in OTC Derivatives

The Exchange notes that affording flexibility with respect to the combination of the Fund's commodity interests as provided by the proposed rule change would be permitted for a product that is listed and traded pursuant to the generic listing standards set forth in NYSE Arca Rule 8.201–E (Generic) (Commodity-Based Trust Shares) (the ''Generic Listing Standards''). Among the holdings that exchange-traded products may hold, while being listed and traded pursuant to the Generic Listing Standards, are ''commodity-based assets'',[12] where the commodity underlying the commodity-based asset underlies a futures contract that has been made available to trade on a designated contract market (''DCM'') for at least six months; provided that the Exchange has a CSSA, whether directly or through common membership in ISG, with such DCM. The order approving the Generic Listing Standards states that ''the proposed eligibility requirements for commodities and commodity-based assets that may underlie Commodity-Based Trust Shares are reasonably designed to help prevent fraudulent and manipulative acts and practices, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and to protect investors and the public interest, and are therefore consistent with the requirements of Section 6(b)(5) of the [Act].'' [13] In coming to this conclusion, the Commission noted the role of the surveillance arrangements with the applicable DCMs to ensure the availability of information with respect to the applicable commodity, or the commodity that underlies commodity-based assets, necessary to detect and deter potential fraud and manipulation. The Generic Listing Standards Approval Order noted that ''[t]he Commission has previously recognized that surveillance-sharing agreements assist in the detection and deterrence of fraudulent and manipulative activity. . . . [T]he Commission has stated that these agreements, whether through an ISG membership or through a CSSA, should help to ensure the availability of information necessary to detect and deter potential manipulations and other trading abuses, thereby making the Commodity-Based Trust Shares less readily susceptible to manipulation.'' [14]

[12] The term ''commodity-based asset'' means any future, option, or swap on a commodity, as that term is defined in the proposed generic listing standards. *See* NYSE Arca Rule 8.201–E(c)(3) (Generic).

[13] *See* Securities Exchange Act Release No. 103995 (September 17, 2025), 90 FR 45414 (September 22, 2025) (SR–NYSEArca–2025–54) (Order Granting Accelerated Approval of Proposed Rule Changes, as Modified by Amendments Thereto, to Adopt Generic Listing Standards for Commodity-Based Trust Share) (the ''Generic Listing Standards Approval Order'').

[14] *Id.* (citing Securities Exchange Act Release No. 35518 (Mar. 21, 1995), 60 FR 15804, 15807 (Mar. 27, 1995) (SR–Amex–94–30) (approving the listing and trading of Commodity Linked Notes) (finding that the listing exchange had surveillance-sharing agreements with the exchanges on which the futures contracts that make up the reference indexes traded and was able to obtain market surveillance information); Securities Exchange Act Release No. 36166 (Aug. 29, 1995), 60 FR 46637, 46641 (Sept. 7, 1995) (SR–PSE–94–28) (approving a proposal to adopt uniform listing and trading guidelines for stock-index, currency, and currency-index warrants) (stating that ''a surveillance sharing agreement should provide the parties with the ability to obtain information necessary to detect and deter market manipulation and other trading abuses'' and, in the context of foreign stock-index warrants, the Commission ''generally requires that there be a surveillance sharing agreement in place between an exchange listing or trading a derivative product and the exchange(s) trading the stocks underlying the derivative contract that specifically enables the relevant markets to surveil trading in the derivative product and its underlying stocks''); Securities Exchange Act Release No. 99306 (Jan. 10, 2024), 89 FR 3008, 3012 (Jan. 17, 2024) (SR–NYSEARCA2021–90; SR–NYSEARCA–2023–44; SR–NYSEARCA–2023–58; SR–NASDAQ–2023–016; SR–NASDAQ2023–019; SR–CboeBZX–2023–028; SR–CboeBZX–2023–038; SR–CboeBZX–2023–040; SR–CboeBZX2023–042; SR–CboeBZX–2023–044; SR–CboeBZX–2023–072) (approving the listing and trading of bitcoin-based Commodity-Based Trust Shares and Trust Units) (concluding that a ''surveillance-sharing agreement with the CME can be reasonably expected to assist in surveilling for fraud and manipulation that may impact the proposed spot bitcoin ETPs'') (''Spot BTC Approval Order''); Securities Exchange Act Release No. 100224 (May 23, 2024), 89 FR 46937, 46940 (May 30, 2024) (SR–NYSEARCA–2023–70; SRNYSEARCA–2024–31; SR–NASDAQ–2023–045; SR–CboeBZX–2023–069; SR–CboeBZX–2023–070; SRCboeBZX–2023–087; SR–CboeBZX–2023–095; SR–CboeBZX–2024–018) (approving the listing and trading of ether-based exchange-traded products) (concluding that a ''surveillance-sharing agreement with the CME can be reasonably expected to assist in surveilling for fraud and manipulation that may impact the proposed spot ether ETPs'') (''Spot ETH Approval Order''); Spot Gold Approval Order, supra note 12 at 64619 (finding that the exchange's Memorandum of Understanding with NYMEX for the sharing of information related to any financial instrument based, in whole or in part, upon an interest in or performance of gold assists in creating the basis for the exchange to monitor for fraudulent and manipulative practices in the trading of the shares); Securities Exchange Act Release No. 53521 (Mar. 20, 2006), 71 FR 14967, 14974 (Mar. 24, 2006) (SR–Amex–2005–072) (approving the listing and trading of the iShares® Silver Trust) (stating that, although an information sharing agreement with the OTC silver market was not possible, the exchange's information sharing agreement with NYMEX for the purpose of providing information in connection with trading in or related to COMEX silver futures contracts helps create the basis for Amex to monitor for fraudulent and manipulative practices in the trading of the shares); Securities Exchange Act Release No. 86636 (Aug. 12, 2019), 84 FR 42030, 42034 (Aug. 16, 2019) (SR–NYSEARCA–2018–98) (approving the listing and trading of iShares Commodity Multi-Strategy ETF) (in a matter where an ETF holds up to 60% of its assets in OTC forwards, options, and swaps on a commodities index or commodities from the same sectors as those included in the index, finding that the exchange's representation that each of the commodities in the index has futures traded on an ISG market or futures exchange with which the exchange has a CSSA helps to mitigate concerns that the ETF's investments in OTC derivatives will make the shares more susceptible to manipulation); and Securities Exchange Act Release No. 86698 (Aug. 16, 2019), 84 FR 43823, 43829 (Aug. 22, 2019)

Continued

The Other Copper Derivatives would be eligible holdings for products listed and traded pursuant to the Generic Listing Standards because (1) they are ''commodity-based assets,'' and (2) the copper underlying the Other Copper Derivatives underlies futures contracts that have been made available to trade for at least six months on DCMs that have CSSAs with the Exchange. Accordingly, the Exchange will have the same access to information from DCMs that the Commission recognized in the Generic Listing Standards Approval Order would assist in the detection and deterrence of potential manipulations and other trading abuses. Therefore, the Exchange believes that the proposed rule change is reasonably designed to help prevent fraudulent and manipulative acts and practices for the same reasons as those set forth in the Generic Listing Standards.

The Proposed Flexibility to Use Other Copper Derivatives Constitutes a Minor Change to the Prior Release

The Exchange notes that the Benchmark Component Copper Futures Contracts are expected to continue to be the predominant investment of the Fund, even if the Fund were to have the proposed flexibility to use Other Copper Derivatives. The Benchmark Component Copper Futures Contracts remain the most cost-effective, easily tradeable and liquid investment option for the Fund.

In addition, as discussed above, the Fund's investment objective will not change as a result of the proposal. Therefore, the Fund will continue to seek for the daily changes in percentage terms of the Fund's Shares' NAV to reflect the daily changes in percentage terms of the Index, less the Fund's expenses. In order for the Other Copper Derivatives to track the performance of the Index, the Other Copper Derivatives are expected to be based primarily on the Benchmark Component Copper Futures Contracts and, therefore, the performance of the Other Copper Derivatives is expected to closely track the performance of the Benchmark Component Copper Futures Contracts. Attempts to manipulate the Fund Shares through manipulation of Other Copper Derivatives would be reflected in increased tracking error versus the Index.

In addition, position limits on the Fund's OTC derivatives would also limit the ability to influence the copper or copper futures markets. Because the Fund's OTC derivatives are expected to be based primarily on the Benchmark Component Copper Futures Contracts, such OTC derivatives are expected to be subject to the same position limits to which the Benchmark Component Copper Futures Contracts are subject, as discussed above. The limits on Benchmark Component Futures Contracts will limit the extent to which the Fund can engage in OTC derivative transactions, thereby limiting the possibility of the Fund's size influencing the copper or copper futures markets.

The proposed rule change is designed to promote just and equitable principles of trade and to protect investors and the public interest in that the Exchange is proposing to amend representations in the Prior Release regarding the flexibility that the Fund has to invest in instruments other than Futures Contracts. The Fund will continue to seek to achieve its investment objective by investing 1) primarily in Benchmark Component Copper Futures Contracts; and 2) to a lesser extent, in other Eligible Copper Futures Contracts beyond the Benchmark Component Copper Futures Contracts and Other Copper-Related Investments.

The Exchange believes that providing the Fund with greater flexibility with respect to the combination of commodity interests in which the Fund invests to meet its investment objective is appropriate and consistent with the best interest of the Fund and Fund shareholders because the changes will provide the Fund with the flexibility to obtain greater liquidity and the potential to execute transactions with more favorable pricing. The Exchange believes the proposed rule change is designed to promote just and equitable principles of trade and to protect investors and the public interest as it would better allow the Fund to meet its investment objective and decrease the potential for tracking error. In addition, as noted above, the Exchange has in place surveillance procedures relating to trading in the Fund and may obtain information via ISG from other exchanges that are members of ISG or with which the Exchange has entered into a CSSA.

In addition to the foregoing, all other representations made in the Prior Release with respect to promoting just and equitable principles of trade and protecting investors and the public interest remain unchanged.

The proposed rule change is designed to perfect the mechanism of a free and open market and, in general, to protect investors and the public interest in that it will facilitate the continued listing and trading of an exchange-traded product that, through permitted use of OTC derivatives, will enhance competition among market participants, to the benefit of investors and the marketplace.

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 the proposed rule change to allow the Fund an increased ability to invest in OTC derivatives related to copper will enhance competition and benefit investors and the marketplace by permitting the continued listing and trading of Shares of the Fund without impacting the investment objective of the Fund.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act [15] and Rule 19b–4(f)(6) [16] thereunder. Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; or (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [17] and Rule 19b–4(f)(6) [18] thereunder.

(SR–NYSEARCA–2018–83) (approving the listing and trading the iShares Bloomberg Roll Select Commodity Strategy ETF) (in a matter where an ETF holds up to 60% of its assets in listed futures, options, and swaps, and up to 60% of its assets in OTC forwards, options, and swaps, each on a commodities index or on commodities from the same sectors as those included in the index, finding that the exchange's representations that (i) the futures contracts included in the index are traded on ISG markets or futures exchanges with which the exchange has a CSSA, and (ii) all commodities underlying the index have futures that are traded on ISG markets or futures exchanges with which the exchange has a CSSA, help to mitigate concerns that the ETF's investments in OTC and listed derivatives will make the shares susceptible to manipulation)).

[15] 15 U.S.C. 78s(b)(3)(A).

[16] 17 CFR 240.19b–4(f)(6).

[17] 15 U.S.C. 78s(b)(3)(A).

[18] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five

A proposed rule change filed under Rule 19b–4(f)(6) [19] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[20] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become operative immediately upon filing. The Exchange states that the purpose of the proposal is to modify the Fund's investment strategy to permit the Fund an increased flexibility to transact in Other Copper Derivatives. According to the Exchange, the Fund's investment objective and principal investment strategy will remain the same, the Fund will continue to primarily invest in Benchmark Component Copper Futures Contracts, and, except for the changes noted above, all other representations made in the Prior Release remain unchanged. In addition, the Exchange states that, with respect to the Fund's futures contracts and options on futures contracts, which will all be traded on U.S.-based Futures Exchanges, not more than 10% of the weight of such futures and options contracts in the aggregate will consist of components whose principal trading market is not a member of ISG or is a market with which the Exchange does not have a CSSA. The Other Copper Derivatives are ''commodity-based assets,'' and the copper underlying the Other Copper Derivatives also underlies futures contracts that have been made available to trade for at least six months on DCMs that have CSSAs with the Exchange. Accordingly, the Exchange will have access to information from DCMs that would assist in the detection and deterrence of potential manipulations and other trading abuses. For these reasons, and because the proposed rule change does not raise any novel legal or regulatory issues, the Commission finds that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Therefore, the Commission hereby waives the 30-day operative delay and designates the proposed rule change to be operative upon filing.[21]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–NYSEARCA–2026–64 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–NYSEARCA–2026–64. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–NYSEARCA–2026–64 and should be submitted on or before July 13, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[22]

Stephanie J. Fouse,

Assistant Secretary.

[FR Doc. 2026–12404 Filed 6–18–26; 8:45 am]

BILLING CODE 8011–01–P

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.

[19] 17 CFR 240.19b–4(f)(6).

[20] 17 CFR 240.19b–4(f)(6)(iii).

[21] 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).

[22] 17 CFR 200.30–3(a)(12) and (59).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–105708; File No. SR–CBOE–2026–054]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rule 5.31

DATES: June 16, 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 4, 2026, Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') 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 comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') proposes to amend Rule 5.31. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Commission's website (*https://www.sec.gov/rules/sro.shtml*), the Exchange's website (*https://www.cboe.com/us/options/regulation/rule_filings/cone/*), 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.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

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 Rule 5.31 regarding its opening auction process during Global Trading Hours (''GTH''). Recently, the Commission approved a proposed rule change to allow trading of certain multi-listed equity options during GTH, as well as Curb Trading Hours.[3] Pursuant to that proposal, the Exchange adopted Rule 5.31(d)(2)(B) to describe when the System will initiate the opening rotation for equity options for GTH. Specifically, Rule 5.31(d)(2)(B) provides that for equity options, the System initiates the opening rotation after a time period (which the Exchange determines for all classes) upon the earlier of (i) the passage of two minutes (or shorter time as determined by the Exchange) after the System's observation after 7:30 a.m.[4] of either the first disseminated transaction or the first disseminated quote on the primary market in the security underlying an equity option; or (ii) the System's observation after 7:30 a.m. of both the first disseminated transaction and the first disseminated quote on the primary market in the security underlying an equity option. These triggering conditions are the same as the ones that apply for the opening rotation for equity options for Regular Trading Hours (''RTH'') other than the reference time (which is 9:30 a.m. for RTH).

The Exchange proposes to amend Rule 5.31(d)(2)(B)(i) and (ii) to delete the phrase ''on the primary market'' from each subparagraph. As a result, for equity options that trade during GTH, the System will initiate the opening rotation based on disseminated transactions and quotes in the security underlying an equity option on any equity market (rather than just disseminated transactions and quotes on the primary market). Unlike during RTH, not all equities market list for trading each equity eligible for extended trading hours. The proposed rule change will permit the Exchange to list options on eligible equities that also trading during extended trading hours on an equity market, even if not the primary listing market.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[5] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[6] 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)[7] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes the proposed rule change will 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. One of the primary purposes of listing equity options during extended trading hours was to provide investors with access to options markets when equities are also trading, and thus providing investors with the ability to use options for hedging or other investment purposes during extended trading hours. As noted above, the Exchange understands that while the equities underlying options that are eligible for trading during GTH pursuant to the Exchange's recently approved rules do trade during extended trading hours, the primary listing market for these equities do not always list the products for trading during these equities extended trading hours. The proposed rule change will permit the Exchange to list options overlying the equities that are not listed for trading during extended trading hours on their primary markets. The Exchange believes providing investors with the ability to incorporate options overlying these equities during GTH, regardless of which market these equities are trading on during extended trading hours, will contribute to a free and open market and national market system and ultimately benefit investors during these trading hours.

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 does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act, because the proposed modification to the opening process will apply in the same manner for all equity options listed for trading during GTH, and equity options listed for trading during GTH will be open for trading for all market participants at the same time. The Exchange does not believe that the proposed rule change will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act, because the proposed rule change relates solely to the time at which the Exchange initiates an Exchange-specific process to open trading of equity options for trading during GTH.

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:

A. significantly affect the protection of investors or the public interest;

B. impose any significant burden on competition; and

C. become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[8] and Rule 19b–4(f)(6)[9] 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

[3] *See* Securities Exchange Act Release No. 105569 (May 28, 2026), 91 FR 33005 (June 2, 2026) (SR–CBOE–2025–079).

[4] All times are Eastern Time. *See* Rule 1.6.

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

[7] *Id.*

[8] 15 U.S.C. 78s(b)(3)(A).

[9] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

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–CBOE–2026–054 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–CBOE–2026–054. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–CBOE–2026–054 and should be submitted on or before July 13, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Stephanie J. Fouse,

Assistant Secretary.

[FR Doc. 2026–12414 Filed 6–18–26; 8:45 am]

BILLING CODE 8011–01–P

[10] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235–0655]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Extension: Regulation 14N and Schedule 14N

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget this request for extension of the previously approved collection of information discussed below.

Regulation 14N (17 CFR 240.14n–1 through 24014n–3) and Schedule 14N (17 CFR 240.14n–101) requires the filing of certain information with the Commission by shareholders who submit a nominee or nominees for director pursuant to applicable state law, or a company's governing documents. Schedule 14N provides notice to the company of the shareholder's or shareholder group's intent to have the company include the shareholder's or shareholder group's nominee or nominees for director in the company's proxy materials. This information is intended to assist shareholders in making an informed voting decision with regards to any nominee or nominees put forth by a nominating shareholder or group, by allowing shareholders to gauge the nominating shareholder's interest in the company, longevity of ownership, and intent with regard to continued ownership in the company. The information required by Schedule 14N is mandatory, and Schedule 14N filings are publicly available on the Commission's Electronic Data Gathering, Analysis, and Retrieval (''EDGAR'') system. We estimate that Schedule TO is filed once per year by one respondent, for an estimated total of one response annually. We estimate that Schedule 14N requires approximately 30 burden hours per response and approximately $6,000 cost burden per response, for an estimated total annual reporting burden of 30 hours (30 burden hours per response × one response) and an estimated total annual cost burden of $6,000 (one response × $6,000 per response).

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB Control Number.

The public may view and comment on this information collection request at: *https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202604-3235-003* or send an email comment to *MBX.OMB.OIRA.SEC_desk_officer@omb.eop.gov* within 30 days of the day after publication of this notice by July 23, 2026.

Dated: June 17, 2026.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2026–12453 Filed 6–18–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–105701; File No. SR–NYSEARCA–2026–63]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing of Proposed Rule Change To Add a New Partial Cabinet Solution Bundle

June 16, 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 June 2, 2026, NYSE Arca, Inc. (''NYSE Arca'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to add a new Partial Cabinet Solution bundle as part of its co-location services. The description of the Partial Cabinet Solution bundles and related fees in the Connectivity Fee Schedule (''Fee Schedule'') would be updated accordingly. The proposed rule change is available on the Exchange's website at *www.nyse.com* and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to add a new Partial Cabinet Solution (''PCS'') bundle as part of its co-location services. Specifically, the Exchange proposes to add a 4 kW PCS bundle. The description of the PCS bundles and related fees in the Fee Schedule would be updated accordingly.

The Exchange expects that the proposed rule change would become operative no later than October 31, 2026. The Exchange will announce the date through a customer notice.

Background

Currently, Users [3] may select a PCS bundle which includes a 2 kW partial cabinet; access to the Liquidity Center Network (''LCN'') and internet protocol (''IP'') network, the local area networks available in the data center; two NMS network [4] connections, two fiber cross connections; and connectivity to one of two time feeds.[5] In addition to other requirements, a User and its Affiliates [6] must have an Aggregate Cabinet Footprint [7] of 2 kW or less to qualify for the PCS bundle.

The PCS bundles were designed to attract smaller Users, including those with minimal power or cabinet space demands or those for which the costs attendant with having a dedicated cabinet or greater network connection bandwidth are too burdensome.[8] That has not changed. But as hardware and other infrastructure has evolved, even those with minimal demands need more power to meet the requirements of their hardware, such that even smaller Users may find the existing 2 kW PCS bundle inadequate to meet their needs.

Proposed Changes

To respond to Users' increased power needs, the Exchange proposes to add a new 4 kW PCS bundle. To differentiate it from the existing 2 kW PCS bundle, the Exchange proposes to label them as Options A and B. Like its predecessor, Option B would be sized to meet the needs of smaller Users and their current power needs.

To implement the changes, the Exchange would amend Note 1, in relevant part, as follows (proposed additions *italicized*):

1. To qualify for a Partial Cabinet Solution bundle, a User must meet the following conditions: (1) it must purchase only one Partial Cabinet Solution bundle; (2) the User and its Affiliates must not currently have a Partial Cabinet Solution bundle; and (3) after the purchase of the Partial Cabinet Solution bundle, the User, together with its Affiliates, will have an Aggregate Cabinet Footprint of no more than 2 kW *for Option A and 4 kW for Option B.*

• A User requesting a Partial Cabinet Solution bundle will be required to certify to the Exchange (a) whether any other Users or Hosted Customers are Affiliates of the certificating User, and (b) that after the purchase of the Partial Cabinet Solution bundle, the User, together with its Affiliates, would have an Aggregate Cabinet Footprint of no more than 2 kW *for Option A and 4 kW for Option B.*

The Exchange would also amend the Fee Schedule to label the 2 kW PCS bundle as Option A and add the new proposed Option B. The amended Fee Schedule would read as follows (proposed deletions bracketed; proposed additions *italicized*):

Partial Cabinet Solution bundles Note: A User and its Affiliates are limited to one Partial Cabinet Solution bundle at a time. A User and its Affiliates must have an Aggregate Cabinet Footprint of 2 kW or less to qualify for [a Partial Cabinet Solution bundle] *Option A and 4 kW or less to qualify for Option B.* See Note 1 under ''Colocation Notes.'' A purchaser of a Partial Cabinet Solution bundle must select NMS Network connections of the same size (*i.e.,* 10 Gb or 40 Gb) as the related LCN and IP network connections.	*Option A:* 2 kW partial cabinet, 1 LCN connection (10 Gb LX or 40 Gb), 1 IP network connection (10 Gb or 40 Gb), 2 NMS Network connections (10 Gb or 40 Gb each), 2 fiber cross connections and either the Network Time Protocol Feed or Precision Timing Protocol. *Option B:* *4 kW partial cabinet, 1 LCN connection (10 Gb LX or 40 Gb), 1 IP network connection (10 Gb or 40 Gb), 2 NMS Network connections (10 Gb or 40 Gb each), 2 fiber cross connections and either the Network Time Protocol Feed or Precision Timing Protocol.*	$10,000 initial charge per bundle plus $16,500 monthly charge per bundle. *$12,000 initial charge per bundle plus $19,000 monthly charge per bundle.*

Application and Impact of the Proposed Change

The proposed change would apply to all PCS bundles. The proposed change would not apply differently to distinct types or sizes of market participants. Rather, it would apply to all Users equally.

Users that require other sizes or combinations of cabinets, network connections and cross connects could still request them. As is currently the case, the purchase of any colocation service, including PCS bundles, is completely voluntary and the Price List is applied uniformly to all Users.

The Exchange expects to obtain at most a handful of new Users as a result of offering the 4 kW PCS bundles. A User, including a User with a 4 kW

[3] For purposes of the Exchange's colocation services, a ''User'' means any market participant that requests to receive colocation services directly from the Exchange. *See* Securities Exchange Act Release No. 76010 (September 29, 2015), 80 FR 60197 (October 5, 2015) (SR–NYSEArca–2015–82). As specified in the Fee Schedule, a User that incurs colocation fees for a particular colocation service pursuant thereto would not be subject to colocation fees for the same colocation service charged by the New York Stock Exchange LLC, NYSE American LLC, NYSE National, Inc. and NYSE Texas, Inc. (together, the ''Affiliate SROs''). Each Affiliate SRO has submitted substantially the same proposed rule change to propose the change described herein.

[4] The NMS Network is an alternate dedicated network connection that Users use to access the NMS feeds for which the Securities Industry Automation Corporation is engaged as the securities information processor. *See* Securities Exchange Act Release No. 88837 (May 7, 2020), 85 FR 28671 (May 13, 2020) (SR–NYSE–2019–46, SR–NYSEAMER–2019–34, SR–NYSEArca–2019–61, SR–NYSENAT–2019–19).

[5] *See* Securities Exchange Act Release No. 97749 (June 16, 2023), 88 FR 41164 (June 23, 2023) (SR–NYSEArca–2023–42).

[6] An ''Affiliate'' of a User is any other User or Hosted Customer that is under 50% or greater common ownership or control of the first User. Fee Schedule, p 1.

[7] The ''Aggregate Cabinet Footprint'' of a User is the total kW of the User's cabinets, including both partial and dedicated cabinets. Fee Schedule, p 1.

[8] *See* Securities Exchange Act No. 77070 (February 5, 2016), 81 FR 7401 (February 11, 2016) (SR–NYSEArca–2015–102).

dedicated cabinet, would be able to convert to the 4 kW PCS bundle if it otherwise met the conditions.

Competitive Environment

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.'' [9]

The Exchange's provision of 4 kW PCS bundles would be subject to competition from Hosting Users. A ''Hosting User'' is a User that hosts another entity in its space within the data center.[10] The hosted customer is a ''Hosted Customer.'' [11] Based on conversations with Users and potential customers, the Exchange understands that Hosting Users offer bundles (''Hosting User Bundles'') that include cabinet space and space on shared LCN and IP network connections—and that the Hosting User Bundles provide their end users with a service similar to that of the PCS bundles.[12]

The Exchange does not believe that the fact that Hosting Users are subject to co-location fees, including a Hosting Fee of $1,000 per cabinet per Hosted Customer for each cabinet in which such Hosted Customer is hosted (all such fees together, ''Hosting User Fees''), precludes Hosting Users from providing services competitive to the proposed 4 kW PCS bundles.[13]

This is because it is in the Exchange's interest to set the Hosting User Fees at a reasonable level so that Hosting Users will maximize their use of the MDC. When the Hosting User Fees are set at a reasonable level, the Exchange believes that Hosting Users are more likely to install equipment in the MDC and to sell connections to Hosted Customers. These Hosting Users then compete with each other and the Exchange by pricing such Hosting User Bundles at competitive rates. These competitive rates for Hosting User Bundles help draw in more Users, including Hosting Users, to the MDC. This directly benefits the Exchange by increasing the customer base to whom the Exchange can sell its colocation services, which include cabinets, power, ports, and connectivity to third-party systems and data feeds, and because more Users, including Hosting Users, and Hosted Customers leads, in many cases, to greater participation on the Exchange. In this way, by setting the Hosting User Fees at a level attractive to Hosting Users, the Exchange spurs demand for all of the services it sells at the MDC.

The Exchange operates in a highly competitive market in which exchanges and other vendors (*i.e.,* Hosting Users) offer co-location services as a means to facilitate the trading and other market activities of those market participants who believe that co-location enhances the efficiency of their operations.

The proposed change is not otherwise intended to address any other issues relating to colocation services or related fees, and the Exchange is not aware of any problems that Users would have in complying with the proposed change.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[14] in general, and furthers the objectives of Section 6(b)(5) of the Act,[15] in particular, because 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 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 and because it is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The Exchange further believes that the proposed rule change is consistent with Section 6(b)(4) of the Act,[16] because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers, or dealers.

The Proposed Change Is Reasonable

The Exchange believes that the proposed rule change is reasonable.

In considering the reasonableness of proposed services and fees, the Commission's market-based test considers ''whether the exchange was subject to significant competitive forces in setting the terms of its proposal . . . , including the level of any fees.'' [17] If the Exchange meets that burden, ''the Commission will find that its proposal is consistent with the Act unless 'there is a substantial countervailing basis to find that the terms' of the proposal violate the Act or the rules thereunder.'' [18] Here, the Exchange is subject to significant competitive forces in setting the terms on which it offers its proposal, in particular because substantially similar substitutes are available from Hosting Users.

The proposed rule is reasonable because it would not force current or potential Users or Hosted Customers to accept a ''one-size-fits-all'' bundle but would instead permit them to choose between the Exchange and Hosting Users to tailor their service selection and fees to meet their own individual business models. That selection may vary depending on the size, customer base, latency and needs of the entity at issue.

Because Users are third parties and are not required to make such information public, the Exchange does not have visibility into exactly how many Users currently offer Hosting User Bundles. However, based in part on the fact that, as of April 30, 2026, Hosting Users reported 57 Hosted Users, the

[9] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

[10] *See* 80 FR 60197, *supra* note 4, at 60198.

[11] *Id.*

[12] Because Hosting Users' services are not regulated, they may offer differentiated pricing and are not required to make their pricing public or disclose it to the Exchange. The Exchange therefore does not have direct visibility into the specific range of options, or cost thereof, offered by Hosting Users, and relies on third parties for information.

[13] *See* Securities Exchange Act No. 93214 (September 30, 2021), 86 FR 55672 (October 6, 2021) (SR–NYSE–2021–05, SR–NYSEAmer-2021–04, SR–NYSEArca-2021–07, SR–NYSECHX–2021–01, SR–NYSENAT–2021–01) (Order Disapproving Proposed Rule Changes, as Modified by Partial Amendment No. 1, To Amend Each Exchange's Fee Schedule To Add Two Partial Cabinet Bundles Available in Co-Location and Establish Associated Fees), at 55676 (stating that ''it remains unclear how the presence of Hosting Users brings significant competitive forces to bear on Exchange pricing of the proposed products'').

[14] 15 U.S.C. 78f(b).

[15] 15 U.S.C. 78f(b)(5).

[16] 15 U.S.C. 78f(b)(4).

[17] Securities Exchange Act Release No. 90209 (October 15, 2020), 85 FR 67044, 67049 (October 21, 2020) (Order Granting Accelerated Approval to Establish a Wireless Fee Schedule Setting Forth Available Wireless Bandwidth Connections and Wireless Market Data Connections) (SR–NYSE–2020–05, SR–NYSEAMER–2020–05, SR–NYSEArca-2020–08, SR–NYSECHX–2020–02, SR–NYSENAT–2020–03, SR–NYSE–2020–11, SR–NYSEAMER–2020–10, SR–NYSEArca-2020–15, SR–NYSECHX–2020–05, SR–NYSENAT–2020–08) (''Wireless Approval Order''), citing Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74781 (December 9, 2008) (''2008 ArcaBook Approval Order''). *See NetCoalition* v. *SEC,* 615 F.3d 525 (D.C. Cir. 2010).

[18] Wireless Approval Order, *supra* note 18, at 67049, citing 2008 ArcaBook Approval Order, *supra* note 18, at 74781.

Exchange believes that actual Hosting Users offer, and potential Hosting Users may offer, Hosting User Bundles if it is in their commercial interest. As a result, the Exchange believes that the provision of the 4 kW PCS bundles would be subject to competition from Hosting User Bundles.

The Exchange does not believe that the Hosting User Fees preclude Hosting Users from providing services competitive to the proposed 4 kW PCS bundles. Hosting User Fees are not an impediment because it is in the Exchange's interest to set the Hosting User Fees at a reasonable level so that Hosting Users will maximize their use of the MDC. If the Exchange were to set Hosting User Fees at an unreasonable level, it could expect the competitive environment among Hosting Users to wither. Some current Hosting Users would likely exit the MDC, while others would reduce the scope of their operations there, and some may never enter at all, as Hosting Users are not required to be in the MDC. Fewer Hosting Users in the MDC would lead to less competition for the sale of bundles both among Hosting Users and between them and the Exchange, which would likely cause the prices of bundles to rise. This, in turn, would increase Users' and Hosted Customers' overall costs of doing business in the MDC. Some might choose to exit the MDC altogether, while others might seek to reduce their footprint by decreasing the number of cabinets, ports, and power they use, or by reducing the number of third-party data feeds they connect to at the MDC. The Exchange thus has every incentive to set the Hosting User Fees at a rate that is reasonable for Hosting Users, and no incentive to charge any more than that.

The Exchange's experience with growing numbers of Hosted Customers bears this out. The concept of Hosting Users was introduced in 2011. In 2012 no Hosted Customers were reported to the Exchange, 37 were reported in July 2015, and 57 were reported in April 2026.

The expansion of the footprint of Hosting Users increased even more. As noted, in 2012 no Hosting Users were reported. In July 2015, the amount of kW used by Hosting Users was 103 kW, compared to 546 kW as of April 2026—more than five times the amount. Even if the review is limited to Hosting Users that were present under the same name in both July 2015 and April 2026, the growth remains striking, at more than two and a half times the amount used.

Indeed, the Exchange initially allowed Users to host customers—which increased competition in the MDC—because market participants wanted it. As noted above, if Hosting Users did not find they could make money despite the Hosting User Fees, they would exit the MDC. The reality is that Hosting Users may make Hosting User Fees back multitudes of times over by charging Hosted Customers for the space at whatever price the Hosting User wants to charge and Hosted Customers are willing to pay. In this way, anecdotal evidence suggests that it is commercially viable for the Hosting Users to pay Hosting User Fees in the MDC.

In short, the Hosting User Bundles would compete with the proposed 4 kW PCS bundles and would exert significant competitive forces on the Exchange in setting the terms of its proposal, including the level of the Exchange's proposed fees. If the Exchange were to set its proposed fees too high, Users or potential Users could respond by instead selecting other substantially similar bundles in the form of Hosting User Bundles.

Nor does the Exchange have a competitive advantage over Hosting Users by virtue of the fact that it owns and operates the MDC's meet-me-rooms. Users or Hosted Customers would require a circuit connecting out of the MDC, and in most cases, such circuits are provided by third-party telecommunications service providers that have installed their equipment in the MDC's two meet-me-rooms (''Telecoms'').[19] Currently, 17 Telecoms operate in the meet-me-rooms and provide a variety of circuit choices. It is in the Exchange's best interest to set the fees that Telecoms pay to operate in the meet-me-rooms at a reasonable level [20] so that market participants, including Telecoms, will maximize their use of the MDC. By setting the meet-me-room fees at a reasonable level, the Exchange encourages Telecoms to participate in the meet-me-rooms and to sell circuits to Users for connecting into and out of the MDC. These Telecoms then compete with each other by pricing such circuits at competitive rates. These competitive rates for circuits help draw in more Users and Hosted Customers to the MDC, which directly benefits the Exchange by increasing the customer base to whom the Exchange can sell its colocation services, which include cabinets, power, ports, and connectivity to many third-party data feeds, and because having more Users and Hosted Customers leads, in many cases, to greater participation on the Exchange. In this way, by setting the meet-me-room fees at a level attractive to telecommunications firms, the Exchange spurs demand for all of the services it sells at the MDC, while setting the meet-me-room fees too high would negatively affect the Exchange's ability to sell its services at the MDC.[21] Accordingly, there are real constraints on the meet-me-room fees the Exchange charges, such that the Exchange does not have an advantage in terms of costs when compared to third parties that enter the MDC through the meet-me-rooms to provide services to compete with the Exchange's services.

If anything, the Exchange would be subject to a competitive disadvantage vis-à-vis Hosting Users regarding potential bundles. Entities that choose bundles may negotiate terms with a Hosting User through whom such bundle is delivered, in response to competitive forces. Such prices are not required to be filed by any party with the Commission. In contrast, the Exchange's services and pricing would be standardized as set out in this filing, and the Exchange would be unable to respond to pricing pressure from its competitors without seeking a formal fee change in a filing before the Commission.

In sum, because the Exchange is subject to significant competitive forces in setting the terms on which it offers its proposal, in particular because the Exchange believes that there is a substantially similar substitute for PCS bundles, the proposed fees for the 4 kW PCS bundle are reasonable.[22] If the Exchange were to set its prices for the 4 kW PCS bundle at a level that Users found to be too high, Users could easily choose to connect to Hosting User Bundles instead.

For these reasons, the proposed change is reasonable.

The Proposed Change Is Equitable

The Exchange believes that the proposed change provides for the equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers, or dealers because it is not designed to permit unfair

[19] Note that in the case of wireless connectivity, a User in colocation still requires a fiber circuit to transport data. If a Telecom is used, the data is transmitted wirelessly to the relevant pole, and then from the pole to the meet-me-room using a fiber circuit.

[20] *See* Securities Exchange Act Release No. 98000 (July 26, 2023), 88 FR 50244 (August 1, 2023) (SR–NYSEArca-2023–47).

[21] *See id.* at 50246. Importantly, the Exchange is prevented from making any alteration to its meet-me-room services or fees without filing a proposal for such changes with the Commission.

[22] *See* Wireless Approval Order, *supra* note 18.

discrimination between market participants. Rather, it would apply to all market participants equally.

The PCS bundles were designed to attract smaller Users, including those with minimal power or cabinet space demands or those for which the costs attendant with having a dedicated cabinet or greater network connection bandwidth are too burdensome. As equipment has evolved, even those with minimal demands need more power to meet the requirements of their hardware, such that even smaller Users may not find the existing PCS bundles meet their needs adequately. The proposed 4 kW PCS bundle would be responsive to the evolution of equipment, and so the Exchange believes that its introduction is equitable because it would not force customers to accept a ''one-size-fits-all'' suite of PCS bundles but would instead permit them to tailor their service selection and fees to meet their own individual business models.

Without this proposed rule change, potential Users would have fewer usable options. This would be a detriment for them, especially for potential Users with minimal power or cabinet space demands or those for which the costs attendant with having a dedicated cabinet or greater network connection bandwidth are too burdensome.

In addition, the Exchange believes that the proposal is equitable because only Users that voluntarily select a PCS bundle would be charged for it. As is true now, the PCS bundles would be available to all Users on an equal basis, and all Users that voluntarily choose to purchase a PCS bundle would be charged the same amount, and be subject to the same restrictions, for that bundle.

The Proposed Change Is Not Unfairly Discriminatory

The Exchange believes its proposal is not unfairly discriminatory.

Finally, the Exchange believes that it is subject to significant competitive forces, as described below in the Exchange's statement regarding the burden on competition.

For the reasons above, the proposed changes do not unfairly discriminate between or among market participants that are otherwise capable of satisfying any applicable co-location fees, requirements, terms and conditions established from time to time by the Exchange.

For these reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule changes will not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of Section 6(b)(8) of the Act.[23]

The proposed change does not affect competition among national securities exchanges or among members of the Exchange, but rather between PCS bundles and Hosting User Bundles. The proposed changes would enhance competition by giving smaller Users an option to have a 4 kW PCS bundle to meet their needs. The proposed change may make PCS bundles more attractive to potential Users who might otherwise opt to become Hosted Customers. It would therefore enhance the competitive environment for potential Users, as they would have more options from which to select. This could be especially beneficial for potential Users with minimal power or cabinet space demands or those for which the costs attendant with having a dedicated cabinet or greater network connection bandwidth are too burdensome. At the same time, however, no potential User would be obligated to purchase a PCS bundle, and it would still have the options offered by Hosting Users.

The Exchange believes that the proposed change is a reasonable attempt to maintain a more level playing field between the Exchange and the Hosting Users. Because Hosting Users' services are not regulated, they may offer differentiated pricing and are not required to make their pricing public. The Exchange believes that the proposed change may offer a PCS bundle that is more attractive to potential Users who might otherwise opt to become Hosted Customers.

The Exchange operates in a highly competitive market in which exchanges and other vendors (*i.e.,* Hosting Users) offer co-location services as a means to facilitate the trading and other market activities of those market participants who believe that co-location enhances the efficiency of their operations.

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.'' [24]

For the reasons described above, the Exchange believes that the proposed rule changes reflect this competitive environment.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will:

A. by order approve or disapprove such proposed rule change, or

B. institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–NYSEARCA–2026–63 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–NYSEARCA–2026–63. 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

[23] 15 U.S.C. 78f(b)(8).

[24] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–NYSEARCA–2026–63 and should be submitted on or before July 13, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[25]

Stephanie J. Fouse,

Assistant Secretary.

[FR Doc. 2026–12407 Filed 6–18–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–105707; File No. 4–518]

Joint Industry Plan; Notice of Filing and Immediate Effectiveness of Amendment to the Plan Establishing Procedures Under Rule 605 of Regulation NMS To Add Texas Stock Exchange LLC as a Participant

DATES: June 16, 2026.

Pursuant to Section 11A(a)(3) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 608 thereunder,[2] notice is hereby given that on June 11, 2026, Texas Stock Exchange LLC (''TXSE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'')[3] an amendment to the national market system plan establishing procedures under Rule 605 of Regulation NMS (''Plan'').[4] The amendment adds TXSE as a Participant[5] to the Plan. The Commission is publishing this notice to solicit comments on the amendment from interested persons.

I. Description and Purpose of the Plan Amendment

As noted above, the sole proposed amendment to the Plan is to add the Exchange as a Participant. On September 30, 2025, the Commission issued an order granting TXSE's application for registration as a national securities exchange.[6] A condition of the Commission's approval was the requirement for TXSE to join the Plan.[7]

Under Section II(c) of the Plan, any entity registered as a national securities exchange or national securities association under the Act may become a Participant by: (i) executing a copy of the Plan, as then in effect; (ii) providing each then-current Participant with a copy of such executed Plan; and (iii) effecting an amendment to the Plan as specified in Section III(b) of the Plan. Section III(b) of the Plan sets forth the process for a prospective new Participant to effect an amendment of the Plan. Specifically, the Plan provides that such an amendment to the Plan may be effected by the new national securities exchange or national securities association by executing a copy of the Plan, as then in effect (with the only changes being the addition of the new Participant's name in Section II(a) of the Plan and the new Participant's code in Exhibit A of the Plan) and submitting such executed Plan to the Commission. The Plan then provides that the amendment will be effective when it is approved by the Commission or otherwise becomes effective pursuant to Section 11A of the Act and Rule 608 of Regulation NMS thereunder.

TXSE has executed a copy of the Plan currently in effect, with the only changes being the addition of its name in Section II(a) of the Plan and adding its single-digit code in Exhibit A of the Plan, and has provided a copy of the Plan executed by TXSE to each of the other Participants. TXSE has also submitted the executed Plan to the Commission. Accordingly, all of the Plan requirements for effecting an amendment to the Plan to add TXSE as a Participant have been satisfied.

II. Effectiveness of the Proposed Plan Amendment

The foregoing Plan amendment has become effective pursuant to Rule 608(b)(3)(iii) of the Act[8] because it involves solely technical or ministerial matters. At any time within sixty days of the filing of this amendment, the Commission may summarily abrogate the amendment and require that it be refiled pursuant to paragraph (a)(1) of Rule 608,[9] if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or the maintenance of fair and orderly markets, to remove impediments to, and perfect the mechanisms of, a national market system or otherwise in furtherance of the purposes of the Act.

III. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the amendment is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number 4–518 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 4–518. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed plan amendment that are filed with the Commission, and all written communications relating to the amendment between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street, NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. 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

[25] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C 78k–1(a)(3).

[2] 17 CFR 242.608.

[3] *See* letter from Jeff Brown, General Counsel, TXSE, dated June 11, 2026.

[4] 17 CFR 242.605. On April 12, 2001, the Commission approved a national market system plan for the purpose of establishing procedures for market centers to follow in making their monthly reports available to the public under Rule 11Ac1–5 under the Act (n/k/a Rule 605 of Regulation NMS). *See* Securities Exchange Act Release No. 44177 (April 12, 2001), 66 FR 19814 (April 17, 2001).

[5] The term ''Participant'' is defined as a party to the Plan. *See* Section I(c) of the Plan.

[6] *See* Securities Exchange Act Release No. 104146 (September 30, 2025), 90 FR 47880 (October 2, 2025).

[7] *Id.* at 47893.

[8] 17 CFR 242.608(b)(3)(iii).

[9] 17 CFR 242.608(a)(1).

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 4–518 and should be submitted on or before July 13, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Stephanie J. Fouse,

Assistant Secretary.

[FR Doc. 2026–12413 Filed 6–18–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–105705; File No. SR–NYSETEX–2026–22]

Self-Regulatory Organizations; NYSE Texas, Inc.; Notice of Filing of Proposed Rule Change To Add a New Partial Cabinet Solution Bundle

June 16, 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 June 2, 2026, NYSE Texas, Inc. (''NYSE Texas'' 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 proposes to add a new Partial Cabinet Solution bundle as part of its co-location services. The description of the Partial Cabinet Solution bundles and related fees in the Connectivity Fee Schedule (''Fee Schedule'') would be updated accordingly. The proposed rule change is available on the Exchange's website at *www.nyse.com* and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to add a new Partial Cabinet Solution (''PCS'') bundle as part of its co-location services. Specifically, the Exchange proposes to add a 4 kW PCS bundle. The description of the PCS bundles and related fees in the Fee Schedule would be updated accordingly.

The Exchange expects that the proposed rule change would become operative no later than October 31, 2026. The Exchange will announce the date through a customer notice.

Background

Currently, Users[3] may select a PCS bundle which includes a 2 kW partial cabinet; access to the Liquidity Center Network (''LCN'') and internet protocol (''IP'') network, the local area networks available in the data center; two NMS network[4] connections, two fiber cross connections; and connectivity to one of two time feeds.[5] In addition to other requirements, a User and its Affiliates[6] must have an Aggregate Cabinet Footprint[7] of 2 kW or less to qualify for the PCS bundle.

The PCS bundles were designed to attract smaller Users, including those with minimal power or cabinet space demands or those for which the costs attendant with having a dedicated cabinet or greater network connection bandwidth are too burdensome.[8] That has not changed. But as hardware and other infrastructure has evolved, even those with minimal demands need more power to meet the requirements of their hardware, such that even smaller Users may find the existing 2 kW PCS bundle inadequate to meet their needs.

Proposed Changes

To respond to Users' increased power needs, the Exchange proposes to add a new 4 kW PCS bundle. To differentiate it from the existing 2 kW PCS bundle, the Exchange proposes to label them as Options A and B. Like its predecessor, Option B would be sized to meet the needs of smaller Users and their current power needs.

To implement the changes, the Exchange would amend Note 1, in relevant part, as follows (proposed additions *italicized*):

1. To qualify for a Partial Cabinet Solution bundle, a User must meet the following conditions: (1) it must purchase only one Partial Cabinet Solution bundle; (2) the User and its Affiliates must not currently have a Partial Cabinet Solution bundle; and (3) after the purchase of the Partial Cabinet Solution bundle, the User, together with its Affiliates, will have an Aggregate Cabinet Footprint of no more than 2 kW *for Option A and 4 kW for Option B.*

• A User requesting a Partial Cabinet Solution bundle will be required to certify to the Exchange (a) whether any other Users or Hosted Customers are Affiliates of the certificating User, and (b) that after the purchase of the Partial Cabinet Solution bundle, the User, together with its Affiliates, would have an Aggregate Cabinet Footprint of no more than 2 kW *for Option A and 4 kW for Option B.*

The Exchange would also amend the Fee Schedule to label the 2 kW PCS bundle as Option A and add the new proposed Option B. The amended Fee Schedule would read as follows (proposed deletions bracketed; proposed additions *italicized*):

[10] 17 CFR 200.30–3(a)(85).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] For purposes of the Exchange's colocation services, a ''User'' means any market participant that requests to receive colocation services directly from the Exchange. *See* Securities Exchange Act Release No. 87408 (October 28, 2019), 84 FR 58778 at n.6 (November 1, 2019) (SR–NYSECHX–2019–12). As specified in the Fee Schedule, a User that incurs colocation fees for a particular colocation service pursuant thereto would not be subject to colocation fees for the same colocation service charged by the New York Stock Exchange LLC, NYSE American LLC, NYSE Arca, Inc., and NYSE National, Inc. (together, the ''Affiliate SROs''). Each Affiliate SRO has submitted substantially the same proposed rule change to propose the change described herein.

[4] The NMS Network is an alternate dedicated network connection that Users use to access the NMS feeds for which the Securities Industry Automation Corporation is engaged as the securities information processor. *See* Securities Exchange Act Release No. 88972 (May 29, 2020), 85 FR 34472 (June 4, 2020) (SR–NYSECHX–2020–18).

[5] *See* Securities Exchange Act Release No. 97751 (June 16, 2023), 88 FR 41178 (June 23, 2023) (SR–NYSECHX–2023–12).

[6] An ''Affiliate'' of a User is any other User or Hosted Customer that is under 50% or greater common ownership or control of the first User. Fee Schedule, p 1.

[7] The ''Aggregate Cabinet Footprint'' of a User is the total kW of the User's cabinets, including both partial and dedicated cabinets. Fee Schedule, p 1.

[8] *See* Securities Exchange Act No. 87853 (December 23, 2019), 84 FR 72392 (December 31, 2019) (SR–NYSECHX–2019–27).

Partial Cabinet Solution bundles	*Option A:*	$10,000 initial charge per bundle plus $16,500 monthly charge per bundle.
Note: A User and its Affiliates are limited to one Partial Cabinet Solution bundle at a time. A User and its Affiliates must have an Aggregate Cabinet Footprint of 2 kW or less to qualify for [a Partial Cabinet Solution bundle] *Option A and 4 kW or less to qualify for Option B.* See Note 1 under ''Colocation Notes.''.	2 kW partial cabinet, 1 LCN connection (10 Gb LX or 40 Gb), 1 IP network connection (10 Gb or 40 Gb), 2 NMS Network connections (10 Gb or 40 Gb each), 2 fiber cross connections and either the Network Time Protocol Feed or Precision Timing Protocol..	
A purchaser of a Partial Cabinet Solution bundle must select NMS Network connections of the same size (*i.e.,* 10 Gb or 40 Gb) as the related LCN and IP network connections..	*Option B:* *4 kW partial cabinet, 1 LCN connection (10 Gb LX or 40 Gb), 1 IP network connection (10 Gb or 40 Gb), 2 NMS Network connections (10 Gb or 40 Gb each), 2 fiber cross connections and either the Network Time Protocol Feed or Precision Timing Protocol.*	*$12,000 initial charge per bundle plus $19,000 monthly charge per bundle.*

Application and Impact of the Proposed Change

The proposed change would apply to all PCS bundles. The proposed change would not apply differently to distinct types or sizes of market participants. Rather, it would apply to all Users equally.

Users that require other sizes or combinations of cabinets, network connections and cross connects could still request them. As is currently the case, the purchase of any colocation service, including PCS bundles, is completely voluntary and the Price List is applied uniformly to all Users.

The Exchange expects to obtain at most a handful of new Users as a result of offering the 4 kW PCS bundles. A User, including a User with a 4 kW dedicated cabinet, would be able to convert to the 4 kW PCS bundle if it otherwise met the conditions.

Competitive Environment

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.'' [9]

The Exchange's provision of 4 kW PCS bundles would be subject to competition from Hosting Users. A ''Hosting User'' is a User that hosts another entity in its space within the data center.[10] The hosted customer is a ''Hosted Customer.'' [11] Based on conversations with Users and potential customers, the Exchange understands that Hosting Users offer bundles (''Hosting User Bundles'') that include cabinet space and space on shared LCN and IP network connections—and that the Hosting User Bundles provide their end users with a service similar to that of the PCS bundles.[12]

The Exchange does not believe that the fact that Hosting Users are subject to co-location fees, including a Hosting Fee of $1,000 per cabinet per Hosted Customer for each cabinet in which such Hosted Customer is hosted (all such fees together, ''Hosting User Fees''), precludes Hosting Users from providing services competitive to the proposed 4 kW PCS bundles.[13]

This is because it is in the Exchange's interest to set the Hosting User Fees at a reasonable level so that Hosting Users will maximize their use of the MDC. When the Hosting User Fees are set at a reasonable level, the Exchange believes that Hosting Users are more likely to install equipment in the MDC and to sell connections to Hosted Customers. These Hosting Users then compete with each other and the Exchange by pricing such Hosting User Bundles at competitive rates. These competitive rates for Hosting User Bundles help draw in more Users, including Hosting Users, to the MDC. This directly benefits the Exchange by increasing the customer base to whom the Exchange can sell its colocation services, which include cabinets, power, ports, and connectivity to third-party systems and data feeds, and because more Users, including Hosting Users, and Hosted Customers leads, in many cases, to greater participation on the Exchange. In this way, by setting the Hosting User Fees at a level attractive to Hosting Users, the Exchange spurs demand for all of the services it sells at the MDC.

The Exchange operates in a highly competitive market in which exchanges and other vendors (*i.e.,* Hosting Users) offer co-location services as a means to facilitate the trading and other market activities of those market participants who believe that co-location enhances the efficiency of their operations.

The proposed change is not otherwise intended to address any other issues relating to colocation services or related fees, and the Exchange is not aware of any problems that Users would have in complying with the proposed change.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[14] in general, and furthers the objectives of Section 6(b)(5) of the Act,[15] in particular, because 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 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 and because it is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The Exchange further believes that the proposed rule change is consistent with Section 6(b)(4) of the Act,[16] because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities and

[9] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

[10] *See* 84 FR 58778, *supra* note 4, at 58779.

[11] *Id.*

[12] Because Hosting Users' services are not regulated, they may offer differentiated pricing and are not required to make their pricing public or disclose it to the Exchange. The Exchange therefore does not have direct visibility into the specific range of options, or cost thereof, offered by Hosting Users, and relies on third parties for information.

[13] *See* Securities Exchange Act No. 93214 (September 30, 2021), 86 FR 55672 (October 6, 2021) (SR–NYSE–2021–05, SR–NYSEAmer-2021–04, SR–NYSEArca-2021–07, SR–NYSECHX–2021–01, SR–NYSENAT–2021–01) (Order Disapproving Proposed Rule Changes, as Modified by Partial Amendment No. 1, To Amend Each Exchange's Fee Schedule To Add Two Partial Cabinet Bundles Available in Co-Location and Establish Associated Fees), at 55676 (stating that ''it remains unclear how the presence of Hosting Users brings significant competitive forces to bear on Exchange pricing of the proposed products'').

[14] 15 U.S.C. 78f(b).

[15] 15 U.S.C. 78f(b)(5).

[16] 15 U.S.C. 78f(b)(4).

does not unfairly discriminate between customers, issuers, brokers, or dealers.

The Proposed Change Is Reasonable

The Exchange believes that the proposed rule change is reasonable.

In considering the reasonableness of proposed services and fees, the Commission's market-based test considers ''whether the exchange was subject to significant competitive forces in setting the terms of its proposal . . . , including the level of any fees.'' [17] If the Exchange meets that burden, ''the Commission will find that its proposal is consistent with the Act unless 'there is a substantial countervailing basis to find that the terms' of the proposal violate the Act or the rules thereunder.'' [18] Here, the Exchange is subject to significant competitive forces in setting the terms on which it offers its proposal, in particular because substantially similar substitutes are available from Hosting Users.

The proposed rule is reasonable because it would not force current or potential Users or Hosted Customers to accept a ''one-size-fits-all'' bundle but would instead permit them to choose between the Exchange and Hosting Users to tailor their service selection and fees to meet their own individual business models. That selection may vary depending on the size, customer base, latency and needs of the entity at issue.

Because Users are third parties and are not required to make such information public, the Exchange does not have visibility into exactly how many Users currently offer Hosting User Bundles. However, based in part on the fact that, as of April 30, 2026, Hosting Users reported 57 Hosted Users, the Exchange believes that actual Hosting Users offer, and potential Hosting Users may offer, Hosting User Bundles if it is in their commercial interest. As a result, the Exchange believes that the provision of the 4 kW PCS bundles would be subject to competition from Hosting User Bundles.

The Exchange does not believe that the Hosting User Fees preclude Hosting Users from providing services competitive to the proposed 4 kW PCS bundles. Hosting User Fees are not an impediment because it is in the Exchange's interest to set the Hosting User Fees at a reasonable level so that Hosting Users will maximize their use of the MDC. If the Exchange were to set Hosting User Fees at an unreasonable level, it could expect the competitive environment among Hosting Users to wither. Some current Hosting Users would likely exit the MDC, while others would reduce the scope of their operations there, and some may never enter at all, as Hosting Users are not required to be in the MDC. Fewer Hosting Users in the MDC would lead to less competition for the sale of bundles both among Hosting Users and between them and the Exchange, which would likely cause the prices of bundles to rise. This, in turn, would increase Users' and Hosted Customers' overall costs of doing business in the MDC. Some might choose to exit the MDC altogether, while others might seek to reduce their footprint by decreasing the number of cabinets, ports, and power they use, or by reducing the number of third-party data feeds they connect to at the MDC. The Exchange thus has every incentive to set the Hosting User Fees at a rate that is reasonable for Hosting Users, and no incentive to charge any more than that.

The Exchange's experience with growing numbers of Hosted Customers bears this out. The concept of Hosting Users was introduced in 2011. In 2012 no Hosted Customers were reported to the Exchange, 37 were reported in July 2015, and 57 were reported in April 2026.

The expansion of the footprint of Hosting Users increased even more. As noted, in 2012 no Hosting Users were reported. In July 2015, the amount of kW used by Hosting Users was 103 kW, compared to 546 kW as of April 2026—more than five times the amount. Even if the review is limited to Hosting Users that were present under the same name in both July 2015 and April 2026, the growth remains striking, at more than two and a half times the amount used.

Indeed, the Exchange initially allowed Users to host customers–which increased competition in the MDC–because market participants wanted it. As noted above, if Hosting Users did not find they could make money despite the Hosting User Fees, they would exit the MDC. The reality is that Hosting Users may make Hosting User Fees back multitudes of times over by charging Hosted Customers for the space at whatever price the Hosting User wants to charge and Hosted Customers are willing to pay. In this way, anecdotal evidence suggests that it is commercially viable for the Hosting Users to pay Hosting User Fees in the MDC.

In short, the Hosting User Bundles would compete with the proposed 4 kW PCS bundles and would exert significant competitive forces on the Exchange in setting the terms of its proposal, including the level of the Exchange's proposed fees. If the Exchange were to set its proposed fees too high, Users or potential Users could respond by instead selecting other substantially similar bundles in the form of Hosting User Bundles.

Nor does the Exchange have a competitive advantage over Hosting Users by virtue of the fact that it owns and operates the MDC's meet-me-rooms. Users or Hosted Customers would require a circuit connecting out of the MDC, and in most cases, such circuits are provided by third-party telecommunications service providers that have installed their equipment in the MDC's two meet-me-rooms (''Telecoms'').[19] Currently, 17 Telecoms operate in the meet-me-rooms and provide a variety of circuit choices. It is in the Exchange's best interest to set the fees that Telecoms pay to operate in the meet-me-rooms at a reasonable level [20] so that market participants, including Telecoms, will maximize their use of the MDC. By setting the meet-me-room fees at a reasonable level, the Exchange encourages Telecoms to participate in the meet-me-rooms and to sell circuits to Users for connecting into and out of the MDC. These Telecoms then compete with each other by pricing such circuits at competitive rates. These competitive rates for circuits help draw in more Users and Hosted Customers to the MDC, which directly benefits the Exchange by increasing the customer base to whom the Exchange can sell its colocation services, which include cabinets, power, ports, and connectivity to many third-party data feeds, and because having more Users and Hosted Customers leads, in many cases, to greater participation on the Exchange. In this way, by setting the meet-me-room

[17] Securities Exchange Act Release No. 90209 (October 15, 2020), 85 FR 67044, 67049 (October 21, 2020) (Order Granting Accelerated Approval to Establish a Wireless Fee Schedule Setting Forth Available Wireless Bandwidth Connections and Wireless Market Data Connections) (SR–NYSE–2020–05, SR–NYSEAMER–2020–05, SR–NYSEArca-2020–08, SR–NYSECHX–2020–02, SR–NYSENAT–2020–03, SR–NYSE–2020–11, SR–NYSEAMER–2020–10, SR–NYSEArca-2020–15, SR–NYSECHX–2020–05, SR–NYSENAT–2020–08) (''Wireless Approval Order''), citing Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74781 (December 9, 2008) (''2008 ArcaBook Approval Order''). *See NetCoalition* v. *SEC,* 615 F.3d 525 (D.C. Cir. 2010).

[18] Wireless Approval Order, *supra* note 18, at 67049, citing 2008 ArcaBook Approval Order, *supra* note 18, at 74781.

[19] Note that in the case of wireless connectivity, a User in colocation still requires a fiber circuit to transport data. If a Telecom is used, the data is transmitted wirelessly to the relevant pole, and then from the pole to the meet-me-room using a fiber circuit.

[20] *See* Securities Exchange Act Release No. 98001 (July 26, 2023), 88 FR 50196 (August 1, 2023) (SR–NYSECHX–2023–14).

fees at a level attractive to telecommunications firms, the Exchange spurs demand for all of the services it sells at the MDC, while setting the meet-me-room fees too high would negatively affect the Exchange's ability to sell its services at the MDC.[21] Accordingly, there are real constraints on the meet-me-room fees the Exchange charges, such that the Exchange does not have an advantage in terms of costs when compared to third parties that enter the MDC through the meet-me-rooms to provide services to compete with the Exchange's services.

If anything, the Exchange would be subject to a competitive disadvantage vis-à-vis Hosting Users regarding potential bundles. Entities that choose bundles may negotiate terms with a Hosting User through whom such bundle is delivered, in response to competitive forces. Such prices are not required to be filed by any party with the Commission. In contrast, the Exchange's services and pricing would be standardized as set out in this filing, and the Exchange would be unable to respond to pricing pressure from its competitors without seeking a formal fee change in a filing before the Commission.

In sum, because the Exchange is subject to significant competitive forces in setting the terms on which it offers its proposal, in particular because the Exchange believes that there is a substantially similar substitute for PCS bundles, the proposed fees for the 4 kW PCS bundle are reasonable.[22] If the Exchange were to set its prices for the 4 kW PCS bundle at a level that Users found to be too high, Users could easily choose to connect to Hosting User Bundles instead.

For these reasons, the proposed change is reasonable.

The Proposed Change Is Equitable

The Exchange believes that the proposed change provides for the equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers, or dealers because it is not designed to permit unfair discrimination between market participants. Rather, it would apply to all market participants equally.

The PCS bundles were designed to attract smaller Users, including those with minimal power or cabinet space demands or those for which the costs attendant with having a dedicated cabinet or greater network connection bandwidth are too burdensome. As equipment has evolved, even those with minimal demands need more power to meet the requirements of their hardware, such that even smaller Users may not find the existing PCS bundles meet their needs adequately. The proposed 4 kW PCS bundle would be responsive to the evolution of equipment, and so the Exchange believes that its introduction is equitable because it would not force customers to accept a ''one-size-fits-all'' suite of PCS bundles but would instead permit them to tailor their service selection and fees to meet their own individual business models.

Without this proposed rule change, potential Users would have fewer usable options. This would be a detriment for them, especially for potential Users with minimal power or cabinet space demands or those for which the costs attendant with having a dedicated cabinet or greater network connection bandwidth are too burdensome.

In addition, the Exchange believes that the proposal is equitable because only Users that voluntarily select a PCS bundle would be charged for it. As is true now, the PCS bundles would be available to all Users on an equal basis, and all Users that voluntarily choose to purchase a PCS bundle would be charged the same amount, and be subject to the same restrictions, for that bundle.

The Proposed Change Is Not Unfairly Discriminatory

The Exchange believes its proposal is not unfairly discriminatory.

Finally, the Exchange believes that it is subject to significant competitive forces, as described below in the Exchange's statement regarding the burden on competition.

For the reasons above, the proposed changes do not unfairly discriminate between or among market participants that are otherwise capable of satisfying any applicable co-location fees, requirements, terms and conditions established from time to time by the Exchange.

For these reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule changes will not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of Section 6(b)(8) of the Act.[23]

The proposed change does not affect competition among national securities exchanges or among members of the Exchange, but rather between PCS bundles and Hosting User Bundles. The proposed changes would enhance competition by giving smaller Users an option to have a 4 kW PCS bundle to meet their needs. The proposed change may make PCS bundles more attractive to potential Users who might otherwise opt to become Hosted Customers. It would therefore enhance the competitive environment for potential Users, as they would have more options from which to select. This could be especially beneficial for potential Users with minimal power or cabinet space demands or those for which the costs attendant with having a dedicated cabinet or greater network connection bandwidth are too burdensome. At the same time, however, no potential User would be obligated to purchase a PCS bundle, and it would still have the options offered by Hosting Users.

The Exchange believes that the proposed change is a reasonable attempt to maintain a more level playing field between the Exchange and the Hosting Users. Because Hosting Users' services are not regulated, they may offer differentiated pricing and are not required to make their pricing public. The Exchange believes that the proposed change may offer a PCS bundle that is more attractive to potential Users who might otherwise opt to become Hosted Customers.

The Exchange operates in a highly competitive market in which exchanges and other vendors (*i.e.,* Hosting Users) offer co-location services as a means to facilitate the trading and other market activities of those market participants who believe that co-location enhances the efficiency of their operations.

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.'' [24]

For the reasons described above, the Exchange believes that the proposed

[21] *See id*. at 50199. Importantly, the Exchange is prevented from making any alteration to its meet-me-room services or fees without filing a proposal for such changes with the Commission.

[22] *See* Wireless Approval Order, *supra* note 18.

[23] 15 U.S.C. 78f(b)(8).

[24] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

rule changes reflect this competitive environment.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will:

A. by order approve or disapprove such proposed rule change, or

B. institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include file number SR–NYSETEX–2026–22 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–NYSETEX–2026–22. 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–NYSETEX–2026–22 and should be submitted on or before July 13, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[25]

Stephanie J. Fouse,

Assistant Secretary.

[FR Doc. 2026–12411 Filed 6–18–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–105704; File No. SR–NYSEAMER–2026–34]

Self-Regulatory Organizations; NYSE American LLC; Notice of Filing of Proposed Change To Amend Its Rules To Extend Trading Hours for Certain Eligible Equity Options

June 16, 2026.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on June 5, 2026, NYSE American LLC (''NYSE American'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its rules to extend trading hours for certain eligible equity options and make related conforming changes. The proposed rule change is available on the Exchange's website at *www.nyse.com* and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its rules to adopt extended hours trading for certain eligible equity[4] options and make related conforming changes. Specifically, the Exchange proposes to adopt a new Rule 901.1NY to establish two additional trading sessions to its Core Trading Session (9:30 a.m.–4:00 p.m. Eastern Time)[5] and to adopt new Rule 901.2NY to establish and govern the trading of certain eligible equity options during the two newly created trading sessions (*i.e.,* ''Extended Hours Trading''). In addition, the Exchange proposes to amend Rule 952NYP to address the auction process during Extended Hours Trading.

Background

Currently, option transactions may only be made on the Exchange during the Core Trading Session (*i.e.,* 9:30 a.m. through 4:00 p.m. or 4:15 p.m., as applicable).[6] The Core Trading Session is consistent with the regular trading hours of other U.S. options exchanges and U.S. equity exchanges. However, many U.S. equity exchanges and certain other U.S. options exchanges, including Cboe Exchange, Inc. (''Cboe''), presently allow for trading outside of regular trading hours as well.[7]

[25] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] Including Exchange-Traded Funds (''ETF'') and commodity-based trust shares.

[5] Unless noted otherwise, all times in this filing are Eastern Time.

[6] *See* Rule 900.2NY (Definitions). ''The term 'Core Trading Hours' shall mean the regular trading hours for business set forth in the rules of the primary markets underlying those option classes listed on the Exchange; provided, however, that transactions may be effected on the Exchange until the regular time set for the normal close of trading in the primary markets with respect to equity option classes and ETF option classes, and 15 minutes after the regular time set for the normal close of trading in the primary markets with respect to index option classes, or such other hours as may be determined by the Exchange from time to time.'' Per Rule 901NY, Commentary .02, Options on ETFs and Options on Index-Linked Securities (or ETNs) may be traded on the Exchange until 4:15 p.m. each business day. The Exchange proposes a non-substantive change to Rule 901NY, Commentary .02 to provide a beginning and ending time for options on ETFs and options on Index-Linked Securities to align itself with the practices of other options exchanges. See proposed Rule 901NY, Commentary .02.

[7] For example, NYSE Arca Equities currently allows for an Early Trading Session from 4:00 a.m.

Continued

The Exchange believes there is investor demand to trade equity options outside of the Core Trading Session. Securities trading has become a global industry, but investors located outside of the United States may choose not to access U.S. markets during regular trading hours with which the Core Trading Session aligns. The Exchange further believes there is global demand from investors for options on equities for various investment purposes. However, given that equity options trade only during regular trading hours, it is difficult for non-U.S. investors to participate. Additionally, U.S. investors that trade in equities outside of regular trading hours are unable to access the equities options for hedging and other purposes as part of their investment strategies during trading sessions outside of the Exchange's Core Trading Session.

In response, the Exchange proposes to designate equity options that meet certain criteria as eligible for trading outside of its Core Trading Session. Doing so would help align trading in such products to the expanded trading that already occurs for the underlying securities and help meet investor demand to use these products outside of regular trading hours and keep pace with the continuing internationalization of securities markets.

Trading Sessions

Specifically, the Exchange proposes to adopt new Rule 901.1NY (Trading Sessions) to establish two additional separate trading sessions to its Core Trading Session: (i) an early trading session of 7:30 a.m. to 9:25 a.m. (the ''Early Trading Session''); and (ii) a late trading session of 4:00 p.m. to 4:15 p.m. (the ''Late Trading Session'').[8] The Exchange further proposes to adopt new Rule 901.2NY to establish Extended Hours Trading, which, under the proposed rule, will be defined as trading during the Early Trading Session and the Late Trading Session.

Session Designation

Proposed Rule 901.1NY(b) will require that any order entered on the Exchange must include a designation for which trading session(s) the order will remain in effect. Any order without a designation will be rejected. In addition, unless otherwise specified, an order designated for a later trading session will be accepted but not eligible to trade until the designated trading session begins. An order designated for trading session(s) that already ended will be rejected.[9]

Proposed Rule 901.1NY(c) will specify the interaction between the different trading sessions and holidays and shortened trading days. Proposed Rule 901.1NY(c)(1) will provide that if there is no Core Trading Session, there will be no Early Trading Session and no Late Trading Session. Proposed Rule 901.1(c)(2) will provide that on a trading day with a shortened Core Trading Session (*e.g.,* the Exchange is open for a half day of regular trading between 9:30 a.m. through 1 p.m.): (1) the Early Trading Session will occur prior to the shortened Core Trading Session; and (2) the Late Trading Session will commence at the end of the shortened Core Trading Session and continue for 15 minutes (*e.g.,* 1:00 p.m. to 1:15 p.m.).

Extended Hours Trading

As noted above, the Exchange proposes to adopt a new Rule 901.2NY to establish trading during the Early Trading Session and the Late Trading Session, which the proposed Rule defines as ''Extended Hours Trading.'' [10] Proposed Rule 901.2NY, however, will only address the operational and structural differences that are unique to trading outside of Extended Hours Trading while maintaining the applicability of the broader rulebook. Accordingly, proposed Rule 901.2NY(a) provides that, while proposed Rule 901.2NY will apply only to Extended Hours Trading, all rules applicable to options during the Core Trading Session will apply to the extent possible to options during Extended Hours Trading, including, without limitation, trading rules, listing rules and business conduct rules. For instance,

- Consolidated Book or Book: As stated in definition Rule 900.2NY, ''Consolidated Book or Book'' means the Exchange's electronic book of orders and quotes..
- ATP Holders: As stated in Rule 924 ATP Holders including Market Makers must have a Letter of Guarantee from a Clearing Member authorized by the OCC in order to make any transaction on the Floor of the Exchange or through the Facilities of the Exchange. Any Market Maker or Specialist assigned to act in the Early Trading Session and/or the Late Trading Session must comply with the quoting obligations of Rule 925NY and Rule 925.1.
- Risk Controls: The Exchange has various price protection mechanisms and risk controls available to market participants as set forth in Rule 967NY. These will apply in the same manner during the Early Trading Session and the Late Trading as they do during Core Trading Hours.
- Market Orders: User will not be able to submit market orders in equity options during the Early Trading Session and the Late Trading Session.
- Eligible Expirations: The Early Trading Session and the Late Trading Session will utilize existing criteria for listing option series for an option class.
- Market Maker and Specialist Obligations: Market-Maker obligations contained in Rule 925NY and Market Maker and Specialist quoting requirements contained in Rule 925.1NYP apply.

The Exchange recognizes that the proposed Extended Hours Trading is shorter than the extended trading hours for equities, which may commence as early as 4:00 a.m. and conclude as late as 8:00 p.m.[11] Since equity options generally will not trade unless the underlying security also trades, any trading hours outside of regular trading hours (which is aligned with the Exchange's Core Trading Session) available for equity options are limited to extended trading hours available for the underlying equities. Thus, while the proposed Extended Hours Trading for equity options could mirror the extended trading hours available for the underlying equities, the Exchange proposes limiting Extended Hours Trading and establishing trading hours for equity options that are notably shorter than the hours of extended trading for equities.

to 9:30 a.m., a Core Trading Session from 9:30 a.m. until the conclusion of Core Trading Hours or the Core Closing Auction and a Late Trading Session following the Conclusion of the Core Trading Session and to 8:00 p.m. NYSE has an Early Trading Session of 7 a.m. until the opening of the Core Trading Session (9:30 a.m.) for UTP Securities. The Nasdaq Stock Exchange LLC (''Nasdaq'') currently allows for a Pre-Market Hours session from 4:00 a.m. to 9:30 a.m. and a Post-Market Hours session from 4:00 p.m. until 8:00 p.m. See Nasdaq Equity 1, Section 1(a)(20) and (21). Cboe BZX Exchange, Inc. (''BZX'') also allows for an Early Trading Session from 4:00 a.m. to 8:00 a.m., a Pre-Opening Session from 8:00 a.m. to 9:30 a.m., and an After Hours Trading Session from 4:00 p.m. through 8:00 p.m. See BZX Rule 1.5(c), (r), and (ff). Additionally, Cboe currently allows for the trading of certain index options during Global Trading Hours from 8:15 p.m. (previous day) to 9:25 a.m. and during Curb Trading Hours from 4:15 p.m. to 5:00 p.m. *See* Cboe Rule 5.1(c) & (d). In addition, Cboe currently has a pending proposal to allow for the trading of certain eligible multiply-listed equity options during Global Trading Hours and NASDAQ MRX has a pending proposal for the trading of certain eligible multiply-listed equity options during an Early Extended Trading Hours Session. *See* note 33, *infra.*

[8] The Early Trading Session and the Late Trading Session will be classified as distinct sessions from the Core Trading Session to allow ATP Holders granular control over which session their orders participate in.

[9] *See* proposed Rule 901.1NY(b)(1) & (2).

[10] *See* proposed Rule 901.2NY(a).

[11] *See* note 7, supra.

The Exchange believes that the shorter Extended Hours Trading running from 7:30 a.m. to 9:25 a.m. and 4:00 p.m. to 4:15 p.m., rather than hours that align with the full extended trading hours available to the underlying equities, is appropriate because of the lack of industry experience with extended hours trading for equity options that are physically-settled. Limiting the extended window of time for equity options allows for a paced introduction of this new type of trading session for equity options. The limited hours for Extended Hours Trading will allow the Exchange to monitor and assess the development and functioning of Extended Hours Trading markets for equity options. Additionally, the Exchange believes that the proposed timeframe for Extended Hours Trading for equity options can be supported by Market Makers, Specialists and e-Specialists (collectively ''Specialists''), clearing firms, and other market participants from a personnel coverage perspective.

Equity Option Criteria for Extended Hours Trading Eligibility

Extended Hours Trading will allow market participants to engage in trading designated equity options in conjunction with the trading in the underlying securities during these hours. However, since trading in such options is a new initiative, the Exchange proposes to limit the number of equity option classes that may be designated for Extended Hours Trading to 100 option classes. The limit is intended to allow the Exchange to monitor and assess the development and functioning of the new Extended Hours Trading for equity options within a controlled group of equity options initially.

Accordingly, as set forth in proposed Rule 901.2NY(c), only multiply-listed option classes designated for trading under Rule 901 that satisfy certain criteria will be eligible for trading during Extended Hours Trading. The number of eligible equity options shall not exceed 100. However, pursuant to proposed subparagraph (2), the Exchange may also designate as eligible for trading during Extended Hours Trading any equity option that is traded on another exchange during the Early Trading Session, the Late Trading Session or any other trading session that is not the Core Trading Session, and any equity option designated in this manner will not be subject to the 100 multiply listed option class limit established pursuant to this subparagraph.

The criteria and the limit are intended to allow the Exchange to monitor and assess the development and functioning of the Extended Hours Trading markets for equity options within a limited group of equity options initially. In particular, proposed Rule 901.2NY(c) will establish specific eligibility criteria for an equity option class to be eligible for Extended Hours Trading. Accordingly, as proposed, the Exchange may designate as eligible for trading during Extended Hours Trading up to 100 actively-traded and multiply-listed equity option classes that satisfy the following criteria:

(i) the option has an average daily volume of 150,000 contracts;

(ii) the underlying equity to the option has a $50 billion market capitalization; and

(iii) the underlying equity to the option has an average daily trading volume of 10 million shares.

Equity option classes with an underlying security that is an ETF or commodity-based trust share are exempt from the requirement set forth in proposed Rule 901.2NY(c)(ii) in determining eligibility for trading during Extended Hours Trading. The Exchange believes these criteria will help ensure equity options trading during Extended Hours Trading will have sufficient demand and liquidity to support the options markets during the Early and Late Trading Sessions. Additionally, the chosen criteria limits the initial number of equity options eligible for extended trading hours to those most likely to have the most liquidity and avoids options with underlying securities that may have temporarily high volume or market capitalization.

Semi-Annual Review of Equity Option Eligibility for Extended Hours Trading

For the initial process to determine the equity options that meet the criteria in proposed Rule 901.2NY(c), the Exchange will use data from the nearest six-month period ending either June 30 or December 31 prior to launch of equity options trading during Extended Hours Trading. The initial list of options designated for trading in extended trading hours sessions will be announced via the Exchange's Trader Update, as will the first day of trading for equity options during Extended Hours Trading.[12] The Exchange will designate options for trading in the Early and Late Trading Sessions from the equity options meeting the criteria in proposed Rule 901.2NY(c). Qualifying options on ETFs that trade until 4:15 p.m. under existing Rule 901NY Commentary .02 will continue to trade until 4:15 p.m. via the Exchange's Core Trading Session, rather than trading during the Late Trading Session.

Thereafter, the Exchange will identify on a semiannual basis (following each January 1 and July 1) the option classes meeting the criteria in proposed Rule 901.2NY(c) and select up to 100 of such option classes to be designated for trading during Extended Hours Trading. However, the Exchange has discretion to determine which of the eligible option classes will be designated to trade during Extended Hours Trading. The Exchange is not obligated to include all options that meet the criteria for Extended Hours Trading eligibility, and the number of designated equity options may be less than 100 option classes.

The Exchange will conduct a review twice per year to reassess the list of eligible equity options. The Exchange will designate equity options eligible for trading during Extended Hours Trading and publish the updated list of designated equity options via Trader Update. Specifically, as set forth in proposed Rule 901.2NY(c)(3) the Exchange will determine semi-annually the underlying securities that satisfy the eligibility criteria in subparagraph (c) by using trading statistics for the previous six-month period.[13]

If, following the semiannual review, an option that was previously designated for trading in extended trading hours no longer meets the criteria in proposed Rule 901.2NY(c), the Exchange will identify any such equity option class and provide the last day of trading during Extended Hours trading for each such option class in a Trader Update. Equity options identified as no longer meeting eligibility requirements for trading during Extended Hours Trading will be removed from Extended Hours Trading within 18 months of the determination that the option class no longer meets the eligibility criteria, and the last day of trading for any such equity option class during Extended Hours Trading will be communicated via Trader Update.

Providing a notice of removal of an equity option class from Extended Hours Trading up to 18 months after the date the option class is determined to be

[12] The initial listing of equity options for Extended Hours Trading will be selected by the Exchange and is not subject to the listing date requirements of the semiannual review process that will occur after the launch of the new trading sessions.

[13] The Exchange proposes to conduct the bi-annual review as of January 1 and July 1 of each year. As such, the six-month periods will be from January to June, and from July to December each year. The result of the bi-annual review will be announced through Trader Update and any new equity options that qualify would be permitted to trade during Extended Hours Trading beginning on February 1 and August 1 of each year.

no longer eligible for extended trading hours sessions will avoid sudden market disturbances resulting from the abrupt removal of any such option from Extended Hours Trading. Allowing the Exchange to determine a removal date within 18 months ensures that, except for certain longer dated series, open interest existing in the equity option class to be removed from Extended Hours Trading will have generally expired. Additionally, the 18-month period will allow for two additional semiannual review cycles during which equity options previously designated for removal may subsequently meet eligibility criteria again and consequently may continue to trade during Extended Hours Trading pursuant to new Rule 901.2NY(c)(4)(iii).

Whereas the removal process established in new Rule 901.2NY(c)(4) is intended to provide an extended time period for the removal of equity options to avoid sudden market disruptions, the Exchange acknowledges that certain conditions, although unlikely, may warrant an acceleration of removal of an equity option class from Extended Hours Trading. Consequently, new Rule 901.2NY(c)(4)(ii) allows the Exchange to remove an equity option class from trading during Extended Hours Trading prior to the announced removal date if the Exchange observes limited or no market activity during Extended Hours Trading for the option class. If such a condition is observed, the Exchange may remove the option class from trading during Extended Hours Trading with at least seven days' notice. The Exchange may remove the option class from Extended Hours Trading prior to the removal date by issuing a Trader Update designating a new removal date for the option class from Extended Hours Trading.

Additionally, pursuant to proposed Rule 901.2NY(c)(4)(iv), the Exchange may remove any option class from trading in Extended Hours Trading for any reason with at least 30 days' notice. The Exchange expects to use such authority in limited situations, such as in response to Market Maker or Specialist preference or concern regarding continued extended trading hours sessions in a particular option class or the announcement of an unusual corporate action on the underlying equity to an option class (and the effective date of such corporate action is not imminent) that could introduce confusion or uncertainty about the value of an option, thereby significantly reducing liquidity during Extended Hours Trading for the option class. Similarly, the Exchange may immediately remove an option class from Extended Hours Trading if the Exchange deems such action is necessary in the interest of investor protection or the maintenance of fair and orderly markets. The Exchange will provide notice of such determination as soon as practicable after the determination to remove has been made. Any option class designated for removal from Extended Hours Trading pursuant to new Rule 901.2NY(c)(4) and that is included in the 100 multiply-listed option class limit will continue to be included in the 100-option class limit until the removal date of any such option class.

The Exchange may also designate for trading during Extended Hours Trading any equity option that is traded on another exchange during Extended Hours Trading.[14] Similarly, the Exchange may waive the proposed Rule 901.2NY(c) criteria if, during the three days following an underlying security's initial public offering (''IPO'') day, the underlying security has a market capitalization of at least $3 billion based upon the offering price of its IPO, in which case options on the underlying security may be listed and traded during Extended Hours Trading starting on or after the second business day following the IPO day.[15]

In either instance, the eligible equity option will not be counted against the 100-option class limit proposed in Rule 901.2NY(c). The Exchange believes that the exclusion from the 100-option class limit of such equity options initially traded during Extended Hours Trading on another options exchange is appropriate for competitive purposes since such listings can indicate the continued expansion of equity options trading outside of regular trading hours, which align with the Exchange's Core Trading Session. As it related to the IPO waiver, the Exchange believes that the requirements established in proposed Rule 901.2NY(c)(1) will result in the eligibility of equity option classes for Extended Hours Trading with the highest anticipated demand.

Proposed Rule 901.2NY(j) will provide that expiring equity options eligible for trading during Extended Hours Trading shall continue to trade through the Late Trading Session. This is consistent with American-style physical settlement and will allow participants to close expiring positions rather than take or deliver shares.

[14] *See* proposed Rule 901.2NY(c)(2).

[15] *See* proposed Rule 901.2NY(c)(1). The Exchange is aware that other exchanges planning to adopt extended hours trading rules may not waive IPOs from its listing criteria, but believes that its inclusion is appropriate given its positioning as an IPO listing venue.

Session Participation and Trading Activity

As set forth above, any order entered on the Exchange must include a designation for which trading session(s) the order will remain in effect.[16] The Early Trading Session will be electronic only, while the Trading Floor will be open during the Core Trading Session and 4:15 p.m. for certain eligible options.

The queuing for order and market maker quotes for both the Early Trading Session and the Core Trading Session will begin, simultaneously, at 6:00 a.m. and there will be no opening auction for the Late Trading Session orders. The Late Trading Session will overlap with late trading ETFs, which will be in its Core Trading Session. ETF options will not have a Late Trading Session. As noted above, participants may designate orders for participation in certain sessions. Any order designated for less than all sessions will not be included in any session for which it is not eligible.

Market Maker and Specialists will not designate their quotes for a specific trading session. Quotes will persist across sessions. However, to address the potential for different quoting widths and varied Market Maker and Specialist participation across sessions, the Early Trading Session will conclude at 9:25 a.m. (five minutes before the opening of the Core Trading Session).

The Exchange expects reduced liquidity and wider spreads during the Early Trading Session and the Late Trading Session (*i.e.,* Extended Hours Trading). Therefore, the Exchange proposes not to allow market orders [17] during Extended Hours Trading and such orders designated for participation in the Early Trading Session or the Late Trading Session will be rejected.[18] The Exchange believes it is appropriate to not allow Market Orders during Extended Hours Trading in order to protect customers should wide price fluctuations occur due to the potential illiquid and volatile nature of the market or other factors that could impact market activity.

[16] *See* proposed Rule 901.1NY(b) and amended Rule 900.3NYP(a)(1)(A).

[17] A ''Market Order'' is an unpriced order message to buy or sell a stated number of option contracts at the best price obtainable, subject to the Trading Collar assigned to the order. A Market Order may be designated Day or GTC. Unexecuted Market Orders are ranked Priority 1—Market Orders. For purposes of processing Market Orders, the Exchange will not use an adjusted NBBO. *See* Rule 900.3NYP(a)(1).

[18] *See* proposed Rule 901.1NY(d)(1) and proposed Rule 901.2NY(f).

Order Routing

Pursuant to the Options Order Protection and Locked/Crossed Market Plan (''Linkage Plan''),[19] participant exchanges to the Linkage Plan established a framework to provide order protection. The Linkage Plan (and Exchange Rules 991NY and 992NY) will apply during all trading sessions during which multiply-listed options trade.

Rule 964NYP(k) addresses order routing away from the Exchange to promote compliance with the Linkage Plan. As the Exchange may route orders during the Early Trading Session and Late Trading Session in multiply-listed options if another U.S. options exchange lists the same options outside of the Core Trading Session, Rule 964NYP(k) will apply during Extended Hours Trading (*i.e.,* the Early Trading Session and the Late Trading Session). Consequently, ATP Holders may designate an order for routing (or not available for routing) during all trading sessions for multi-listed equity options. The Exchange System is designed to, at all times, prevent trade-throughs and avoid displaying locked/crossed markets in accordance with the Linkage Plan, and, as proposed, ATP Holder orders will be eligible for routing during the Early Trading Session and the Late Trading Session, just as they are during the Core Trading Session.

Opening Process

The Exchange will replicate its current multiply-listed opening process and apply it to the Early Trading Session.[20] Accordingly, the Exchange proposes to amend the Opening Auction Process in Rule 952NYP to incorporate the Early Trading Session for equity options. Specifically, the Exchange proposes to amend Rule 952NYP to add subparagraph (a)(12)(C) which will provide that, similar to the Core Open Auction, the pre-open state for the Early Open Auction begins at 6:00 a.m.[21]

As it relates to Auction Triggers, as that term is defined in Rule 952NYP, the trigger for the Early Open Auction will differ from Core Open Auction. Specifically, the Core Open Auction begins when the Primary Market first disseminates at or after 9:30 a.m. both a two-sided quote and a trade that is at or within the quote.[22] Conversely, under proposed Rule 952NYP(a)(7)(C), the Early Open Auction will begin when any national securities exchange first disseminates in the underlying, at or after 7:30 a.m. Eastern Time, either a two-sided quote or a trade of any size. The Exchange emphasizes that the Auction Trigger for the Early Open Auction is not based on disseminated trades or quotes from the Primary Market and is instead based on trades or quotes from any national securities exchange as not all securities will be trading on their Primary Market during the Early Trading Session (*e.g.,* NYSE-listed securities), and, therefore, an Auction Trigger based on the Primary Market may not occur. An option will not open unless the composite market is within a configured opening collar, although collars may differ for the Early Open Auction.

Market Makers and Market Participants

Pursuant to Rule 924NY, ATP Holders including Market Makers must have a Letter of Guarantee from a Clearing Member authorized by the Options Clearing Corporation (''OCC'') in order to make any transaction on the Floor of the Exchange or through the Facilities of the Exchange. Accordingly, as set forth in proposed Rule 901.2NY(k), any ATP Holder with an effective Letter of Guarantee issued by a Clearing Member and approved by the Options Clearing Corporation may participate in Extended Hours Trading. Participation is voluntary and no additional authorization with the Exchange is required.

Similarly, the participation of a Market Maker appointed in a class of options contracts pursuant to Rule 923NY in the Early Trading Session or the Late Trading Session is voluntary. Accordingly, as set forth in proposed Rule 901.2NY(h), while Market Maker appointments will apply across all three trading sessions and the Market Maker assigned to an option class eligible for trading during the Core Trading Session will automatically receive the appointment in that class during the Early Trading Session and the Late Trading Session, a Market Maker is not required to enter quotations.

However, if a Market Maker chooses to enter quotations in its assigned class during the Early Trading Session or the Late Trading Session it will be subject to its continuous quoting obligation (Rule 923NY). Market Makers will not have a way to designate quotes for a specific session. Upon receipt by the Exchange, the quote will be available for all three sessions, as there will not be automatic cancellation of quotes at the conclusion of a session.

A Market Maker that does not enter quotations during the Early Trading Session or Late Trading Session will not be subject to the continuous quoting obligation. Nevertheless, nothing will relieve the Market Maker of its continuous quoting obligations during the Core Trading Session.[23]

Finally, Specialist allocations will persist across all three sessions. However, like Market Maker assignments, the participation of a Specialist assigned in a class eligible to participate in trading during Extended Hours Trading is voluntary. Accordingly, as set forth in proposed Rule 901.2NY(i)(2), a Specialist allocated such an allocated class may opt out of participating in the Early Trading Session and/or the Late Trading Session.

Disclosures

Proposed Rule 901.2NY(f) will require Participants to make certain disclosures to customers regarding material trading risks that exist during the Early Trading Session and the Late Trading Session (*i.e.* Extended Hours Trading). The Exchange expects overall lower levels of trading during Extended Hours Trading compared with the Core Trading Session. While trading processes during Extended Hours Trading will be substantially similar to trading processes during the Core Trading Session, the Exchange believes it is important for investors, particularly non-professional customers, to be aware of any differences and risks that may result from lower trading levels and thus will require these disclosures.

Proposed Rule 901.2NY(f) will provide that no ATP Holder may accept an order from a customer for execution during Extended Hours Trading without disclosing to that customer that trading during Extended Hours Trading involves, among other things, material trading risks, including the possibility of lower liquidity, high volatility, changing prices, an exaggerated effect from news announcements, wider spreads. The proposed rule provides an example of these disclosures in

[19] The Linkage Plan requires U.S. options exchanges to establish a framework for providing order protection and addressing locked and crossed markets in eligible options classes. The Linkage Plan is a national market system plan approved by the Commission pursuant to Section 11A of the Act and Rule 608 thereunder. The full text of the Linkage Plan is available at *https://www.theocc.com/getcontentasset/7fc629d9-4e54-4b99-9f11-c0e4db1a2266/dfc3d011-8f63-43f6-9ed8-4b444333a1d0/options_order_protection_plan.pdf.*

[20] There will be no opening auction for the Late Trading Session. Trading will continue seamlessly from the Core Trading Session into the Late Trading Session in eligible symbols.

[21] The Exchange also proposes a non-substantive amendment to Rule 952NYP(b) to limit the priority for Market On Open orders to the Core Auction Open and the Trading Halt Auction. As noted above, market orders will not be permitted during the Early Trading Session.

[22] *See* Rule 952NYP(a)(7)(A).

[23] *See* proposed Rule 901.2NY(h)(2).

subparagraphs (1) through (7). The Exchange believes that requiring ATP Holders to disclose these risks to non-member customers will facilitate informed participation in Extended Hours Trading. The required disclosures are materially identical to the disclosure requirements imposed by the Cboe during its Global Trading Hours.[24]

Due to differences in the trading process during the Core Trading Session and Extended Hours Trading, ATP Holders that accept orders from customers during Extended Hours Trading will be required to make certain disclosures to those customers. The requirements addressing the differences between the trading sessions are consistent with the Exchange's goal of permitting ATP Holders, that choose to do so, to trade during Extended Hours Trading without imposing additional burdens on those that do not.[25]

Accordingly, the Exchange will minimize ATP Holder's preparation efforts to the greatest extent possible by allowing ATP Holders to trade during Extended Hours Trading with the same ports and data feeds and employing existing session designations used during the Core Trading Session. Session designation will be controlled via existing order tags; order processing will operate in the same manner during Extended Hours Trading as it does during the Core Trading Session. There will be no changes to the ranking, display, or allocation algorithm rules.

Similarly, there will be no changes to the processes for clearing, settlement, exercise, and expiration.[26] The Exchange notes that the OCC already clears certain ETFs that are eligible pursuant to Exchange Rules to trade until 4:15 p.m. as part of the Core Trading Session. Therefore, the OCC already has the operational functionality to support the proposed Extended Hours Trading for equity options.[27]

In addition, the Options Price Reporting Authority (''OPRA'') will accommodate equity options during Extended Hours trading on the existing lines used during the Core Trading Session. With the exception of imbalance messages, Exchange proprietary data feeds will also be disseminated during Extended Hours Trading using the same formats and delivery mechanisms with which the Exchange disseminates during the Core Trading Session. Finally, price protection mechanisms, participant-level risk controls and obvious error adjustment processes employed during the Core Trading Session shall apply during Extended Hours Trading.[28]

The Exchange understands that systems and other issues may arise and is committed to resolving those issues as quickly as possible, including during Extended Hours Trading. Thus, the Exchange will have appropriate staff available as necessary during Extended Hours Trading to handle any technical and support issues that may arise during those hours. Additionally, the Exchange will have personnel available to address any trading issues that may arise during Extended Hours Trading. The Exchange also will have appropriately trained, qualified regulatory staff in place during Extended Hours Trading to the extent it deems necessary to satisfy its self-regulatory obligations. The Exchange believes its surveillance procedures are adequate to properly monitor trading of eligible equity options during Extended Hours Trading.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Securities Exchange Act of 1934 (the ''Act''),[29] in general, and furthers the objectives of Section 6(b)(5) of the Act,[30] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

The Exchange believes that the proposal would remove impediments to and perfect the mechanism of a free and open market and a national market system by providing a rules framework to support the Exchange's introduction of Extended Hours Trading, which the Exchange believes will increase market accessibility, promote capital formation, and facilitate portfolio management.

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 operates in a highly competitive market. The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [31]

Extended Hours Trading is a competitive initiative designed to improve the Exchange's marketplace for the benefit of investors. The proposed rule changes provide a new investment opportunity within the options trading industry that more closely aligns the Exchange's trading hours with extended trading hours of stock exchanges and other options exchanges.[32] The Exchange believes the competition among exchanges ultimately benefits the entire marketplace. Given the robust competition among options exchanges, innovative trading mechanisms are consistent with the above-mentioned goals of the Act.

The proposed rule change also provides a mechanism for the Exchange to more effectively compete with exchanges located outside the United States. Global markets have become increasingly interdependent and linked through improved communications technology. This has been accompanied by an increased desire among investors to have access to U.S.-listed exchange products outside of regular trading hours, and the Exchange believes this desire extends to equity options. The Exchange believes that its proposal is reasonably designed to provide an appropriate mechanism for trading outside the Core Trading Session while providing for appropriate Exchange oversight and surveillance pursuant to the Act.

As noted above, the Commission has authorized stock exchanges and a small number of options exchanges to be open

[24] *See* Cboe Rule 9.20.

[25] See proposed Rule 901.2NY(g) & (h), permitting Market Makers and Specialists to not participate in trading activity during the Early Trading Session or the Late Trading Session. To the extent that a Market Maker chooses to participate in eth additional trading sessions their quoting obligations are refined in proposed mended Rule 925NY(b)(5).

[26] The Exchange has held discussions with the Options Clearing Corporation, which is responsible for clearing and settlement of all listed options transactions and has informed the Exchange that no operational changes are required for clearance and settlement during Extended Hours Trading. All transactions during Extended Hours Trading will be cleared and settled in the same manner that trades during the Core Trading Session are cleared and settled. It is operationally ready and will use existing processes and marginal requirements.

[27] It is the Exchange's understanding that the OCC intends to make rule filing to allow it to clear non-ETF equity options during extended trading hours being proposed by various exchanges. *See* OCC Memo #59061 (May 28, 2026) *https://infomemo.theocc.com/infomemos?number=59061.*

[28] In addition, the Exchange will continue to explore additional risk controls specific to the Early Trading Session and the Late Trading Session.

[29] 15 U.S.C. 78f(b).

[30] 15 U.S.C. 78f(b)(5).

[31] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (S7–10–04).

[32] *See* note 7, supra.

for trading outside of regular trading hours pursuant to the Act.[33] In addition, the proposal for extended trading hours for certain qualifying equity options is similar to additional proposals under review by the Commission.[34] Thus, the proposed rule change to adopt Extended Hours Trading is not novel or unique. Moreover, the Exchange believes it is reasonable to trade a limited number of equity option classes for which demand is anticipated to be the highest during the Early Trading Session and the Late Trading Session upon implementation of Extended Hours Trading in those options.

With few exceptions, options traded during Extended Hours Trading will be subject to all other rules applicable to options on the Exchange, including, without limitation, listing rules and business conduct rules. These rules have all been previously filed with the Commission and established as being consistent with the goals of the Act. For example, during Extended Hours Trading, rules that protect public customers, impose best execution requirements, and prohibit acts and practices that are inconsistent with just and equitable principles of trade or are otherwise fraudulent or manipulative practices. Similarly, the proposed rule changes offer the same opportunity for price improvement during Extended Hours Trading and applies the same allocation and priority rules that are available on the Exchange during the Core Trading Session. Thus, the Exchange believes that, during Extended Hours Trading, market participants will continue to be protected by the Exchange's rules that promote just and equitable principles of trade and prevent fraudulent and manipulative acts.

Similarly, the proposed rule change requires disclosures that clearly identify the ways in which trading during Extended Hours Trading differs from trading during the Core Trading Session and highlight any related risks. Specifically, the proposed rule change will note that trading during Extended Hours Trading involves material risks, such as, lower liquidity, higher volatility, changing prices, unlinked market, and exaggerated effect from news announcements. This ensures that investors would be aware of any differences among trading sessions before being allowed to participate in Extended Hours Trading. Consistent with the goals of investor protection, the Exchange will not allow Market Orders during Extended Hours Trading due to the expected increased volatility and decreased liquidity during those hours.[35]

Additionally, the Exchange believes that the proposed rule change will foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information. As noted above, trading during Extended Hours Trading will use the same ports and data feeds and order processing will operate in the same manner. Similarly, there will be no changes to the processes for clearing, settlement, exercise, and expiration. Finally, OPRA will accommodate equity options during Extended Hours Trading on the existing lines used during the Core Trading Session and, with the exception of imbalance messages, Exchange proprietary data feeds will also be disseminated during Extended Hours Trading using the same formats and delivery mechanisms with which the Exchange disseminates during the Core Trading Session.

The proposed rule change is also consistent with Section 11A of the Act and Regulation NMS thereunder, because it provides for the dissemination of transaction and quotation information during Extended Hours Trading through OPRA, pursuant to the OPRA Plan, which the Commission approved and indicated as consistent with the Act. As noted above, the Exchange will also comply with the Linkage Plan for all eligible option classes that list and trade on another U.S. options exchange outside of regular trading hours. The proposed rule change will remove impediments to and perfect the mechanism of a free and open market and a national market system because, as noted above, other options exchanges currently offer trading in certain index options outside of regular trading hours.[36] The Exchange believes that the proposed rule change will also help further competition by providing market participants with yet another investment option.

Price protection mechanisms and participant-level risk controls employed during the Core Trading Session will apply during Early Trading Session with necessary session-based modifications made. With respect to this, the Exchange will ensure that adequate staffing is available during Extended Hours Trading to provide appropriate trading support during those hours, as well as Exchange personnel to make any necessary determinations under the rules during Extended Hours Trading. The Exchange is also committed to fulfilling its obligations as a self-regulatory organization at all times, including during Extended Hours Trading. The Exchange believes its surveillance procedures are adequate to properly monitor trading in eligible equity options during Extended Hours Trading.

In addition, while their participation is likewise optional, Market Makers will be subject to continuous quoting obligations during Extended Hours Trading with respect to their option class appointments as they are during the Core Trading Session. In such cases, the Market Maker's quoting activity would be aggregated for all trading sessions to determine whether the Market Maker met its continuous quoting obligations.

The Exchange believes that these provisions reflect different liquidity and participation dynamics of Extended Hours Trading and the Core Trading Session. The Exchange expects lower levels of trading during the Early Trading Session and the Late Trading Session (*i.e.,* Extended Hours Trading) compared to the Core Trading Session, which could result in potentially lower liquidity (including fewer Market Makers quoting) and wider spreads. Accordingly, participation in Extended Hours Trading is voluntary to provide ATP Holders, Market Makers, Specialists and customers with the choice to engage in that market.

If the Exchange required Market Makers to meet continuous quoting obligations during the Early Trading Session and/or the Late Trading Session even though a Market Maker chose not to participate in that session, the Market Maker could be penalized for choosing not to quote during either session while nonetheless meeting their continuous quoting obligations during the Core

[33] Id.

[34] *See* Exchange Act Release No. 105153 (April 4, 2026), 91 FR 18010 (April 9, 2026) (SR–CBOE–2025–079) (Notice of Filing of Amendment No. 1 to a Proposed Rule Change To Allow for Extended Trading of Multi-Listed Equity Options) (''Cboe Notice'') and Exchange Act Release No. 105097 (March 26, 2026), 91 FR 16066 (March 31, 2026) (SR–MRX–2026–11) (Notice of Filing of a Proposed Rule Change To Adopt Extended Trading Hours for Eligible Equity and Index Options) (''MRX Notice''). The Exchange would be in support of harmonization efforts made by the Commission and Market Participants between the NYSE, Cboe, and Nasdaq filings in favor of simplicity for Market Participants, as there exist material differences among the filings. The Exchange would also support such an effort even if it means additional time is needed for discussion between the Commission, Exchanges, and Market Participants beyond the currently proposed timelines.

[35] In addition, the Exchange does not propose to initially offer the following order types during the Early Trading Session and the Late Trading Session: G-'Til-Cancelled Orders, Market-on-Open Orders, Imbalance Offset Orders, Stop Orders, Stop Limit Orders, Complex Orders, Cross Orders, CUBE Orders, Limit-on-Open Orders, Reserve Orders and GTX Orders.

[36] *See* note 7, supra.

Trading Session. The Exchange believes that the proposed trading session-based calculation promotes clarity and would encourage Market Maker and Specialist participation in either the Early Trading Session or the Late Trading Session without inadvertently penalizing them if they choose not to participate in either session for that day.

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.

Intramarket Competition

The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act as all ATP Holders with access to the Exchange may trade during Extended Hours Trading using the same ports and data feeds they use during the Core Trading Session, minimizing any preparation efforts necessary to participate during Extended Hours Trading.

ATP Holders will be authorized, but not required, to participate in trading activity during Extended Hours Trading. As such, the proposal does not impose additional burdens on a ATP Holder, particularly those that do not elect to participate. The Exchange believes the obligations imposed on ATP Holders to be eligible to trade during Extended Hours Trading is an appropriate balance of obligations of additional requirements with the benefits of additional trading sessions.

Intermarket Competition

The Exchange does not believe that the proposed rule change will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act, because the proposed rule change is a new competitive initiative that will benefit the marketplace and investors. The Exchange also believes the proposed rule change will enhance competition by providing new trading sessions to investors that other options exchanges currently are not providing. Additionally, all options exchanges are free to compete in the same manner, including CBOE which had extended hours trading rules similar to those being proposed by the Exchange recently approved. The Exchange does not believe that the level of competition among options exchanges will change during the Core Trading Session because of the introduction of Extended Hours Trading for equity options. The Exchange also believes the proposed rule change would enhance its competitive position internationally by enabling market participants to access its market during hours that overlap with regular trading sessions in non-U.S. jurisdictions.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve or disapprove the proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–NYSEAMER–2026–34 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–NYSEAMER–2026–34. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection.

All submissions should refer to file number SR–NYSEAMER–2026–34 and should be submitted on or before July 13, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[37]

Stephanie J. Fouse,

Assistant Secretary.

[FR Doc. 2026–12410 Filed 6–18–26; 8:45 am]

BILLING CODE 8011–01–P

SOCIAL SECURITY ADMINISTRATION

[Docket No. SSA–2025–0750]

Privacy Act of 1974; Matching Program; Correction

AGENCY: Social Security Administration (SSA).

ACTION: Notice of a new matching program; correction.

SUMMARY: We published notice in the **Federal Register** on May 7, 2026 concerning the continuation of a matching program with the Centers for Medicare & Medicaid Services (CMS). That document contained an incorrect date on which the matching program would be applicable. This notice corrects that error.

FOR FURTHER INFORMATION CONTACT: Interested parties may submit general questions to Andrea Huseth, Division Director, Privacy and Disclosure Policy, Law and Policy, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235–6401, at telephone: (410) 608–9675, or send an email to *Andrea.Huseth@ssa.gov.*

SUPPLEMENTARY INFORMATION: Correction.

On May 7, 2026, we published notice of a matching program in the **Federal Register** (91 FR 24952). The **DATES** section of the May 7, 2026 notice stated, ''The matching program will be applicable on June 20, 2025, or once a minimum of 30 days after publication of this notice has elapsed, whichever is later.'' This notice corrects the **DATES** section to state, ''The matching program will be applicable on June 20, 2026, or once a minimum of 30 days after

[37] 17 CFR 200.30–3(a)(12).

publication of this notice has elapsed, whichever is later.'' This correction makes the dates consistent within the Federal Register Notice itself and aligns the dates with the correct dates specified in the signed agreement between SSA and CMS.

Matthew Ramsey,

Head of Privacy and Disclosure Policy, Law and Policy.

[FR Doc. 2026–12354 Filed 6–18–26; 8:45 am]

BILLING CODE P

SURFACE TRANSPORTATION BOARD

[Docket No. EP 290 (Sub-No. 5) (2026–3)]

Quarterly Rail Cost Adjustment Factor

AGENCY: Surface Transportation Board.

ACTION: Approval of rail cost adjustment factor.

SUMMARY: The Surface Transportation Board has adopted the third quarter 2026 Rail Cost Adjustment Factor and cost index filed by the Association of American Railroads.

DATES: *Applicability Date:* July 1, 2026.

FOR FURTHER INFORMATION CONTACT: Dylan Richmond, (202) 915–0962. If you require an accommodation under the Americans with Disabilities Act, please call (202) 245–0245.

SUPPLEMENTARY INFORMATION: The rail cost adjustment factor (RCAF) is an index formulated to represent changes in railroad costs incurred by the nation's largest railroads over a specified period of time. The Surface Transportation Board (Board) is required by law to publish the RCAF on at least a quarterly basis. Each quarter, the Association of American Railroads computes three types of RCAF figures and submits those figures to the Board for approval. The Board has reviewed the submission and adopts the RCAF figures for the third quarter of 2026. The third quarter 2026 RCAF (Unadjusted) is 1.096. The third quarter 2026 RCAF (Adjusted) is 0.417. The third quarter 2026 RCAF–5 is 0.396. Additional information is contained in the Board's decision, which is available at *www.stb.gov.*

Decided: June 16, 2026.

By the Board, Board Members Fuchs, Hedlund, Kloster and Schultz.

Regena Smith-Bernard,

Clearance Clerk.

[FR Doc. 2026–12476 Filed 6–18–26; 8:45 am]

BILLING CODE 4915–01–P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36847]

Laredo Gateway Industrial Railway—Construction and Operation Exemption—In Webb County, Tex.

On December 8, 2025, Laredo Gateway Industrial Railway, LLC (LGIR), a noncarrier subsidiary of Kraus Development (Kraus), filed a petition for exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10901 to construct and operate a new rail line in Webb County, Tex. (the Line). According to LGIR, the Line would extend approximately 13,707 feet from a switch off the Union Pacific Railroad Company (UP) Laredo Subdivision and terminate within the Gateway Industrial Park (the Park), a new industrial park being developed by Kraus. LGIR explains that although it is seeking operating authority over the Line, it intends to hold only a residual common carrier obligation, as it has entered into an agreement with Iron Horse Resources, Inc. (IHR), to operate the Line. LGIR states that IHR will separately seek Board authority to operate on the Line.

On March 5, 2026, the Board instituted a proceeding under 49 U.S.C. 10502(b). *Laredo Gateway Indus. Ry.—Constr. & Operation Exemption—in Webb Cnty., Tex,* FD 36847 (STB served Mar. 5, 2026).

The Board's Office of Environmental Analysis (OEA) prepared an Environmental Assessment (EA) analyzing the potential environmental impacts of construction and operation of the Line, as required by the National Environmental Policy Act (NEPA), 42 U.S.C. 4321–4370m-11. OEA issued a Draft EA on April 10, 2026, providing a 30-day period for public comments, and a Final EA on May 27, 2026, responding to the comments received and recommending two environmental conditions to avoid, minimize, or mitigate the potential environmental impacts of the proposed construction and operation of the Line.

After considering both the rail transportation merits and the potential environmental impacts, the Board will grant LGIR's petition for exemption, authorizing LGIR to construct and operate over the Line, subject to the environmental mitigation measures set forth in the Appendix to this decision.

Background

According to LGIR, the Line would extend approximately 13,707 feet from a switch off of UP's Laredo Subdivision and terminate within the Park. (Pet. 1–2.) LGIR notes that Kraus is developing the Park to create warehousing for the logistics industry. (*Id.*) The Park is approximately 3,300 acres and is bisected by I–35 and UP's Laredo Subdivision mainline. (*Id.* at 3.) Another segment of the park is divided by state highway 255. (*Id.*) LGIR states that the Line will not cross any public rights-of-way, will be supported by sidings, and will connect with customers via private industrial tracks. (*Id.*) LGIR further notes that it has entered into an agreement with IHR to be the common carrier operator on the Line and granted IHR the right to conduct ancillary railroad operations depending on available commercial opportunities. (*Id.*)

LGIR argues that construction and operation of the Line would ''serve shippers utilizing the port-of-entry at Laredo.'' (*Id.* at 2.) According to LGIR, the Laredo Port of Entry has the largest freight volume of the ports of entry along the southern border and is the fastest growing in terms of rail and truck traffic. (*Id.*) LGIR states that over half of the current Laredo truck traffic utilizes local warehouses and transloads commodities from truck to truck before transporting commodities across the U.S.-Mexico border, and that it would like to construct the Line to provide shippers with a rail alternative at the Park so that commodities may be transloaded between truck and rail and interchanged with UP. (*Id.*) LGIR posits that the Class I rail carriers in the area are not primarily focused on serving local traffic in the region because they are primarily focused on their own respective cross-border rail traffic in the region; therefore, it ''sees a gap in the marketplace for local rail freight accessibility and local rail/truck transloading capacity that will produce manifest carloads of rail traffic.'' (*Id.* at 2–3.)

A letter supporting LGIR's petition was filed by Webb County Judge Tano E. Tijerina on December 10, 2025. (*See* Tijerina Ltr., Dec. 10, 2025.)

Discussion

Rail Transportation Policy Analysis. The construction and operation of new railroad lines requires prior Board authorization, either through a certificate under 49 U.S.C. 10901 or, as requested here, an exemption under 49 U.S.C. 10502 from the prior approval requirements of section 10901. ''In either case, the [statute] expresses a clear presumption in favor of approving railways.'' *Seven Cnty. Infrastructure Coal.* v. *Eagle Cnty.,* 605 U.S. 168, 194 (2025) (Sotomayor, J., concurring); *see also N. Plains Res. Council* v. *STB,* 668 F.3d 1067, 1091–92 (9th Cir. 2011)

(agreeing that there is a statutory ''presumption for construction''); *Mid States Coal. for Progress* v. *STB,* 345 F.3d 520, 552 (8th Cir. 2003) (same). Section 10901(c) directs the Board to grant rail construction proposals unless it finds the proposal ''inconsistent with the public convenience and necessity.'' 49 U.S.C. 10901(c); *see Mid States,* 345 F.3d at 552 (quoting current 49 U.S.C. 10901(c)); *Alaska R.R.—Constr. & Operation Exemption—a Rail Line Extension to Port MacKenzie, Alaska,* FD 35095, slip op. at 5 (STB served Nov. 21, 2011) (addressing the Board's construction exemption process), *aff'd sub nom. Alaska Survival* v. *STB,* 705 F.3d 1073 (9th Cir. 2013).

Under section 10502(a), the Board shall, to the maximum extent consistent with U.S. Code Title 49, subtitle IV, part A, exempt a proposal to construct and operate a new rail line from the prior approval requirements of section 10901 when the Board finds that: (1) application of those procedures is not necessary to carry out the rail transportation policy (RTP) of 49 U.S.C. 10101; and (2) either (A) the proposal is of limited scope, or (B) the full application procedures are not necessary to protect shippers from an abuse of market power.

Based on the record, the proposed construction and operation—which was unopposed on the transportation merits—qualifies for an exemption under section 10502 from the formal application procedures of section 10901. The record shows that construction of the Line would provide a new rail transportation option to customers within the Park, thus allowing some commodities to be transloaded and transported via rail rather than truck. (Pet. 2.)

The construction and operation of the Line supports the RTP. By creating a freight rail option for customers in the Park, the Line would help ensure the development and continuation of a sound rail transportation system with effective competition among rail carriers and other transportation modes, to meet the needs of the public. 49 U.S.C. 10101(4). Moreover, by creating an opportunity for diversion of traffic from truck to rail, the Line would increase overall energy efficiency, thereby encouraging and promoting energy conservation. 49 U.S.C. 10101(14). In addition, by exempting the proposed construction and operation from the requirements of section 10901, the Board would promote the RTP by minimizing the need for federal regulatory control over the rail transportation system and reducing regulatory barriers to entry into the industry. 49 U.S.C. 10101(2), (7). Other aspects of the RTP would not be adversely affected.

Consideration of the proposed construction and operation of the Line under section 10901 also is not necessary to protect shippers from an abuse of market power.[1] As explained, the Line would enhance competition by creating new rail service where it does not currently exist, thereby providing an alternative mode of transportation for customers at the Park.

Environmental Analysis. NEPA requires that the Board examine the potential environmental impacts of Board actions that fall within the statutory definition of ''major federal action.'' *See* 42 U.S.C. 4336e(10); 49 CFR 1105.5. The Board's decision whether to authorize the construction of a new rail line as proposed, deny the proposal, or grant it with conditions (including environmental mitigation conditions), is a ''major Federal action'' requiring environmental review. *See Lone Star R.R.—Track Constr. & Operation Exemption—in Howard Cnty., Tex.,* FD 35874, slip op, at 4 (STB served Mar. 3, 2016). The Board has ''substantial discretion'' in assessing the facts relevant to its environmental review and the relevant impacts. *Seven Cnty.,* 605 U.S. at 181. It also has ''broad latitude'' to ''draw a 'manageable line''' regarding the scope of its inquiry. *Id.* at 182 (citing *DOT* v. *Pub. Citizen,* 541 U.S. 752, 767 (2004)). NEPA does not require that the Board evaluate potential environmental effects arising from ''future or geographically separate projects,'' ''particularly'' those over which the Board does not ''exercise regulatory authority.'' *Id.* at 186–89; *see also id.* at 186–87 (''Importantly, the textually mandated focus of NEPA is the 'proposed action'—that is, the project at hand—not other future or geographically separate projects that may be built (or expanded) as a result of or in the wake of the immediate project under consideration.'') (citing 42 U.S.C. 4332(2)(C)).

Moreover, while NEPA prescribes a process that must be followed, it does not mandate a particular result. *See id.* at 177 (citing *Robertson* v. *Methow Valley Citizens Council,* 490 U.S. 332, 350 (1989)). Nor does NEPA otherwise impose any ''*substantive* constraints on the agency's ultimate decision to build, fund, or approve a proposed project.'' *Id.* at 180 (emphasis in original); *see also Robertson,* 490 U.S. at 350–51. Rather, in making such decisions, the Board may ''weigh environmental consequences as [it] reasonably sees fit under its governing statute and any relevant substantive environmental laws.'' *See Seven Cnty.,* 605 U.S. at 173, 177 (citing *Robertson,* 490 U.S. at 350).

There has been a thorough environmental and historic review in this case. The Draft EA considered both LGIR's proposed action and the no-action alternative. OEA analyzed the potential environmental and historic impacts that could result from both construction and operation of the Line. (Draft EA S–3.) The Draft EA concluded that LGIR's proposed action would result in minimal to no impacts in several environmental resource areas, including water, cultural resources, freight rail safety, grade crossing safety and delay, noise, air quality, energy, visual quality, geology and soils, and hazardous waste sites (*Id.,* 3–1 to 3–3). OEA recommended two mitigation measures to minimize potential impacts to biological resources and cultural resources. (*Id.* at S–3 to S–4.) OEA developed these measures to ensure compliance with the Migratory Bird Treaty Act (16 U.S.C. 703–712) and with the Unanticipated Discoveries Statement included in the Phase 1 Cultural Resources Survey Report. (*Id.* at S–3 to S–4; 3–16 to 3–17; 3–21.) The Draft EA also explained that an Environmental Impact Statement (EIS) is unnecessary and that an EA is the appropriate level of environmental documentation for this case. (*Id.* at 1–4.)

OEA received three comments on the Draft EA. (*See* Final EA 4.) The Environmental Protection Agency noted that it ''has no comments to provide on this document.'' (*Id.*) The Texas Commission on Environmental Quality commented that the Federal Clean Air Act's general conformity requirements do not apply for this action, that it does not anticipate long-term environmental impacts to water provided that construction and waste disposal activities follow applicable laws and regulations and best management practices are used for controlling runoff from construction sites, and that any debris or waste disposal should be at appropriate facilities. (*Id.*) As explained in the Draft EA, LGIR is required to obtain a Texas Pollutant Discharge Elimination System Permit, which includes construction best management practices to control erosion and reduce the amount of sediment and pollutants entering surface waters and waters of the U.S. (Draft EA at 3–7; Final EA at 5.) The U.S. Army Corps of Engineers commented that the proposal does not require a permit ''based on a dry land

[1] Given this finding regarding the lack of need for shipper protection, the Board need not determine whether the transaction is limited in scope. 49 U.S.C. 10502(a)(2).

approved jurisdictional determination for the footprint of the project only.'' (*Id.* at 5.) The Final EA, issued on May 27, 2026, noted the comments and determined that they did not require any changes to the analysis in the Draft EA or the recommended mitigation. (*Id.* at 4–5.)

The Board will adopt the analysis and conclusions made by OEA in the EA, including OEA's recommended environmental mitigation measures. (*See id.* at 3.) The Board is satisfied that OEA has appropriately examined the potential environmental and historic impacts associated with the proposed construction and operation of the Line and properly determined that with the environmental mitigation recommended in the Final EA, the proposed Line will not have potentially significant environmental impacts, and that preparation of an EIS is unnecessary.

Conclusion

Construction and operation of the Line will create a new freight rail option for customers at the Park. With OEA's final recommended mitigation, there will be no potential for significant environmental impacts. The Line will facilitate the diversion of traffic from truck to rail, thereby increasing overall energy efficiency and reducing emissions from trucks. After carefully considering the transportation merits and environmental issues, the Board, considering the entire record, finds that the petition for exemption to allow LGIR's construction and operation of the approximately 13,707-foot line of railroad in Webb County assessed in the Draft and Final EAs should be granted, subject to compliance with the environmental mitigation measures in the Appendix.

It is ordered:

1. Under 49 U.S.C. 10502, the Board exempts LGIR's construction and operation of the Line from the prior approval requirements of 49 U.S.C. 10901.

2. The Board adopts the environmental mitigation measures set forth in the Appendix to this decision and imposes them as conditions to the exemption granted here.

3. Notice will be published in the **Federal Register**.

4. Petitions for reconsideration must be filed by July 7, 2026.

5. This decision is effective on the date of service.

Decided: June 16, 2026.

By the Board, Board Members Fuchs, Hedlund, Kloster, and Schultz.

Jeffrey Herzig,

Clearance Clerk.

Appendix

Biological Resources

MM-Biological-01. To ensure compliance with the Migratory Bird Treaty Act (16 U.S.C. 703–712), LGIR shall clear vegetation in preparation for construction of the rail line before or after the breeding bird nesting season to avoid inadvertent removal of active nests (*i.e.,* nesting adults, young, or eggs). If clearing is required during nesting season, LGIR shall consult with U.S. Fish and Wildlife Service on appropriate nest survey methods prior to any clearing or construction activities.

Cultural Resources

MM-Cultural-01. LGIR shall comply with the ''Unanticipated Discoveries Statement: Provisions for the Unanticipated Discovery of Archaeological Sites, Associated Artifacts, and/or Human Remains During Construction Activities'' in the *Phase I Cultural Resources Survey for the Laredo Gateway Industrial Railway, LLC—Construction and Operation Exemption—Line of Railroad, Webb County Texas.* The statement includes a plan for the unanticipated discovery of archaeological sites or associated artifacts during construction activities, including procedures for notifying OEA and the appropriate Texas State Historic Preservation Officer or Tribal Historic Preservation Officer, pursuant to 36 CFR 800.13(b) in the event of an unanticipated discovery.

[FR Doc. 2026–12416 Filed 6–18–26; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Public Notice: Design Challenge for National Memorial to Fallen Highway Workers in Work Zones

AGENCY: Federal Highway Administration (FHWA), U.S. Department of Transportation (DOT).

ACTION: Notice; design challenge.

SUMMARY: FHWA invites detailed proposals for the design, construction, and installation of a National Fallen Highway Workers Memorial. Proposals should demonstrate both a compelling design vision and a feasible approach to implementation. This memorial will honor the American workers who have lost their lives in highway work zones and serve as a national symbol of the ongoing commitment to work zone safety.

DATES: Submissions must be received on or before October 20, 2026.

ADDRESSES: Submissions should be emailed to: *WZMemorial@dot.gov.*

FOR FURTHER INFORMATION CONTACT: For questions about this notice, please contact David Johnson, FHWA Office of Operations, at (202) 366–1301 or via email at *david.johnson@dot.gov.* For legal questions, please contact Ailya Zaidi, FHWA Office of the Chief Counsel, (404) 562–3670, or via email at *ailya.zaidi@dot.gov.* Office hours for FHWA are from 8:00 a.m. to 4:30 p.m., E.T., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access and Filing

An electronic copy of this document may be downloaded from the Office of the Federal Register's website at: *www.FederalRegister.gov* and the U.S. Government Publishing Office's website at: *www.GovInfo.gov.*

Purpose

Highway workers play a vital role in building and maintaining the Nation's transportation system, often under dangerous conditions. The National Fallen Highway Workers Memorial will honor those who have lost their lives in work zones by recognizing their service, sacrifice, and lasting impact. The intent of the memorial is not only to provide a place of remembrance and education, but also to serve as a visible reminder to the public that every work zone is a place where lives are at risk.

This Design Challenge seeks to identify creative visions that balance solemnity, education, and approachability, while also ensuring the memorial remains meaningful and relevant over time. Respondents are encouraged to consider designs that can evolve as needed, whether through updates, additions, or adaptable elements, so that the memorial continues to reflect current realities and sustain its impact for future generations. These designs should set this memorial apart from existing memorials through innovative design and a unique expression of purpose.

This Design Challenge is an invitation to gather detailed design proposals for a memorial dedicated to workers who have lost their lives in work zones. The purpose is to enable interested stakeholders to provide input, facilitate dialogue, and galvanize action towards resolving a serious transportation challenge on the national transportation network. This notice is for planning and information purposes only. It does not constitute a Request for Proposal (RFP) or a promise to issue an RFP in the future.

Background

Work zone safety is not just about rules; it's about saving lives. As more roads and infrastructure projects are built across the country, highway workers face daily risks from speeding traffic and driver inattention. Even with improved safety measures, too many lives are still being lost.

A National Crisis: From 2020 to 2024, the National Highway Traffic Safety Administration reported 4,481 deaths in work zones. Many of these crashes are preventable and often involve distracted driving, speeding, or failure to follow traffic controls. During that same period, the Bureau of Labor Statistics recorded 536 highway worker deaths. These individuals were delivering essential work—repairing roads, maintaining infrastructure, and supporting safe travel—when they were killed on the job.

The Opportunity: Though these numbers show the scale of the problem, they do not fully capture the human impact. Behind every statistic is a person, a family, and a community affected by loss. The National Fallen Highway Workers Memorial presents an opportunity to both honor those individuals and address a critical gap in public awareness. By creating a space for reflection and remembrance, the memorial will serve as an educational tool—helping visitors and motorists understand the importance of work zone safety and the consequences of unsafe driving. Thoughtful design will be essential to ensure the memorial is meaningful, durable, and integrated with its surroundings, creating a lasting landmark that resonates with the public and reinforces the shared responsibility to protect highway workers.

Prize: The Design Challenge for National Memorial to Fallen Highway Workers in Work Zones offers a total prize of $5,000. The prize recognizes public creativity and reflects the technical rigor of its contestants. The winning design will be featured on official DOT communication platforms, serving as exemplars for future projects.

Challenge

1. Design Request

FHWA is seeking detailed design proposals for a memorial to honor workers who have lost their lives due to work zone crashes.

The goal of this Design Challenge is to identify innovative design approaches that:

- *Memorializes:* Provides a space for reflection, remembrance, and opportunities for the public to actively engage with the installation.
- *Educates the Public:* Highlights the need for highway maintenance and work zones and solidifies the importance of work zone safety.
- *Integrates with the Environment:* Creates a landmark that is durable, manageable, and aesthetically resonant with its surroundings.

Proposed Design Tracks

To ensure the memorial reaches as many people as possible and maintains a lasting legacy, FHWA is soliciting information on two distinct physical formats. Applicants may choose to submit design concepts for Track A, Track B, or both.

Track A: The Mobile Memorial (Indoor-Outdoor)

This track focuses on a versatile, transportable installation that can serve as a Federal centerpiece for National Work Zone Awareness Week events, safety conferences, and State Departments of Transportation events. FHWA is considering a memorial that can be displayed outside for up to 90 days at a time and moved indoors as necessary. Please consider the following factors:

- *Scale and Presence:* Ensure high visibility while blending seamlessly into the environment with the constraints of being up to 6′ (width) x 4′ (depth) x 6′ (height).
- *Mobility:* Disassembled and reassembled by a small crew (4–6 people) within a 48-hour window and can it be easily packed, moved, and stored.
- *Informative:* Memorialize and educate the public regarding the importance of work zone safety and the consequences of unsafe driving.
- *Climate Adaptability:* Ensure the memorial remains pristine when moved from a climate-controlled indoor atrium to an unsheltered outdoor viewing space.
- *Lighting:* Illuminated at night to ensure beauty and viewability.
- *Logistics:* Weight and dimension constraints for transporting the memorial.
- *Circuit:* For the temporary memorial, which national landmarks or annual events (*e.g.,* National Work Zone Awareness Week, Safety Conventions) would provide the highest impact and engagement? How can the memorial be made interactive for event participants?
- *Fabrication timeline:* Timeframe to create and install the memorial.

Track B: The Permanent Indoor Memorial at DOT (Washington, District of Columbia.)

This track focuses on a fixed landmark of national significance. Please consider the following factors:

- *Scale and Presence:* Ensure high visibility while blending seamlessly into the environment with the constraints of being up to 4′ (width) x 2′ (depth) x 4′ (height).
- *Informative:* Memorialize and educate employees and visitors regarding the importance of work zone safety and the consequences of unsafe driving.
- *Structural Longevity:* Engineering solutions (*e.g.,* seismic anchors) which will minimize the long-term fiscal burden on DOT for maintenance.
- *Fabrication timeline:* Timeframe to create and install the memorial.

2. Submission Requirements

Interested firms or individual artists should submit the following:

- *Design Concept Description:* A brief explanation of how the memorial educates and increases awareness for work zone safety.
- *Medium type identification:* Artwork, structure, statue, etc.
- *Material identification:* Identify primary materials (*e.g.,* bronze, weathering steel, digital screens, etc.).
- *Preliminary Sketches/Renderings/Diagrams:* Visual representations of the proposed design concept.
- *Qualifications:* Links to previous public works or architectural projects, if applicable.
- *Preliminary Design Schedule:* A high-level timeline from design finalization through fabrication and installation
- *Preliminary Cost Estimate:* A non-binding cost estimate (not to exceed $50,000) for the design, materials, fabrication, installation, and maintenance.

3. Eligibility

In the case of an individual, whether participating singly or in a group, shall be a citizen or permanent resident of the United States and in the case of a private entity, shall be incorporated in and maintain a primary place of business in the United States. Applicants may not be a Federal entity or Federal employee acting within the scope of their employment.

4. Rules

Payment of the Prize

Cash prize awarded under this Challenge will be paid to the designated individual or Team Lead directly by

DOT through electronic funds transfer. Winner(s) will be responsible for any applicable local, State, and Federal taxes and reporting that may be required under applicable tax laws. DOT will comply with the Internal Revenue Service withholding and reporting requirements, where applicable. For designs submitted by a team, following payment to the Team Lead, DOT will not be involved in determining how prize money is divided or distributed amongst the team members.

Usage of Artificial Intelligence (AI)

Any use of AI tools (*i.e.,* generative AI or large language model [LLM, *e.g.,* ChatGPT]) in the preparation of the design submission must be disclosed. If AI tools were used, indicate what AI tool(s) were used, the approximate percentage of the document that was generated or assisted by AI, and briefly describe the purpose (*e.g.,* language enhancement, content generation) of such use. Each team or applicant remains fully responsible for verifying the accuracy, originality, and ethical integrity of all content, including AI-generated portions. DOT reserves the right to reject any paper submission that may have used AI in an unethical or illegal manner.

Representation, Warranties, and Indemnification

By entering the Challenge, each applicant or participant represents, warrants, and covenants as follows:

- Applicant is the sole author, creator, and owner of their submission;
- The submission is not the subject of any actual or threatened litigation or claim;
- The submission does not and will not violate or infringe upon the intellectual property rights, privacy rights, publicity rights, or other legal rights of any third party;
- The submission does not and will not contain any harmful computer code (sometimes referred to as ''malware,'' ''viruses,'' or ''worms''); and
- The submission, and contestants' use of the submission, does not and will not violate any applicable laws or regulations.
- Applicant agrees to assume any and all risks and waives claim against the Federal Government and its related entities, except in the case of willful misconduct, for any injury, death, damage, or loss of property, revenue, or profits, whether direct, indirect, or consequential, arising from their participation in a prize competition, whether the injury, death, damage or loss arises through negligence or otherwise.

If an applicant or participant is unable to make any of the warranties as stated above, that applicant or participant must provide a clear written explanation of the reason(s) it cannot make any specific warranty. DOT will, in its sole discretion, determine whether such explanations are sufficient and acceptable.

Intellectual Property of Submissions

Applicants can utilize intellectual property developed prior to this prize competition as a part of their submission. Neither DOT nor anyone acting on its behalf will obtain any rights in intellectual property developed prior to or during this prize competition without the prior written consent of the participant. By participating in the prize competition, the participant is not granting rights in any patents, pending patent applications, or copyrights related to the technology described in their submission. However, by submitting their entry, the participant is granting DOT and any parties acting on its behalf certain limited rights as set forth herein.

By virtue of their submission to this prize competition, participants grant to DOT and any parties acting on their behalf the right to:

1. Review, screen, and evaluate submitted materials per the Evaluation Criteria as detailed below.

2. Use the submitted materials in formulation for the design of a memorial.

3. Describe the submission in any materials created in connection with this prize competition.

Participant further grants DOT, and anyone acting on its behalf the right to publicize participant's name and, as applicable, the name of participant's team members or the name of any entity that assisted in preparing participant's submission. Such authority includes posting or linking to the participant's submission on DOT websites, including the Challenge website, and inclusion of the participant's submission in any other media, worldwide, subject to the above restrictions relating to confidential business information. More specifically, such authority includes the right to copy, distribute, publicly display, and publicly perform all parts of participant's submission that would not otherwise be exempt from disclosure under the Freedom of Information Act.

Note: DOT reserves the right, in its sole discretion, to (a) cancel, suspend, or modify the Challenge, and (b) not award any prize if no entries are deemed worthy.

5. Judging

Submissions will be evaluated by a multidisciplinary technical review team of DOT experts representing varied backgrounds. The evaluation criteria for these submissions include:

- how effectively the submission memorializes fallen workers in work zones with dignity, clarity, and emotional impact
- how effectively the submission educates, engages, and creates public awareness around work zone safety
- how effectively the submission integrates with the environment and enhances the surrounding context without disruption
- how effectively the submission encourages reflection, visitation, and sustained public engagement over time
- how effectively the submission demonstrates feasibility within realistic cost constraints, including fabrication, installation, and lifecycle costs
- how effectively the submission can be produced within a reasonable implementation timeline
- how effectively the submission demonstrates durability and minimizes maintenance requirements
- how effectively the submission supports efficient assembly, disassembly, and transport for portable or temporary installations
- how effectively the submission provides access to all public and ensures their safety

All submissions will be evaluated using the above criteria. Proposals will then be assigned an overall qualitative rating of Highly Recommended, Recommended, or Not Recommended, reflecting the extent to which they satisfy the stated evaluation criteria and objectives of the memorial design challenge. They will support their ratings of Highly Recommended with comments on strengths, ratings of Recommended with comments on strengths and some weaknesses, and their ratings of Not Recommended with comments on weaknesses or deficiencies. For evaluation purposes, strengths are considered an outstanding or exceptional approach to addressing the criteria. Weaknesses are considered a flaw or gap in how the proposal addresses the criteria. Finally, a deficiency is considered a potential significant flaw or shows incomplete, inadequate, or missing information to address the criteria.

6. How to Enter

To participate in the Design Challenge for National Memorial to Fallen

Highway Workers in Work Zones, please follow the submission process below.

1. Email all submissions to: *WZMemorial@dot.gov.*

2. Include the following information with your submission:

- *Submitter Information:* Contact details for the individual or team lead.
- *Submission Details:* Identification of design concepts for Track A, Track B or both and all submission requirements.
- *Valid Email Address:* You must provide a valid and active email address.

3. Submission requirements:

- File size should not exceed 50MB.
- PDF files are preferred.
- Zip files will not be accepted.

Applicants will receive an email confirmation within 3 business days of submission.

Timeline and Delivery of Submittal

Submittals should be submitted within 120 days after this announcement is published in the **Federal Register**. FHWA may request additional clarification to responses directly related to this Design Challenge through direct contact with respondents.

Authority: 15 U.S.C. 3719.

Sean McMaster,

Administrator, Federal Highway Administration.

[FR Doc. 2026–12440 Filed 6–18–26; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2026–0727]

Agency Information Collection Activities: Request for Comments for a New Information Collection

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice and request for comments.

SUMMARY: The FHWA has forwarded the information collection request described in this notice to the Office of Management and Budget (OMB) to approve a new information collection. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by July 22, 2026.

ADDRESSES: You may submit comments identified by DOT Docket ID Number 0727 by any of the following methods:

Website: For access to the docket to read background documents or comments received go to the Federal eRulemaking Portal: Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.

Fax: 1–202–493–2251.

Mail: Docket Management Facility, U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590–0001.

Hand Delivery or Courier: U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mahmmud Yousef, (407) 506–8858, Office of Infrastructure, Federal Highway Administration, Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590. Office hours are from 7 a.m. to 4 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: We published a **Federal Register** Notice with a 60-day public comment period on this information collection on September 19, 2025, at [90 FR 44754]. The notice received four comments. The comments and FHWA's responses are below:

The first comment: Maryland DOT

- *The full intent of the question is unclear. If the intent of the question is whether FHWA needs information about damage sustained to roads or bridges during a natural disaster, before authorizing Emergency Relief funds, the answer is yes. If the question is asking whether the DDIR as described is the appropriate method to communicate this information, the answer would depend on how the information is currently gathered and communicated. The document is unclear on this. Is there a shortcoming or problem with the existing method(s)? If there is no current formal, standardized method to communicate this information to FHWA when applying for Emergency Relief, then the DDIR seems reasonable.*

Lastly, this DDIR should only be applicable to unusual natural disasters or emergencies and should not be a part of the National Bridge Inspection Standards or the Specifications for the National Bridge Inventory.

○ *FHWA's response:* This is not a new document requirement but an update to the existing DDIR (Form FHWA–1547). The update provides applicants with clearer guidance on the information needed for FHWA to determine site eligibility under the Emergency Relief (ER) program, including proposed resiliency improvements. The DDIR has long been used to document disaster-related damage and support eligibility determinations. The revisions are intended to improve the consistency and completeness of information submitted to FHWA, particularly for proposed resiliency improvements, rather than establish a new reporting requirement. The DDIR is used to assess site eligibility and estimate repair costs and is not part of the National Bridge Inspection Standards or National Bridge Inventory specifications.

- *Two hours for the assessment is too low. To fully provide the information described, ensuring all the requirements and formatting is addressed, gathering photos, maps, providing cost estimates for repairs, and contracting methods—this takes more than 2 hours. Additionally, it is unclear whether the burden is intended to include all the preparation time of visiting the site, gathering the data, taking the photos, developing the cost estimates and repair plans. To do all of this could take weeks, or much more depending on the nature of the situation. If the intent of the burden is to exclude all this work and simply prepare a report after all of the information is documented, then 4 to 6 hours may be more appropriate. The annual burden listed assumes 56 assessments. It is unclear where this number comes from. If the implication is that a state may see 56 natural disasters or emergencies in one year, it seems high. If the implication is that a natural disaster or emergency could damage multiple facilities, which could each require its own assessment, the number may be reasonable, but the document is unclear on this.*

There needs to be more clarity about how much detail is to be provided for the cost estimate of the emergency repairs and permanent repairs. What level of detail is going to be required? Do they expect bid items since they request a proposed contracting method?

○ FHWA's response: *Taking into consideration the time required to conduct site assessments, gather supporting documentation (including photographs, maps, repair information, and cost estimates), prepare a single DDIR, and submit it to FHWA for review, we have increased the estimated burden from 2 hours to 168 hours per DDIR. The initial estimate is only considered burden for the submission and approval of DDIRs, rather than preparation.*

With respect to the annual estimate of 56 assessments, this number represents one potential respondent from each

State, the District of Columbia, and U.S. Territories that may utilize the DDIR process. It does not represent the anticipated number of assessments occurring within a single State each year.

Regarding cost estimates, the DDIR is intended to provide preliminary, planning-level estimates. States may develop these estimates using statewide average costs, recent similar projects, existing contracts, historical bid data, or other reasonable methodologies that can be justified. Detailed engineer's estimates or bid items are not required at the DDIR stage because the document is prepared before a project is advertised for bids. The proposed contracting method is included for planning purposes and does not require the development of contract bid schedules.

- *What type of evaluation or documentation is expected to be included in this report for the ''potential for resilience improvements, ensuring compliance with federal requirements that promote cost-effective measures to minimize future damage and repair needs''? They appear to expect a lot of detail since the report is to be the ''foundation for determining eligibility'' for ER program.*

○ FHWA's response: *The DDIR is used to determine eligibility of a damaged site and the proposed scope of work under the ER program. For proposed resilience improvements that exceed current standards, applicants should provide documentation demonstrating compliance with 23 U.S.C. 125(d)(2)(A)(ii), typically through a cost-benefit analysis or similar economic evaluation. This documentation should support the idea that the proposed resilience measure is cost-effective and would reduce future damage and repair costs comparted to restoring the facility to current standards. The level of detail should be sufficient for FHWA to assess eligibility and determine whether the proposed resilience improvement meets ER program requirements.*

- *The number of hours to generate this report seems unrealistic, if it is to include all that is being requested.*

○ *FHWA's response: Taking into consideration the time required to conduct site assessments, gather supporting documentation (including photographs, maps, repair information, and cost estimates), prepare a single DDIR, and submit it to FHWA for review, we have increased the estimated burden from 2 hours to 168 hours per DDIR.*

The Second comment: Virginia DOT

- *The current DDIR is burdensome, repetitive, and can create inconsistencies between state DOTs and FHWA. VDOT recommends streamlining ER funding by using disaster imagery and damage-based estimates to provide funding more quickly, with actual costs reconciled after project completion. They also note that extensive documentation requirements can delay recovery efforts and sometimes outweigh the benefits of the funding received.*

○ *FHWA's response: This comment is not directly related to the DDIR form*

- *VDOT recommends that FHWA factor in additional time in calculating the estimate of the actual burden per assessment. FHWA's estimated burden of 2 hours per each assessment significantly underestimates the actual burden. FHWA's estimate of the number of hours spent per DDIR appears to only include office time spent gathering previously collected data. However, data collection in the field is required to complete a DDIR, and travel times alone are often an hour or more between individual sites, which would greatly increase the estimated burden. FHWA should include an estimate of the time spent collecting data and documentation for the DDIR. The public burden estimates should be based on median time per DDIR for years in which a DDIR was completed; not averages or medians which include years when no DDIR was completed. In VDOT's experience, documentation for each DDIR (site) requires between 20 to 24 hours per assessment. For example, VDOT's experience for the 68 DDIRs related to the Helene storm has been that it took over 1,632 hours (204 days) to complete the 68 DDIRs.*

○ *FHWA's response: Taking into consideration the time required to conduct site assessments, gather supporting documentation (including photographs, maps, repair information, and cost estimates), prepare a single DDIR, and submit it to FHWA for review, we have increased the estimated burden from 2 hours to 168 hours per DDIR.*

- *VDOT recommends that FHWA streamline and standardize the DDIR process by implementing a GIS-based nationwide data collection tool, establishing a consistent national review process, and providing greater FHWA involvement in post-disaster assessments to better understand state burdens. VDOT also suggests developing an ER toolkit with standardized contracts and agreements, allowing geographically related DDIRs to be combined to reduce duplication, and enhancing the PIDP system by improving functionality, reducing repetitive uploads, enabling edits and deletions, extending session timeouts, and allowing batch submissions and document uploads.*

○ *FHWA's response: This comment is not directly related to the DDIR form.*

Additionally, FHWA is working to provide State DOTs with multiple options for conducting damage assessments. The DDIR is one tool available to States that choose to use it. Other available tools include the Policy Information Data Portal (PIDP) and the Mobile Solution for Assessment & Reporting (MSAR). Both platforms enable State DOTs to collect site assessment data and submit it electronically to FHWA.

- *VDOT recommends that FHWA provide clearer guidance on performing permanent repairs alongside emergency repairs to streamline eligibility and approval processes. They also suggest reducing administrative burden by shifting from auditing every DDIR to a sample-based audit approach aligned with State DOT oversight practices, rather than treating each DDIR as a separate audited project.*

○ *FHWA response: This comment is not directly related to the DDIR form.*

The third comment: *VDOT submitted the same comments twice.*

The fourth comment: Anonymous.

- *I am requesting Approval for this new agency collection for the Emergency Relief Program and Projects under the Federal Highway Administration, the Secretary of Homeland Security the Department of Defense DOD Resources, the Secretary of Defense, the Office of Management and Budget, the Office of the Chief information Officer, Secretary the Governor of Louisiana, Department of State and the Department of the Treasury, and al l related agencies and departments involved, on my behalf and request to allow for Federal aid authorization from the Highway Trust Fund and the Robert T. Stafford Disaster Relief and Emergency Assistance Act of January 1, 201 6 applicable under the Disaster Relief Acts of 1970 and 1974. This will support the Organizational Excellence Strategic Goal for personnel designation and operational needs accordingly. Tre projects for Relief include for adequate debris removal and wreckage under regulations of the Disaster Contract Improvement Act and the Oversight on Debris Removal compliance and indemnification requirements for the relief, assistance, recovery and support to carry out procedures as defined for disaster relief operations to be implemented immediately.*

○ *FHWA response: This comment is not directly related to the DDIR form.*

Title: Site Assessment Report—Detailed Damage Inspection Report (DDIR).

Background: A Detailed Damage Inspection Report (DDIR) is an official document prepared under the Federal Highway Administration's (FHWA) Emergency Relief (ER) Program, authorized by Title 23 of the United States Code. The purpose of the DDIR is to provide a thorough assessment of roadway and bridge damage caused by natural disasters or catastrophic events, such as floods, hurricanes, earthquakes, or other emergencies.

The report documents the specific site location, roadway classification, and jurisdiction, along with detailed descriptions of the observed damage. It also includes supporting documentation such as photographs, maps, and inspection notes to establish the nature and extent of the damage. Cost estimates for both emergency repairs and permanent repairs are included, along with proposed contracting methods.

Additionally, the DDIR evaluates the potential for resilience improvements, ensuring compliance with federal requirements that promote cost-effective measures to minimize future damage and repair needs. The completed report serves as the foundation for determining eligibility of a site under the ER program.

In addition to establishing site eligibility, the DDIR is also used to develop the Program of Projects required under 23 U.S.C. 125, which compiles all eligible sites and their associated cost estimates.

Respondents: 50 State DOTs, local and state governments, District of Columbia, Commonwealth of Puerto Rico, United States territories of American Samoa, Guam, N. Marina Is., and the Virgin Islands (4 territories), etc.

Frequency: One per damaged site.

Estimated Average Burden per Response: 168 hours per each assessment.

Estimated Total Annual Burden Hours: The total annual burden hours are 9,408 hours.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FHWA's performance; (2) the accuracy of the estimated burdens; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic technology, without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended; and 49 CFR 1.48.

Issued on: June 16, 2026.

Jazmyne Lewis,

Information Collection Officer.

[FR Doc. 2026–12357 Filed 6–18–26; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2026–0040]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of applications for exemption; request for comments.

SUMMARY: FMCSA announces receipt of applications from six individuals for an exemption from the prohibition in the Federal Motor Carrier Safety Regulations (FMCSRs) against persons with a clinical diagnosis of epilepsy or any other condition that is likely to cause a loss of consciousness or any loss of ability to control a commercial motor vehicle (CMV) to drive in interstate commerce. If granted, the exemptions would enable these individuals who have had one or more seizures and are taking anti-seizure medication to operate CMVs in interstate commerce.

DATES: Comments must be received on or before July 22, 2026.

ADDRESSES: You may submit comments identified by Docket No. FMCSA–2026–0040 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *www.regulations.gov,* insert the docket number (FMCSA–2026–0040) in the keyword box and click ''Search.'' Next, choose the only notice listed, and click on the ''Comment'' button. Follow the online instructions for submitting comments.
- *Mail:* Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, W58–213, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, W58–213, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* (202) 493–2251.

To avoid duplication, please use only one of these four methods. See the ''Public Participation'' portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, FMCSA, DOT, 1200 New Jersey Avenue SE, Washington, DC 20590–0001; (202) 366–4001; *fmcsamedical@dot.gov.* Office hours are 8:30 a.m. to 5 p.m. ET Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Dockets Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Submitting Comments

If you submit a comment, please include the docket number for this notice (FMCSA–2026–0040), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *https://www.regulations.gov/docket/FMCSA-2026-0040.* Next, choose the only notice listed, click the ''Comment'' button, and type your comment into the text box on the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. FMCSA will consider all comments and material received during the comment period.

B. Confidential Business Information (CBI)

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to the notice contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to the

notice, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission that constitutes CBI as ''PROPIN'' to indicate it contains proprietary information. FMCSA will treat such marked submissions as confidential under the Freedom of Information Act, and they will not be placed in the public docket of the notice. Submissions containing CBI should be sent to Brian Dahlin, Chief, Regulatory Evaluation Division, Office of Policy, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590–0001 or via email at *brian.g.dahlin@dot.gov.* At this time, you need not send a duplicate hardcopy of your electronic CBI submissions to FMCSA headquarters. Any comments FMCSA receives not specifically designated as CBI will be placed in the public docket for this notice.

C. Viewing Comments

To view comments, go to *www.regulations.gov,* insert the docket number (FMCSA–2026–0040) in the keyword box and click ''Search.'' Next, choose the only notice listed, and click ''Browse Comments.'' If you do not have access to the internet, you may view the docket online by visiting Dockets Operations in Room W58–213 of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m. ET Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

D. Privacy Act

In accordance with 49 U.S.C. 31315(b)(6), DOT solicits comments from the public on the exemption request. DOT posts these comments, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice DOT/ALL–14 FDMS (Federal Docket Management System), which can be reviewed under the ''Department Wide System of Records Notices'' link at *https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices.* The comments are posted without edit and are searchable by the name of the submitter.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315(b) to grant exemptions from the FMCSRs. FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including the applicant's safety analysis. The Agency must provide an opportunity for public comment on the request.

The Agency reviews the application, safety analyses, and public comments submitted and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level of safety that would be achieved absent such exemption, pursuant to the standard set forth 49 U.S.C. 31315(b)(1). The Agency must publish its decision in the **Federal Register** (49 CFR 381.315(b)). If granted, the notice will identify the regulatory provision from which the applicant will be exempt, the effective period, and all terms and conditions of the exemption (49 CFR 381.315(c)(1)). If the exemption is denied, the notice will explain the reason for the denial (49 CFR 381.315(c)(2)). The exemption may be renewed (49 CFR 381.300(b)). FMCSA grants medical exemptions from the FMCSRs for a 2-year period to align with the maximum duration of a driver's medical certification.

III. Background

The physical qualification standard for drivers regarding seizures and loss of consciousness provides that a person is physically qualified to drive a CMV if that person has ''no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control'' a CMV (49 CFR 391.41(b)(8)). To assist in applying this standard, FMCSA publishes guidance for medical examiners (ME) in the form of medical advisory criteria in Appendix A to 49 CFR part 391.[1] In 2007, FMCSA published recommendations from a Medical Expert Panel (MEP) that FMCSA tasked to review the existing seizure disorder guidelines for MEs.[2] The MEP performed a comprehensive, systematic literature review, including evidence available at the time. The MEP issued recommended criteria to evaluate whether an individual with a history of epilepsy, a single unprovoked seizure, or a provoked seizure should be allowed to drive a CMV.

On January 15, 2013, FMCSA began granting exemptions, on a case-by-case basis, to individual drivers from the physical qualification standard regarding seizures and loss of consciousness in 49 CFR 391.41(b)(8) (78 FR 3069). The Agency considers the medical advisory criteria, the 2007 MEP recommendations, any public comments received, and each individual's medical information and driving record in deciding whether to grant the exemption.

The six individuals listed in this notice have requested an exemption from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8). Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by statute.

IV. Qualifications of Applicants

Bryce Bandelin

Bryce Bandelin is a 26-year-old class D license holder in Minnesota. He has a history of seizure disorder and has been seizure free since May 1, 2021. He takes anti-seizure medications with the dosage and frequency remaining the same since May 1, 2021. His physician states that they are supportive of him receiving an exemption.

Ross Bierman

Ross Bierman is a 44-year-old class A commercial driver's license (CDL) holder in Illinois. He has a history of a single unprovoked seizure and has been seizure free since April 8, 2013. He takes an anti-seizure medication with the dosage and frequency remaining the same since June 2025. His physician states that they are supportive of him receiving an exemption.

Romain Brady

Romain Brady is a 32-year-old class D license holder in New York. He has a history of epilepsy and has been seizure free since 2023. He takes an anti-seizure medication with the dosage and frequency remaining the same since April 2023. His physician states that they are supportive of him receiving an exemption.

Richard Charron

Richard Charron is a 38-year-old class E license holder in Florida. He has a history of epilepsy and has been seizure free since 2023. He takes an anti-seizure medication with the dosage and frequency remaining the same since September 2023. His physician states that they are supportive of him receiving an exemption.

[1] Appendix A to Part 391, Title 49, available at *https://www.ecfr.gov/current/title-49/part-391/appendix-Appendix* A to Part 391.

[2] ''Expert Panel Recommendations, Seizure Disorders and Commercial Motor Vehicle Driver Safety,'' Medical Expert Panel (Oct. 15, 2007), available at *https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/2020-04/Seizure-Disorders-MEP-Recommendations-v2-prot%2010152007.pdf.*

Douglas Metzler

Douglas Metzler is a 37-year-old class AM CDL holder in Pennsylvania. He has a history of a single provoked seizure and has been seizure free since June 11, 2023. He discontinued all anti-seizure medication in November 2023. His physician states that they are supportive of him receiving an exemption.

George Wilhoit

George Wilhoit is a 55-year-old class A CDL holder in Pennsylvania. He has a history of seizure disorder and has been seizure free since December 13, 2023. He takes an anti-seizure medication with the dosage and frequency remaining the same since December 2023. His physician states that they are supportive of him receiving an exemption.

V. Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315(b), FMCSA requests public comment from all interested persons on the exemption applications described in this notice. FMCSA will consider all comments received before the close of business on the closing date indicated under the **DATES** section of the notice.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2026–12455 Filed 6–18–26; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2026–0562]

Agency Information Collection Activities; New Information Collection: Techniques for Preventing and Enforcing Controlled Substance and Alcohol Violations Among Non-Commercial Driver's License Commercial Motor Vehicle Drivers

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FMCSA announces its plan to submit the Information Collection Request (ICR) described below to the Office of Management and Budget (OMB) for review and approval and invites public comment. This notice invites comments on a proposed information collection titled ''Techniques for Preventing and Enforcing Controlled Substance and Alcohol Violations Among Non-CDL Commercial Motor Vehicle Drivers.'' This research study will collect data from State partner agency representatives to assess ways to address controlled substance and alcohol violations among non-commercial driver's license (CDL) commercial motor vehicle (CMV) drivers and improve abilities to prevent, detect, and enforce these violations.

DATES: Comments on this notice must be received on or before August 21, 2026.

ADDRESSES: You may submit comments identified by Docket Number FMCSA–2026–0562 using any of the following methods:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Dockets Operations; U.S. Department of Transportation, W58–213, 1200 New Jersey Avenue SE, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Dockets Operations, U.S. Department of Transportation, W58–213, 1200 New Jersey Avenue SE, Washington, DC, 20590–0001 between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.
- *Fax:* (202) 493–2251.

To avoid duplication, please use only one of these four methods. See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: Marcelo Perez, Senior Transportation Specialist, Applied Research Division, FMCSA, 300 E 8th Street, Suite 130; Austin, TX 78701; (512) 916–5473; *marcelo.perez@dot.gov.*

SUPPLEMENTARY INFORMATION:

Instructions

All submissions must include the Agency name and docket number. For detailed instructions on submitting comments, see the Public Participation heading below. Note that all comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below.

Public Participation and Request for Comments

If you submit a comment, please include the docket number for this notice (FMCSA–2026–0562), indicate the specific section of this document to which your comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so FMCSA can contact you if there are questions regarding your submission.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing.

FMCSA will consider all comments and material received during the comment period.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its regulatory process. DOT posts these comments, including any personal information the commenter provides, to *www.regulations.gov* as described in the system of records notice DOT/ALL 14 (Federal Docket Management System (FDMS)), which can be reviewed at *https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices.* The comments are posted without edits and are searchable by the name of the submitter.

Background

Substance use among CMV drivers continues to be a serious concern, despite strict regulations aimed at preventing drug and alcohol offenses. A recent study conducted in 2022 found that nearly one in five CMV drivers tested positive for controlled substances, with alcohol and Tetrahydrocannabinol showing up in 4 percent of samples and opiates detected in 1.5 percent.[1] Similarly, 2022 data from FMCSA revealed 2.8 percent of fatal crashes involving large trucks involved truck drivers with a blood alcohol concentration (BAC) of .08 or higher, double the legal limit for Commercial Driver's License (CDL) holders (0.04 BAC).[2] Additionally, about 5.5 percent of CMV drivers involved in fatal crashes tested positive for illicit drugs, though testing was not

[1] Soccolich, S.A., Camden, M.C., Glenn, T.L., Links-Owens, C., Hall, A., Hodge, J., & Hanowski, R.J. (2022). *Estimating the prevalence of synthetic cannabinoid use among commercial motor vehicle drivers: Developing a pilot test to collect data on substance use.* Report No. 22–UI–104. National Surface Transportation Safety Center for Excellence.

[2] FMCSA. (2025). *Large Truck and Bus Crash Facts 2022.* Publication No. FMCSA–RRA–24–001. Washington, DC: USDOT.

conducted for all drivers.[3] These findings highlight the heightened risks posed by substance use among CMV drivers, with research showing that alcohol presence can increase crash risk by two to four times.[4]

To combat these risks, DOT has implemented strict testing requirements for CDL CMV drivers, including pre-employment testing (for drugs), random drug and alcohol tests, reasonable suspicion drug and alcohol testing, and post-crash drug and alcohol testing under certain conditions. FMCSA has established a Drug and Alcohol Clearinghouse, which helps employers and government agencies (*e.g.,* FMCSA and State Driver Licensing Agencies) track violations and ensure drivers with violations have completed DOT's return-to-duty process before resuming safety-sensitive functions. However, non-CDL CMV drivers who operate smaller CMVs are not subject to these same requirements. Adding to the complexity are the varied and inconsistent nationwide enforcement practices of alcohol and drug regulations. This underscores the need for a more unified approach to regulating and enforcing substance use policies for all CMV drivers. Strengthening oversight and ensuring consistent enforcement across states is critical to improving safety on our roads and protecting lives.

The purpose for obtaining data in this study is to assess ways to address controlled substance and alcohol violations among non-CDL CMV drivers to improve State partners' resources and abilities to prevent, detect, and enforce these violations. The primary aim of this study is to gain insight and document agency needs, knowledge gaps, technological limitations, financial shortfalls, and opinions related to strategies for improving aspects of the CMV safety program. Findings from this study may provide insight to improve State partners' resources and abilities to prevent, detect, and enforce controlled substance and alcohol violations among non-CDL CMV drivers.

Additional investigations in this study, briefly described here, are not included in the remainder of this document because the data collection designs are not applicable to OMB review. A separate data collection task with seven focus groups was performed with law enforcement officers and other State agency representatives from U.S. States with high rates of drug and alcohol violations among non-CDL drivers. This task gathered insights from officers and agency representatives on best practices, recommendations, and lessons learned, based on their experience, regarding the prevention, detection, and enforcement of drug and alcohol violations for non-CDL vehicle operators. Further, a study of existing Federally managed crash and violation data (sourced from the following databases: Motor Carrier Management Information System, Fatality Analysis Reporting System, Crash Report Sampling System, and General Estimates System) was conducted to explore drug and alcohol violation trends over time for CDL and non-CDL CMVs.

This study will collect data via an online survey tool, Qualtrics, from State agency partner representatives from select States to collect data on agency needs, knowledge gaps, technological limitations, financial shortfalls, and opinions on strategies for improving CMV safety programs related to controlled substance and alcohol violations among non-CDL CMV drivers. To protect privacy, Qualtrics' geo-coding functionality will be disabled during the survey. The survey is designed by State agency representatives with firsthand knowledge and direct experience in enforcement activities and policy implementation within their organization will be recruited to complete the survey, ensuring responses reflect operational realities. The targeted States for the survey include the District of Columbia, Louisiana, Texas, Connecticut, California, Oregon, Michigan, New Jersey, Virginia, Illinois, and North Carolina. If five States cannot be secured from the initial list, FMCSA will provide additional candidate States.

Participants will access the survey via a secure link and will be consented in accordance with Institutional Review Board protocols. To ensure maximum participation and completion, the survey will be self-guided, concise (up to 30 minutes long), and formatted for easy comprehension. Qualtrics, Virginia Tech's dedicated survey tool, will be used to disseminate, collect, and organize responses securely. The research team aims to gather 30 to 60 responses per State (up to 300 total responses across at least 5 and up to 10 States).

The study data will be summarized to provide information on the survey topics as shared directly by law enforcement officers and State agency representatives. This approach is appropriate for the study's sampling strategy as the focus is on understanding patterns, challenges, and operational needs in addressing controlled substance and alcohol violations among non-CDL CMV drivers rather than making population-level inferences. There is no formal stratification in the sample design; however, where response volume allows, the analysis may descriptively group responses by factors such as State, agency type, or officer role to highlight patterns in the data. These groupings will be exploratory and will not be used for any statistical inference. For open-ended responses from the survey, the research team will follow a qualitative structured approach based on the framework analysis method, adapted to focus on highlighting agency needs and challenges for detecting, preventing, and enforcing drug and alcohol violations among non-CDL CMV drivers. This method will provide a systematic way to summarize the data collected from law enforcement personnel. The team will chart open-ended comments in spreadsheets, grouped by theme and subtheme. Finally, the team will interpret the data to uncover deeper insights and highlight needs, barriers, and suggestions for improvement as self-reported by the participants. This approach will allow the research team to provide a well-rounded understanding of the experiences, barriers, and needs from the field as reported directly by those on the front lines of CMV enforcement.

Title: Techniques for Preventing and Enforcing Controlled Substance and Alcohol Violations Among Non-Commercial Driver's License Commercial Motor Vehicle Drivers.

OMB Control Number: 2126–XXXX.

Type of Request: New ICR.

Respondents: State partner agency representatives directly involved in inspection activities, as well as those involved with managing enforcement officials and/or programs.

Estimated Number of Respondents: 30 to 60 survey responses per State, resulting in a total of at least 150 and up to 300 survey responses from State agency representatives directly involved in inspection activities or managing enforcement officials and/or programs.

Estimated Time per Response: 30 minutes.

Expiration Date: N/A. This is a new ICR.

Frequency of Response: Once.

Estimated Total Annual Burden: 200 hours.

Definitions:

[3] FMCSA. (2007). *The Large Truck Crash Causation Study: Analysis brief.* Publication No. FMCSA–RRA–07–017. Washington, DC: USDOT.

[4] Lacey, J., Kelley-Baker, T., Berning, A., et al. (2016). *Drug and alcohol crash risk: A case-control study.* Report No. DOT HS 812 355. Washington, DC: National Highway Traffic Safety Administration.

Non-CDL CMV: A vehicle that is used in interstate commerce and

- has an actual weight or weight rating over 10,000 pounds (lbs.), but does not meet the definition of a CDL-required CMV; or
- seats between 9 and 15 (including the driver) and the company is being compensated for providing the transportation; and
- does not require placards.

CDL-required CMV: a vehicle that is used in interstate commerce and

- weighs over 26,000 lbs.; or
- transports 16 or more passengers (including the driver); or
- transports hazardous materials.

Prevention: Efforts to deter impaired operation of CMV's before it occurs.

Detection: Awareness of key indicators of impaired CMV operators.

Enforcement: Carrying out appropriate protocols/procedures after a CMV driver has been identified as driving impaired.

Public Comments Invited

You are asked to comment on any aspect of this information collection, including: (1) whether the proposed collection is necessary for the performance of FMCSA's functions; (2) the accuracy of the estimated burden; (3) ways for FMCSA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized without reducing the quality of the collected information. The Agency will summarize or include your comments in the request for OMB's clearance of this ICR.

Issued under the authority of 49 CFR 1.87.

Nicole S. Michel,

Acting Associate Administrator, Office of Research and Registration.

[FR Doc. 2026–12509 Filed 6–18–26; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2013–0108; FMCSA–2015–0115; FMCSA–2015–0321; FMCSA–2021–0026; FMCSA–2022–0042; FMCSA–2022–0043; FMCSA–2024–0021]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew exemptions for 13 individuals from the requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) that interstate commercial motor vehicle (CMV) drivers have ''no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV.'' The exemptions enable these individuals who have had one or more seizures and are taking anti-seizure medication to continue to operate CMVs in interstate commerce.

DATES: Each group of renewed exemptions were applicable on the dates stated in the discussions below and will expire on the dates provided below. Comments must be received on or before July 22, 2026.

ADDRESSES: You may submit comments identified by Docket No. FMCSA–2013–0108, FMCSA–2015–0115, FMCSA–2015–0321, FMCSA–2021–0026, FMCSA–2022–0042, FMCSA–2022–0043, or FMCSA–2024–0021, as appropriate, using any of the following methods:

- *Federal eRulemaking Portal:* Go to *www.regulations.gov,* insert the docket number (FMCSA–2013–0108, FMCSA–2015–0115, FMCSA–2015–0321, FMCSA–2021–0026, FMCSA–2022–0042, FMCSA–2022–0043, or FMCSA–2024–0021, as appropriate) in the keyword box and click ''Search.'' Next, sort the results by ''Posted (Newer-Older),'' choose the first notice listed, and click on the ''Comment'' button. Follow the online instructions for submitting comments.
- *Mail:* Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, W58–213, Washington, DC 20590–0001.
- *Hand Delivery of Courier:* Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, W58–213, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* (202) 493–2251.

To avoid duplication, please use only one of these four methods. See the ''Public Participation'' portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, FMCSA, DOT, 1200 New Jersey Avenue SE, Washington, DC 20590–0001; (202) 366–4001; *fmcsamedical@dot.gov.* Office hours are from 8:30 a.m. to 5 p.m. ET Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Dockets Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Submitting Comments

If you submit a comment, please include the docket number for this notice (FMCSA–2013–0108, FMCSA–2015–0115, FMCSA–2015–0321, FMCSA–2021–0026, FMCSA–2022–0042, FMCSA–2022–0043, or FMCSA–2024–0021), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *www.regulations.gov,* insert the docket number (FMCSA–2013–0108, FMCSA–2015–0115, FMCSA–2015–0321, FMCSA–2021–0026, FMCSA–2022–0042, FMCSA–2022–0043, or FMCSA–2024–0021) in the keyword box and click ''Search.'' Next, sort the results by ''Posted (Newer-Older),'' choose the first notice listed, click the ''Comment'' button, and type your comment into the text box on the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. FMCSA will consider all comments and material received during the comment period.

B. Confidential Business Information (CBI)

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to the notice contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to the notice, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission that constitutes CBI as

''PROPIN'' to indicate it contains proprietary information. FMCSA will treat such marked submissions as confidential under the Freedom of Information Act, and they will not be placed in the public docket of the notice. Submissions containing CBI should be sent to Brian Dahlin, Chief, Regulatory Evaluation Division, Office of Policy, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590–0001 or via email at *brian.g.dahlin@dot.gov.* At this time, you need not send a duplicate hardcopy of your electronic CBI submissions to FMCSA headquarters. Any comments FMCSA receives not specifically designated as CBI will be placed in the public docket for this notice.

C. Viewing Comments

To view comments, go to *www.regulations.gov.* Insert the docket number (FMCSA–2013–0108, FMCSA–2015–0115, FMCSA–2015–0321, FMCSA–2021–0026, FMCSA–2022–0042, FMCSA–2022–0043, or FMCSA–2024–0021) in the keyword box and click ''Search.'' Next, sort the results by ''Posted (Newer-Older),'' choose the first notice listed, and click ''Browse Comments.'' If you do not have access to the internet, you may view the docket online by visiting Dockets Operations in Room W58–213 of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m. ET Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

D. Privacy Act

In accordance with 49 U.S.C. 31315(b)(6), DOT solicits comments from the public on the exemption request. DOT posts these comments, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice DOT/ALL–14 FDMS (Federal Docket Management System), which can be reviewed under the ''Department Wide System of Records Notices'' link at *https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices.* The comments are posted without edit and are searchable by the name of the submitter.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315(b) to grant exemptions from the FMCSRs. FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including the applicant's safety analysis. The Agency must provide an opportunity for public comment on the request.

The Agency reviews the application, safety analyses, and public comments submitted and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level of safety that would be achieved absent such exemption, pursuant to the standard set forth in 49 U.S.C. 31315(b)(1). The Agency must publish its decision in the **Federal Register** (49 CFR 381.315(b)). If granted, the notice will identify the regulatory provision from which the applicant will be exempt, the effective period, and all terms and conditions of the exemption (49 CFR 381.315(c)(1)). If the exemption is denied, the notice will explain the reason for the denial (49 CFR 381.315(c)(2)). The exemption may be renewed (49 CFR 381.300(b)).

III. Background

The physical qualification standard for drivers regarding seizures and loss of consciousness provides that a person is physically qualified to drive a CMV if that person has ''no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control'' a CMV (49 CFR 391.41(b)(8)). To assist in applying this standard, FMCSA publishes guidance for medical examiners (MEs) in the form of medical advisory criteria in Appendix A to 49 CFR part 391.[1] In 2007, FMCSA published recommendations from a Medical Expert Panel (MEP) that FMCSA tasked to review the existing seizure disorder guidelines for MEs.[2] The MEP performed a comprehensive, systematic literature review, including evidence available at the time. The MEP issued recommended criteria to evaluate whether an individual with a history of epilepsy, a single unprovoked seizure, or a provoked seizure should be allowed to drive a CMV.

On January 15, 2013, FMCSA began granting exemptions, on a case-by-case basis, to individual drivers from the physical qualification standard regarding seizures and loss of consciousness in 49 CFR 391.41(b)(8) (78 FR 3069). The Agency considers the medical advisory criteria, the 2007 MEP recommendations, any public comments received, and each individual's medical information and driving record in deciding whether to grant the exemption.

The 13 individuals listed in this notice have requested renewal of their exemptions from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8), in accordance with FMCSA procedures. Accordingly, FMCSA has evaluated these applications for renewal on their merits and decided to extend each exemption for a renewable 2-year period.

IV. Request for Comments

Interested parties or organizations possessing information that would show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if the person has failed to comply with the terms and conditions of the exemption, or if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of Title 49, chapter 313 or section 31136, FMCSA will take immediate steps to revoke the exemption of a driver.

V. Basis for Renewing Exemptions

In accordance with 49 U.S.C. 31136(e) and 31315(b), each of the 13 applicants have satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition. The 13 drivers in this notice remain in good standing with the Agency, have maintained their medical monitoring and have not exhibited any medical issues that would compromise their ability to safely operate a CMV during the previous 2-year exemption period. In addition, the Agency has reviewed each applicant's certified driving record from their State Driver's Licensing Agency (SDLA). The information obtained from each applicant's driving record provides the Agency with details regarding any moving violations or reported crash data, which demonstrates whether the driver has a safe driving history and is an indicator of future driving performance. If the driving record revealed a crash, FMCSA requested and reviewed the related police reports and other relevant documents, such as the citation and conviction information. These factors provide an adequate basis for predicting each driver's ability to continue to safely operate a CMV in

[1] Appendix A to Part 391, Title 49, available at *https://www.ecfr.gov/current/title-49/part-391/appendix-Appendix* A to Part 391.

[2] ''Expert Panel Recommendations, Seizure Disorders and Commercial Motor Vehicle Driver Safety,'' Medical Expert Panel (Oct. 15, 2007), available at *https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/2020-04/Seizure-Disorders-MEP-Recommendations-v2-prot%2010152007.pdf.*

interstate commerce. Accordingly, FMCSA concludes that extending the exemption for each renewal applicant for a period of 2 years is likely to achieve a level of safety equivalent to, or greater than, the level of safety that would be achieved without the exemption.

In accordance with 49 U.S.C. 31136(e) and 31315(b), the following groups of drivers received renewed exemptions in the month of June and are discussed below.

As of June 17, 2026, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following six individuals have satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition in the FMCSRs for interstate CMV drivers.

Justin Brashers (MO)
Zachary Henson (IL)
Edna Merritt (TN)
Adam Rossmiller (NC)
Nathan Shamon (PA)
Daniel Troya (NC)

The drivers were included in docket numbers FMCSA–2021–0026, FMCSA–2022–0042, or FMCSA–2024–0021. Their exemptions were applicable as of June 17, 2026, and will expire on June 17, 2028.

As of June 28, 2026, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following seven individuals have satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition in the FMCSRs for interstate CMV drivers.

James Craw, Jr. (ME)
Jeremy Fehrman (WI)
David Funk (OH)
Scott Gessner (PA)
Chad Smith (MA)
Mohammad Warrad (IA)
Karl Wilson, Jr. (GA)

The drivers were included in docket numbers FMCSA–2013–0108, FMCSA–2015–0115, FMCSA–2015–0321, or FMCSA–2022–0043. Their exemptions were applicable as of June 28, 2026, and will expire on June 28, 2028.

VI. Terms and Conditions

The exemptions are extended subject to the following conditions: each driver must (1) remain seizure-free, maintain a stable treatment, and report to FMCSA within 24 hours if they experience a seizure during the 2-year exemption period; (2) submit to FMCSA annual reports from their treating physicians attesting to the stability of treatment and that the driver has remained seizure-free; (3) undergo an annual medical examination by a certified medical examiner, as defined by 49 CFR 390.5T; (4) provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in their driver's qualification file if they are self-employed; (5) report to FMCSA the date, time, and location of any crashes, as defined in 49 CFR 390.5T, within 7 days of the crash; (6) report to FMCSA any citations and convictions for disqualifying offenses under 49 CFR parts 383 and 391 within 7 days of the citation and conviction; and (7) submit to FMCSA annual certified driving records from their SDLA. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local law enforcement official. In addition, the driver must meet all the applicable commercial driver's license testing requirements.

VII. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VIII. Conclusion

Based on its evaluation of the 13 exemption renewal applications, FMCSA renews the exemptions of the aforementioned drivers from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8). In accordance with 49 U.S.C. 31315(b), and FMCSA's policy of issuing medical exemptions for a 2-year period to correspond with the medical certificate, each exemption will be valid for 2 years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) the person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of Title 49, chapter 313 or section 31136.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2026–12457 Filed 6–18–26; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2026–0041]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of applications for exemption; request for comments.

SUMMARY: FMCSA announces receipt of applications from 16 individuals for an exemption from the prohibition in the Federal Motor Carrier Safety Regulations (FMCSRs) against persons with a clinical diagnosis of epilepsy or any other condition that is likely to cause a loss of consciousness or any loss of ability to control a commercial motor vehicle (CMV) to drive in interstate commerce. If granted, the exemptions would enable these individuals who have had one or more seizures and are taking anti-seizure medication to operate CMVs in interstate commerce.

DATES: Comments must be received on or before July 22, 2026.

ADDRESSES: You may submit comments identified by Docket No. FMCSA–2026–0041 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *www.regulations.gov,* insert the docket number (FMCSA–2026–0041) in the keyword box and click ''Search.'' Next, choose the only notice listed, and click on the ''Comment'' button. Follow the online instructions for submitting comments.
- *Mail:* Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, W58–213, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, W58–213, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* (202) 493–2251.

To avoid duplication, please use only one of these four methods. See the ''Public Participation'' portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, FMCSA, DOT, 1200 New Jersey Avenue SE, Washington, DC 20590–0001; (202) 366–4001; *fmcsamedical@dot.gov.* Office hours are

8:30 a.m. to 5 p.m. ET Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Dockets Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Submitting Comments

If you submit a comment, please include the docket number for this notice (FMCSA–2026–0041), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *https://www.regulations.gov/docket/FMCSA-2026-0041.* Next, choose the only notice listed, click the ''Comment'' button, and type your comment into the text box on the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. FMCSA will consider all comments and material received during the comment period.

B. Confidential Business Information (CBI)

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to the notice contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to the notice, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission that constitutes CBI as ''PROPIN'' to indicate it contains proprietary information. FMCSA will treat such marked submissions as confidential under the Freedom of Information Act, and they will not be placed in the public docket of the notice. Submissions containing CBI should be sent to Brian Dahlin, Chief, Regulatory Evaluation Division, Office of Policy, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590–0001 or via email at *brian.g.dahlin@dot.gov.* At this time, you need not send a duplicate hardcopy of your electronic CBI submissions to FMCSA headquarters. Any comments FMCSA receives not specifically designated as CBI will be placed in the public docket for this notice.

C. Viewing Comments

To view comments, go to *www.regulations.gov,* insert the docket number (FMCSA–2026–0041) in the keyword box and click ''Search.'' Next, choose the only notice listed, and click ''Browse Comments.'' If you do not have access to the internet, you may view the docket online by visiting Dockets Operations in room W58–213 of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m. ET Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

D. Privacy Act

In accordance with 49 U.S.C. 31315(b)(6), DOT solicits comments from the public on the exemption request. DOT posts these comments, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice DOT/ALL–14 FDMS (Federal Docket Management System), which can be reviewed under the ''Department Wide System of Records Notices'' link at *https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices.* The comments are posted without edit and are searchable by the name of the submitter.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315(b) to grant exemptions from the FMCSRs. FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including the applicant's safety analysis. The Agency must provide an opportunity for public comment on the request.

The Agency reviews the application, safety analyses, and public comments submitted and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level of safety that would be achieved absent such exemption, pursuant to the standard set forth 49 U.S.C. 31315(b)(1). The Agency must publish its decision in the **Federal Register** (49 CFR 381.315(b)). If granted, the notice will identify the regulatory provision from which the applicant will be exempt, the effective period, and all terms and conditions of the exemption (49 CFR 381.315(c)(1)). If the exemption is denied, the notice will explain the reason for the denial (49 CFR 381.315(c)(2)). The exemption may be renewed (49 CFR 381.300(b)). FMCSA grants medical exemptions from the FMCSRs for a 2-year period to align with the maximum duration of a driver's medical certification.

III. Background

The physical qualification standard for drivers regarding seizures and loss of consciousness provides that a person is physically qualified to drive a CMV if that person has ''no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control'' a CMV (49 CFR 391.41(b)(8)). To assist in applying this standard, FMCSA publishes guidance for medical examiners (ME) in the form of medical advisory criteria in Appendix A to 49 CFR part 391.[1] In 2007, FMCSA published recommendations from a Medical Expert Panel (MEP) that FMCSA tasked to review the existing seizure disorder guidelines for MEs.[2] The MEP performed a comprehensive, systematic literature review, including evidence available at the time. The MEP issued recommended criteria to evaluate whether an individual with a history of epilepsy, a single unprovoked seizure, or a provoked seizure should be allowed to drive a CMV.

On January 15, 2013, FMCSA began granting exemptions, on a case-by-case basis, to individual drivers from the physical qualification standard regarding seizures and loss of consciousness in 49 CFR 391.41(b)(8) (78 FR 3069). The Agency considers the medical advisory criteria, the 2007 MEP recommendations, any public comments received, and each individual's medical information and driving record in deciding whether to grant the exemption.

[1] Appendix A to Part 391, Title 49, available at *https://www.ecfr.gov/current/title-49/part-391/appendix-Appendix* A to Part 391.

[2] ''Expert Panel Recommendations, Seizure Disorders and Commercial Motor Vehicle Driver Safety,'' Medical Expert Panel (Oct. 15, 2007), available at *https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/2020-04/Seizure-Disorders-MEP-Recommendations-v2-prot%2010152007.pdf.*

The 16 individuals listed in this notice have requested an exemption from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8). Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by statute.

IV. Qualifications of Applicants

Collin Ahlness

Collin Ahlness is a 30-year-old class D enhanced driver's license in Minnesota. He has a history of epilepsy and has been seizure free since February 28, 2016. He discontinued anti-seizure medication on March 31, 2018. His physician states that they are supportive of him receiving an exemption.

Cory Broyles

Cory Broyles is a 37-year-old class AM commercial driver's license (CDL) holder in Georgia. He has a history of epilepsy and has been seizure free since August 2015. He takes an anti-seizure medication with the dosage and frequency remaining the same since February 2025. His physician states that they are supportive of him receiving an exemption.

William Bryant

William Bryant is a 27-year-old class D license holder in Alabama. He has a history of focal epilepsy and has been seizure free since 2015. He takes an anti-seizure medication with the dosage and frequency remaining the same since 2015. His physician states that they are supportive of him receiving an exemption.

Patrick Doran

Patrick Doran is a 56-year-old class D license holder in Illinois. He has a history of epilepsy and has been seizure free since March 2016. He takes an anti-seizure medication with the dosage and frequency remaining the same since March 2016. His physician states that they are supportive of him receiving an exemption.

Edward Gaskins, Jr.

Edward Gaskins, Jr. is a 43-year-old class D license holder in South Carolina. He has a history of seizure disorder and has been seizure free since August 2017. He takes anti-seizure medications with the dosage and frequency remaining the same since September 2017. His physician states that they are supportive of him receiving an exemption.

Myles Glascor

Myles Glascor is a 40-year-old class D license holder in Ohio. He has a history of focal epilepsy and has been seizure free since April 2018. He takes anti-seizure medications with the dosage and frequency remaining the same since April 2018. His physician states that they are supportive of him receiving an exemption.

David Jenkins

David Jenkins is a 44-year-old class D license holder in Tennessee. He has a history of seizure disorder and has been seizure free since 2005. He takes an anti-seizure medication with the dosage and frequency remaining the same since 2021. His physician states that they are supportive of him receiving an exemption.

James Kaphan

James Kaphan is a 27-year-old class C license holder in California. He has a history of right frontal focal epilepsy syndrome and has been seizure free since April 19, 2018. He takes an anti-seizure medication with the dosage and frequency remaining the same since July 2012. His physician states that they are supportive of him receiving an exemption.

Sabrina Lasica

Sabrina Lasica is a 25-year-old class R license holder in Colorado. She has a history of single provoked seizure and has been seizure free since April 16, 2025. She takes an anti-seizure medication with the dosage and frequency remaining the same since May 7, 2025. Her physician states that they are supportive of her receiving an exemption.

Parker Lehman

Parker Lehman is a 31-year-old class R license holder in Colorado. He has a history of seizure disorder and has been seizure free since 2015. He takes an anti-seizure medication with the dosage and frequency remaining the same since 2015. His physician states that they are supportive of him receiving an exemption.

Daniel Malay

Daniel Malay is a 60-year-old class CA (CDL) holder in Michigan. He has a history of single unprovoked seizure and has been seizure free since April 25, 2022. He takes an anti-seizure medication with the dosage and frequency remaining the same since August 5, 2022. His physician states that they are supportive of him receiving an exemption.

Michael McNespey

Michael McNespey is a 42-year-old class D license holder in Alabama. He has a history of seizures and has been seizure free since February 2013. He takes an anti-seizure medication with the dosage and frequency remaining the same since 2013. His physician states that they are supportive of him receiving an exemption.

Derek Mikkola

Derek Mikkola is a 35-year-old class DM license holder in Tennessee. He has a history of epilepsy and has been seizure free since June 2011. He takes an anti-seizure medication with the dosage and frequency remaining the same since 2015. His physician states that they are supportive of him receiving an exemption.

Jose Ramos, III

Jose Ramos, III is a 43-year-old class CM license holder in Texas. He has a history of seizure disorder and has been seizure free since October 2017. He takes an anti-seizure medication with the dosage and frequency remaining the same since October 30, 2019. His physician states that they are supportive of him receiving an exemption.

Tyler Riggs

Tyler Riggs is a 30-year-old class D license holder in Ohio. He has a history of seizure disorder and has been seizure free since January 29, 2017. He takes an anti-seizure medication with the dosage and frequency remaining the same since January 29, 2017. His physician states that they are supportive of him receiving an exemption.

Jacob Rose

Jacob Rose is a 29-year-old class B CDL holder in Vermont. He has a history of idiopathic generalized epilepsy and has been seizure free since December 2016. He takes an anti-seizure medication with the dosage and frequency remaining the same since 2017. His physician states that they are supportive of him receiving an exemption.

V. Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315(b), FMCSA requests public comment from all interested persons on the exemption applications described in this notice. FMCSA will consider all comments received before the close of business on the closing date indicated under the **DATES** section of the notice.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2026–12456 Filed 6–18–26; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2026–0961]

Request for Comments on the Renewal of a Previously Approved Information Collection: Capital Construction Fund and Exhibits

AGENCY: Maritime Administration (MARAD), U.S. Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: MARAD invites public comments on its intention to request Office of Management and Budget (OMB) approval to renew an information collection in accordance with the Paperwork Reduction Act of 1995. The proposed collection OMB 2133–0027 (Capital Construction Fund and Exhibits) is necessary for MARAD to determine an applicant's eligibility to enter a Capital Construction Fund (CCF) Agreement, and their compliance with the requirements of this program. Since the last renewal, there was a reduction in the total respondents, responses, and burden hours for this collection. MARAD is required to publish this notice in the **Federal Register** to obtain comments from the public and affected agencies.

ADDRESSES: Written comments and recommendations for the proposed information collections should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: David M. Gilmore, Director, 202–366–5737, Office of Marine Financing, Maritime Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W21–308, Washington, DC 20590. Email: *marinefinaning@dot.gov.*

SUPPLEMENTARY INFORMATION:

Title: Capital Construction Fund and Exhibits.

OMB Control Number: 2133–0027.

Type of Request: Extension without change of a currently approved collection.

Abstract: This information collection consists of an application for a Capital Construction Fund (CCF) agreement under 46 United States Code (U.S.C.) chapter 535 and annual submissions of appropriate schedules and exhibits. The CCF is a tax-deferred ship construction fund that was created to assist owners and operators of U.S.-flag vessels in accumulating the large amount of capital necessary for the modernization and expansion of the U.S. merchant marine. The program encourages construction, reconstruction, or acquisition of vessels through the deferment of Federal income taxes on certain deposits of money or other property placed into a CCF.

Respondents: U.S. citizens who own or lease one or more eligible vessels and who have or desire to establish a program to provide for the acquisition, construction, or reconstruction of a qualified vessel.

Affected Public: Individuals and businesses.

Estimated Number of Respondents: 160.

Estimated Number of Responses: 160.

Estimated Hours per Response: 1–12.5 Hours.

Annual Estimated Total Annual Burden Hours: 2,160.

Frequency of Response: Annually.

A 60-day **Federal Register** Notice soliciting comments on this information collection was published on March 30, 2026 (FR 15688, Vol. 91, No. 60).

(Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. ch. 35, as amended; and 49 CFR 1.49.)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.

Secretary, Maritime Administration.

[FR Doc. 2026–12446 Filed 6–18–26; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2025–0655; Notice 1]

Ford Motor Company, Receipt of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Receipt of petition.

SUMMARY: Ford Motor Company (Ford) has determined that certain model year (MY) 2022–2025 Ford Transit motor vehicles do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 101, *Controls and Displays.* Ford filed a noncompliance report dated July 25, 2025, and subsequently petitioned NHTSA (the ''Agency'') on August 13, 2025, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety. This document announces receipt of Ford's petition.

DATES: Send comments on or before July 22, 2026.

ADDRESSES: Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited in the title of this notice and may be submitted by any of the following methods:

- *Mail:* Send comments by mail addressed to the 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 comments by hand to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except for Federal Holidays.
- *Electronically:* Submit comments electronically by logging onto the Federal Docket Management System (FDMS) website at *https://www.regulations.gov/.* Follow the online instructions for submitting comments.
- Comments may also be faxed to (202) 493–2251.

Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that the comments you have submitted by mail were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided.

All comments and supporting materials received before the close of business on the closing date indicated above will be filed in the docket and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the fullest extent possible.

When the petition is granted or denied, notice of the decision will also be published in the **Federal Register** pursuant to the authority indicated at the end of this notice.

All comments, background documentation, and supporting materials submitted to the docket may be viewed by anyone at the address and times given above. The documents may also be viewed on the internet at *https://*

www.regulations.gov by following the online instructions for accessing the dockets. The docket ID number for this petition is shown in the heading of this notice.

DOT's complete Privacy Act Statement is available for review in a **Federal Register** notice published on April 11, 2000 (65 FR 19477–78).

FOR FURTHER INFORMATION CONTACT: Kamna Ralhan, General Engineer, NHTSA, Office of Vehicle Safety Compliance, (202) 366–6443.

SUPPLEMENTARY INFORMATION:

I. *Overview:* Ford determined that certain MY 2022–2025 Ford Transit do not fully comply with paragraph S5.2.1 of FMVSS No. 101, *Controls and Displays* (49 CFR 571.101).

Ford filed a noncompliance report dated July 25, 2025, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports.* Ford petitioned NHTSA on August 13, 2025, for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential as it relates to motor vehicle safety, pursuant to 49 U.S.C. 30118(d) and 30120(h) and 49 CFR part 556, *Exemption for Inconsequential Defect or Noncompliance.*

This notice of receipt of Ford's petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or another exercise of judgment concerning the merits of the petition.

II. *Vehicles Involved:* Approximately 19,341 MY 2022—2025 Ford Transit motor vehicles, manufactured between June 4, 2021, and June 25, 2025, were reported by the manufacturer.

III. *FMVSS Requirements:* Paragraph S5.2.1. of FMVSS No. 101 includes the requirements relevant to this petition. Paragraph S5.2.1 specifies that any control, telltale or indicator that is listed in column 1 of table 1 or table 2 in FMVSS No. 101 must be indicated in the vehicle by the corresponding symbol, word, or abbreviation in columns 2 or 3 in the same tables.

IV. *Noncompliance:* Ford explains that the subject Ford Transit vehicles were incorrectly labeled on the engine ''Push To Start'' (PTS) button, which fails to comply with FMVSS No. 101. The Ford Transit vehicles with an internal combustion engine (ICE) manufactured in the Kansas City Assembly Plant between June of 2021 and July of 2025 have a PTS button that is labeled ''Power Start Stop'' rather than ''Engine Start Stop'' which is required by FMVSS No. 101.

V. *Summary of Ford's Petition:* The following views and arguments presented in this section, ''V. Summary of Ford's Petition,'' are the views and arguments provided by Ford. They have not been evaluated by the Agency and do not reflect the views of the Agency. Ford describes the subject noncompliance and contends that the noncompliance is inconsequential as it relates to motor vehicle safety.

Ford states that an internal investigation and review determined that the subject Ford Transit vehicles built in the Kansas City Assembly Plant between June 4, 2021, and June 25, 2025, failed to comply with the controls identification requirements in paragraph S5.2.1 of FMVSS No. 101. Ford states that it was discovered that the ICE Transit vehicles had been equipped with the PTS button intended for installation in the Battery Electric and Hybrid Electric variants of the Transit model vehicles. Ford maintains two design variations of the Push to Start Button, one intended for ICE vehicles, which is labeled as ''Engine Start Stop'' and one intended for Battery Electric Vehicles (BEVs) and Hybrid Electric Vehicles (HEVs), which is labeled as ''Power Start Stop''. Ford claims that both versions of the PTS button perform the same function of turning the vehicle on and off, and are located near the steering column as required by FMVSS No. 101, and are familiar enough for drivers to understand the purpose of the control.

According to tables 1 and 2 of FMVSS No 101, the PTS button on the subject vehicles' labels must contain the words ''Engine Start'' and ''Engine Stop'' when the engine control is ''separate from the key locking system.'' Ford cites paragraph S2 of FMVSS No. 101 in saying that the purpose of FMVSS No. 101 is to ''ensure the accessibility, visibility, and recognition of controls under daylight and nighttime conditions, in order to reduce the safety hazards caused by the diversion of the driver's attention from the driving task, and mistakes in selecting the controls.''

Ford provides four reasons why this noncompliance is inconsequential to motor vehicle safety:

1. The mislabeled PTS button still reliably functions as designed and is indicated in the owner's manual, and Ford has corrected the error that led to mislabeling the affected production vehicles. Ford states that the issue is solely a labeling matter and does not affect functionality, as the driver is still able to consistently start and stop the vehicle's engine and be alerted to the function of the button through the noise of the engine's operation. Additionally, Ford adds that they have addressed the labeling concern in production and that all Ford Transit vehicles built after June 25, 2025, will bear the compliant ''Engine Start Stop'' label on the PTS button.

2. The language and symbol used on the mislabeled PTS buttons are widely used and understood, and will therefore not cause confusion about the button's function to the driver of the vehicle. Ford states that the noncompliant ''Power Start Stop'' still clearly uses the language ''Start Stop'', thus clearly indicating the purpose of the control. Ford indicates that the Owner's Manual also provides a visual depiction of the button (with the label ''Engine Start Stop'') and its location, as well as a description of the function of the button. Ford states that a vehicle operator would see that the mislabeled PTS button is in the same location, has the same shape, and has the same illumination as the PTS button described in the Owner's Manual and would easily be able to infer the function of the button.

Additionally, Ford stated that the term ''Power'' which is included within the noncompliant PTS button is commonly associated with the primary on/off function across a vast array of electronic devices and vehicle systems. The words ''Power Start Stop,'' particularly when displayed on a primary vehicle control, are understood by drivers to signify the action of turning the vehicle's operational power on and off. Ford further explained the ''O'' in ''Power'' for the incorrect labels has been replaced with the commonly used ISO Power On/Off symbol, regulated under ISO 2575:2010(E). Ford believes the integration of the ISO Power On/Off symbol further reinforces the control's function. The term ''Power'' is internationally recognized for power controls, which should enhance driver comprehension. Ford then cites a 2003 interpretation [1] by NHTSA that allowed Toyota to use the term ''Power'' and the ISO Power Symbol to identify the PTS button on their Hybrid Electric Vehicles.

3. Ford states that it is not aware of any reports of crashes, injuries, fatalities, or even complaints about this issue. Ford recognizes that this does not negate the possibility of risk to operators and passengers, but believes that it is an indication that customers are not confused by the discrepancy in labeling.

4. Ford provides examples where NHTSA has granted similar petitions for inconsequential noncompliance in the past and cites examples:

[1] *https://www.nhtsa.gov/interpretations/08-006631-version-3.*

• NHTSA granted a petition by Mack Trucks Inc. for noncompliant control identification because the control met all other FMVSS No. 101 requirements and the control's ''labeling and position would be enough to avoid inducing confusion in the driver.''.[2]

• NHTSA granted a petition to Kawasaki Motors Corp. for motorcycles with an ignition off control that was noncompliant with the identification requirements specified in FMVSS No. 123, *Motorcycle Controls and Displays.*[3] Ford states that NHTSA granted the petition because ''the switch's clear design reduced the likelihood for confusion or error'' and the engine kill switch safety feature reduced any safety risks that might be caused by non-standard compliant labeling.

Ford concludes by stating its belief that the subject noncompliance is inconsequential as it relates to motor vehicle safety and its petition to be exempted from providing notification of the noncompliance, as required by 49 U.S.C. 30118, and a remedy for the noncompliance, as required by 49 U.S.C. 30120, should be granted.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, any decision on this petition only applies to the subject vehicles that Ford no longer controlled at the time it determined that the noncompliance existed. However, any decision on this petition does not relieve vehicle distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant vehicles under their control after Ford notified them that the subject noncompliance existed.

(Authority: 49 U.S.C. 30118, 30120; delegations of authority at 49 CFR 1.95 and 501.8)

Otto G. Matheke III,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 2026–12401 Filed 6–18–26; 8:45 am]

BILLING CODE 4910–59–P

[2] Ford's petition cited NHTSA's Receipt of Petition **Federal Register** notice for the inconsequential noncompliance petition by Mack Trucks, Inc. (85 FR 58423). We believe Ford is referring to the Grant of Petition **Federal Register** for the Mack Trucks, Inc. petition (87 FR 23017).

[3] Ford cites 86 FR 21787, but we believe they intended to cite ''Kawasaki Motors Corp., Grant of Petition for Decision of Inconsequential Noncompliance'' 90 FR 34571, July 22, 2025.

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2026–1585]

Pipeline Safety: Advisory Bulletin on Preventing Excavation Damage During National Safe Digging Month and Beyond; Correction

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT).

ACTION: Notice; Correction.

SUMMARY: PHMSA published a document in the **Federal Register** on April 21, 2026, issuing an advisory bulletin on preventing excavation damage. This notice corrects references to the Common Ground Alliance (CGA) Best Practices.

FOR FURTHER INFORMATION CONTACT: Owners and operators of pipelines subject to regulation by PHMSA should contact the appropriate PHMSA Region Office. The PHMSA Region Offices and their contact information are as follows:

- *Eastern Region:* 609–771–7800 (CT, DE, DC, ME, MD, MA, NH, NJ, NY, OH, PA, RI, VT, VA, WV)
- *Southern Region:* 404–832–1147 (AL, FL, GA, KY, MS, NC, PR, SC, TN)
- *Central Region:* 816–329–3800 (IL, IN, IA, KS, MI, MN, MO, NE, ND, SD, WI)
- *Southwest Region:* 713–272–2859 (AR, LA, NM, OK, TX)
- *Western Region:* 720–963–3160 (AK, AZ, CA, CO, HI, ID, MT, NV, OR, UT, WA, WY)

Owners and operators of intrastate pipelines should contact the appropriate State pipeline safety authority. A list of State pipeline safety authorities is available at *www.napsr.org.*

SUPPLEMENTARY INFORMATION: On April 21, 2026, PHMSA published an advisory bulletin (ADB–2026–05) regarding excavation damage prevention best practices. The bulletin erroneously cited specific practice numbers when recommending CGA Best Practices. This notice corrects those citations to reference Chapter 4 (Locating and Marking) and Chapter 5 (Excavation) of the CGA Best Practices.

Correction

In the **Federal Register** of April 21, 2026, in FR Doc. 2026–07752, on page 21368, in the third column, in lines 14 through 16 in *Section II. Advisory Bulletin (ADB–2026–05),* correct ''Practice 4–11 (Accuracy of Locating) and Practice 5–23 (Rapid Response to Strikes).'' to read ''Chapter 4 (Locating and Marking) and Chapter 5 (Excavation).''

Issued in Washington, DC, under authority delegated in 49 CFR 1.97.

Keith Coyle,

Chief Counsel for the Office of the Chief Counsel.

[FR Doc. 2026–12505 Filed 6–18–26; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TREASURY

Office of the Comptroller of the Currency

OCC Policy Statement on Minority Depository Institutions

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Policy statement.

SUMMARY: The OCC is updating its policy statement on minority and depository institutions (MDI). This update is consistent with the criteria set out in the Executive Order titled, ''Ensuring Lawful Governance and Implementing the President's 'Department of Government Efficiency' Deregulatory Initiative.'' The updated statement aligns the policy statement more closely with the related statute, and it removes information that is vulnerable to obsolescence. The intended effect is for the agency to have a policy statement that remains accurate and supported by statute for years to come. At the same time, the update maintains the MDI designations of current MDI.

DATES: The issuance date of this policy statement is June 16, 2026.

FOR FURTHER INFORMATION CONTACT: Collin Berger, Attorney, or Emily Boyes, Counsel, (202) 649–5490, Office of the Comptroller of the Currency, 400 7th Street SW, Washington, DC 20219. If you are deaf, hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

SUPPLEMENTARY INFORMATION: The OCC is updating its policy statement on MDI.[1] This update relates to the agency's rescission or amending of certain regulations that are unnecessary, based on anything other than the best reading of the underlying statutory authority, or lacking clear statutory authority, consistent with Executive Order 14219, ''Ensuring Lawful Governance and Implementing the President's 'Department of Government

[1] The policy statement was last updated at 87 FR 16345 (Aug. 1, 2022). *See* 87 FR 16345 n.5 (overview of the related OCC policy history).

Efficiency' Deregulatory Initiative'' (E.O. 14219).[2] The updated statement revises the definition of an MDI to more closely align with the definition in the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA), 12 U.S.C. 1463 note. For national banks and Federal stock savings associations, that definition is based on ownership by socially and economically disadvantaged individuals, and the statute does not specify any group of individuals that is presumed to be socially and economically disadvantaged. The update also removed information about the agency that has proven vulnerable to obsolescence. This removal improves the policy statement's expected longevity and avoids future confusion. The document includes other conforming edits. For example, under the previous version of this policy statement, the OCC could at its discretion continue to designate a bank as an MDI under certain circumstances when the bank no longer met the statutory definition of an MDI. To improve the policy statement's consistency with FIRREA while minimizing disruption to current MDIs, the updated policy statement describes how the OCC will maintain the designations of current MDIs.

The text of the policy statement is as follows:

OCC Policy Statement on Minority Depository Institutions

1. Introduction

Minority depository institutions (MDIs) are national banks and Federal savings associations (collectively, banks). In section 308 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA), Congress imposed MDI-related requirements on the OCC and provided an MDI definition for those requirements.[1] The Office of the Comptroller of the Currency (OCC or agency) uses an MDI definition consistent with section 308 of FIRREA and maintains a process for designating banks that meet the definition as MDIs.

2. Meaning of MDI[2]

A. National banks or Federal stock savings associations.[3] The OCC defines an MDI to include a national bank or Federal stock savings association that is at least 51 percent owned by one or more socially and economically disadvantaged individuals.[4]

B. Federal mutual savings associations. The OCC defines an MDI to include a Federal mutual savings association where the majority of the board of directors, account holders, and the community which it services is predominantly minority.[5]

3. Formation, Designation, and Ongoing Review

A. De novo bank formation and designation. The process of forming a de novo bank that is designated as an MDI involves two steps. First, an applicant must file an application and receive approval to form a bank from the OCC Chartering, Organization & Structure team responsible for chartering new banks. Second, the applicant must request that the bank be designated as an MDI. If the applicant demonstrates to OCC examiners that the bank would meet the MDI definition, the OCC will provide a separate MDI designation letter. Requests for assistance with either bank formation or MDI designation should be directed to the closest OCC regional office, which can identify further OCC contacts and resources. Refer to the OCC website at *www.occ.gov* to find the closest OCC regional office.

B. Designation of existing banks. A bank that believes it satisfies the meaning of MDI as set forth in section 2 of this policy statement may request the OCC designate it as an MDI. If the OCC determines the bank satisfies the meaning of MDI, the agency will provide the bank with an MDI designation letter. For banks interested in this process, requests for assistance should be directed to the bank's OCC examiners or the closest OCC regional office, which can identify further OCC contacts and resources.

C. Maintained designation. Banks with an MDI designation the day before the issuance of this policy statement may maintain their MDI designations. A bank's OCC examiners may reassess such a designation if the facts underlying the designation the day before the issuance of this policy statement undergo a material change.

D. Ongoing review. In support of the annual report described in section 5 of this policy statement, the OCC reviews on an annual basis whether (1) a bank designated as an MDI continues to satisfy the meaning of MDI as set forth in section 2 of this policy statement or (2) maintained designation as set forth in section 3.C of this policy statement remains appropriate.

4. Attribution of Investments for Purposes of the Ownership Threshold

An investment in an MDI by an individual who is a natural person may be attributed to the MDI ownership threshold only if the natural person is a socially and economically disadvantaged individual. An investment in an MDI by an individual that is a corporation, partnership, or entity may be attributed to the MDI ownership threshold only if the corporation, partnership, or entity is (1) also an MDI or (2) at least 51 percent owned by one or more socially and economically disadvantaged individuals.[6]

5. Consultation and Annual Report

The Secretary of the U.S. Department of the Treasury consults with the OCC, under section 308 of FIRREA, on the methods for best achieving the goals of section 308 of FIRREA. The law also directs the OCC to submit an annual report to Congress on the agency's actions taken to carry out the requirements of the statute.

Jonathan V. Gould,

Comptroller of the Currency.

Dated: June 16, 2026.

Jonathan V. Gould,

Comptroller of the Currency.

[FR Doc. 2026–12364 Filed 6–18–26; 8:45 am]

BILLING CODE 4810–33–P

[2] 90 FR 10583 (Feb. 25, 2025). Section 6(e) of the executive order defines ''regulation'' as including ''any 'guidance document' as defined in Executive Order 13422.''

[1] 12 U.S.C. 1463 (note). Section 308 of FIRREA specifies the following MDI-related goals: preserving the number of MDIs; preserving MDIs' minority character in cases of merger or acquisition; providing technical assistance to help MDIs remain healthy; promoting and encouraging the creation of new MDIs; and providing training, technical assistance, and educational programs. The requirements of section 308 of FIRREA are discussed in section 5 of this policy.

[2] In addition to the other requirements discussed in this policy statement, an MDI may not be a U.S. subsidiary of a foreign-owned bank.

[3] A Federal stock savings association may be publicly or privately owned.

[4] For purposes of this policy statement, ''individual'' means a natural person, corporation, partnership, or entity. A bank that is owned by a corporation that is itself owned by socially and economically disadvantaged individuals is owned by a socially and economically disadvantaged individual.

[5] The term ''minority'' as defined by Section 306 of FIRREA means any black American, Native American, Hispanic American, or Asian American.

[6] *See supra* note 4 (meaning of ''individual). For example, an investment in an MDI by a private equity fund would count toward the 51 percent ownership threshold only if the fund itself is at least 51 percent owned by one or more socially and economically disadvantaged individuals.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Agency Information Collection Activities; Comment Request on Escrow Funds and Other Similar Funds

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of information collection; request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the IRS is inviting comments on the information collection request outlined in this notice.

DATES: Written comments should be received on or before August 21, 2026 to be assured of consideration.

ADDRESSES: Direct all written comments to Andres Garcia, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or by email to *pra.comments@irs.gov.* Include ''OMB Control No. 1545–1631'' in the subject line of the message.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this collection should be directed to LaNita Van Dyke, 202–317–6009.

SUPPLEMENTARY INFORMATION: The IRS, 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 IRS assess the impact and minimize the burden of its information collection requirements. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record, and viewable on relevant websites. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Title: Escrow Funds and Other Similar Funds.

OMB Control Number: 1545–1631.

Regulation Project Number: TD 9249.

Abstract: Section 468B(g) requires that escrow accounts, settlement funds, and similar funds be subject to current taxation either as grantor trusts or otherwise. The final regulations relate to the taxation and reporting of income earned on qualified settlement funds and certain other escrow accounts, trusts, and funds, and other related rules and affect qualified settlement funds, escrow accounts established in connection with sales of property, disputed ownership funds, and the parties to these escrow accounts, trusts, and funds. An election statement is filed for a qualified settlement fund (QSF) that the QSF has elected grantor trust treatment for the QSF and a statement is required from a transferor with respect to the transfer of cash or property to a disputed ownership fund.

Current Actions: There is no change to the previously approved information collection.

Type of Review: Extension of a currently approved collection.

Affected Public: Private Sector.

Estimated Number of Responses 9,300.

Estimated Time per Response: 24 minutes.

Estimated Total Annual Burden Hours: 3,720.

Dated: June 9, 2026,

LaNita Van Dyke,

Tax Analyst.

[FR Doc. 2026–12459 Filed 6–18–26; 8:45 am]

BILLING CODE 4831–GV–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Agency Information Collection Activities: Comment Request on Residence of Trusts and Estates—7701 (TD 8813—Final)

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of information collection; request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the IRS is inviting comments on the information collection request outlined in this notice.

DATES: Written comments should be received on or before August 21, 2026 to be assured of consideration.

ADDRESSES: Direct all written comments to Andres Garcia, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or by email to *pra.comments@irs.gov.* Include ''OMB Control No. 1545–1600'' in the subject line of the message.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this collection should be directed to LaNita Van Dyke, 202–317–6009.

SUPPLEMENTARY INFORMATION: The IRS, 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 IRS assess the impact and minimize the burden of its information collection requirements. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record, and be viewable on relevant websites. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Title: Residence of Trusts and Estates—7701 (TD 8813—Final).

OMB Control Number: 1545–1600.

Regulation Number: TD 8813.

Abstract: Section 1161 of the Taxpayer Relief Act of 1997, Public Law 105–34, 111 Stat. 788 (1997), provides that a trust that was in existence on August 20, 1996 (other than a trust treated as owned by the grantor under subpart E of part I of subchapter J of chapter 1 of the Internal Revenue Code of 1986) and that was treated as a United States person on August 19, 1996, may elect to continue to be treated as a United States person notwithstanding § 7701(a)(30)(E) of the Code. The election will require the

Internal Revenue Service to collect information. This regulation provides the procedure and requirements for making the election to remain a domestic trust.

Current Actions: There is no change to the previously approved information collection.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals and households.

Estimated Number of Responses: 222.

Estimated Time per Response: 30 minutes.

Estimated Total Annual Burden Hours: 114.

Dated: June 9, 2026.

LaNita Van Dyke,

Tax Analyst.

[FR Doc. 2026–12458 Filed 6–18–26; 8:45 am]

BILLING CODE 4831–GV–P

UNIFIED CARRIER REGISTRATION PLAN

Board of Directors; Request for Nomination

AGENCY: Unified Carrier Registration Plan.

ACTION: Notice.

SUMMARY: The Unified Carrier Registration (UCR) Plan Board of Directors is requesting nominations of qualified individuals from the motor carrier industry for consideration by the Federal Motor Carrier Safety Administration (FMCSA) for appointment by FMCSA to the UCR Plan Board of Directors to fill a vacancy that has arisen. By statute, all nominees for the vacancy must be representatives of the motor carrier industry. The selected individual will fill the vacancy for a term which begins immediately on appointment and expires on May 31, 2027.

DATES: Nominations of or expressions of interest by qualified individuals to be considered by the FMCSA for appointment to fill the vacancy in the Board of Directors of the Unified Carrier Registration Plan, along with accompanying resumes, must be received on or before August 10, 2026.

ADDRESSES: Nominations or expressions of interest may be submitted by any of the following methods—internet, regular mail, courier, or hand-delivery. *Mail, Courier, or Hand-Delivery:* Unified Carrier Registration Plan, Attention: Matt Mantione, 529 14th Street NW, Suite 1280, Washington, DC 20045, internet: *mmantione@plan.ucr.gov.*

FOR FURTHER INFORMATION CONTACT: Elizabeth Leaman, Chair, Unified Carrier Registration Plan Board of Directors, (617) 305–3783, *eleaman@board.ucr.gov.*

SUPPLEMENTARY INFORMATION:

Background: Section 4305(b) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU) [Pub. L. 109–59, 119 Stat. 1144, August 10, 2005] enacted 49 U.S.C. 14504a, entitled ''Unified carrier registration system plan and Agreement.'' Under the UCR Agreement, motor carriers, motor private carriers, brokers, freight forwarders, and leasing companies that are involved in interstate transportation must register with a State and pay certain fees. The UCR Plan's Board of Directors must issue rules and regulations to govern the UCR Agreement. The UCR Plan Board also must recommend to the Secretary of Transportation annual registration fees to be assessed against carriers, leasing companies, brokers, and freight forwarders under the UCR Agreement.

The Unified Carrier Registration Plan is defined in 49 U.S.C. 14504a(a)(9) as the organization of State, Federal, and industry representatives responsible for developing, implementing, and administering the UCR Agreement. Section 14504a(d)(1)(B) directed the Secretary of Transportation to establish a Unified Carrier Registration Plan Board of Directors made up of 15 members from FMCSA, State Governments, and the motor carrier industry. The establishment of the Board was announced in the **Federal Register** on May 12, 2006 (71 FR 27777). Section 14504a(d)(1)(B) provides that the UCR Plan's Board of Directors must consist of directors from the following groups:

Federal Motor Carrier Safety Administration: One director must be selected from each of the four FMCSA service areas (as defined by FMCSA on January 1, 2005). The four directors selected must be from among the chief administrative officers of the State agencies responsible for administering the UCR Agreement.

State Agencies: Five directors must be selected to represent State agencies. The five directors selected must be from among the professional staffs of State agencies responsible for overseeing the administration of the UCR Agreement.

Motor Carrier Industry: Five directors must be from the motor carrier industry. At least one of the five motor carrier industry directors must be from ''a national trade association representing the general motor carrier of property industry'' and one of them must be from ''a motor carrier that falls within the smallest fleet fee bracket.''

U.S. Department of Transportation (the Department): One individual, either the FMCSA Deputy Administrator or such other Presidential appointee from the Department appointed by the Secretary, represents the Department.

This document serves as a notice from the UCR Plan Board soliciting nominations of, and expressions of interest by, qualified individuals who are interested in being considered by FMCSA for appointment to the UCR Plan Board to fill a vacancy that has arisen among the five directors representing the motor carrier industry. The UCR Plan Board is seeking one Director representing the motor carrier industry to fill that vacancy by serving for a term which begins immediately on appointment and expires on May 31, 2027.

All nominations of or expressions of interest by qualified individuals for the vacancy described above must be received by the UCR Plan Board on or before August 10, 2026. All nominations or expressions of interest received by that date will be forwarded to FMCSA. The authority to appoint an individual to fill the vacant position representing the motor carrier industry on the UCR Plan Board lies with Secretary of Transportation, which has been delegated to FMCSA.

Nominations and expressions of interest should indicate that the individual nominated or interested meets the statutory requirements specified in 49 U.S.C. 14504a(d)(1)(B)(iii). All submissions must include a current resume.

The UCR Plan Board may, but is not required to, recommend to FMCSA the appointment of an individual to represent the motor carrier industry from among the nominations and expressions of interest received. If the UCR Plan Board does make a recommendation, it will do so after consideration during an open meeting in compliance with the Government in the Sunshine Act that includes the recommendation as part of the subject matter of the open meeting.

Alex B. Leath,

Chief Legal Officer, Unified Carrier Registration Plan.

[FR Doc. 2026–12493 Filed 6–18–26; 8:45 am]

BILLING CODE 4910–EX–P; 4910–YL–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0922]

Agency Information Collection Activity: IBM SkillsBuild Training Program Intake Application

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veterans Benefits Administration, Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed revision of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before August 21, 2026.

ADDRESSES: Comments must be submitted through *www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT:

Program-Specific information: Kendra McCleave, 202–461–8924, *kendra.mccleave@va.gov.*

VA PRA information: Dorothy Glasgow, 202–461–1084, *VAPRA@va.gov*

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: IBM SkillsBuild Training Program Intake Application, VAF 22–10203.

OMB Control Number: 2900–0922.

Type of Review: Revision of a currently approved collection.

Abstract: The IBM SkillsBuild Program is an IBM-sponsored training program providing no-cost online Information Technology (IT) training in a variety of areas. The online SkillsBuild learning platform provides adult learners with the opportunity to gain or improve IT skills and credentials in Cybersecurity and Data Analytics that meet the needs of employers in the High-Technology industry. The SkillsBuild collaboration with IBM provides an enhanced no-cost, self-paced, virtual resource for Veterans, Service members, spouses, children, and caregivers seeking the job training and credentials to pursue a career in the field of Cybersecurity and Data Analytics. The IBM SkillsBuild Training Program Application (Intake Form), VA Form 22–10282 will allow eligible candidates to register and apply on a first-come, first-served basis to participate in the program. The application is now accessed and submitted exclusively online via the *VA.gov* website. The burden has increased since the previous approval. For this approval, the increase considers actual data for calendar year periods 2023, 2024 and 2025.

Affected Public: Individuals or Households.

Estimated Annual Burden: 2,005 hours.

Estimated Average Burden Time per Respondent: 10 minutes.

Frequency of Response: Once.

Estimated Number of Respondents: 12,029.

Authority: 44 U.S.C. 3501 *et seq.*

Shunda Willis,

Alternate, VA PRA Clearance Officer, Office of Information Technology/Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2026–12447 Filed 6–18–26; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 91 Monday,

No. 118 June 22, 2026

Part II

Department of the Treasury

Financial Crimes Enforcement Network

31 CFR Part 1033

Permitted Payment Stablecoin Issuer Customer Identification Program; Proposed Rule

DEPARTMENT OF THE TREASURY

Financial Crimes Enforcement Network

31 CFR Part 1033

RIN 1506–AB74

Permitted Payment Stablecoin Issuer Customer Identification Program

AGENCY: Financial Crimes Enforcement Network and Office of the Comptroller of the Currency, Treasury; Board of Governors of the Federal Reserve System; Federal Deposit Insurance Corporation; National Credit Union Administration.

ACTION: Joint proposed rule.

SUMMARY: The Financial Crimes Enforcement Network (FinCEN), together with the Office of the Comptroller of the Currency (OCC), the Board of Governors of the Federal Reserve System (Board), the Federal Deposit Insurance Corporation (FDIC), and the National Credit Union Administration (NCUA) are jointly issuing this proposed rule to implement certain provisions of the Guiding and Establishing National and Innovation for U.S. Stablecoins Act (GENIUS Act). Specifically, this rulemaking implements the GENIUS Act's directives to treat permitted payment stablecoin issuers as financial institutions under the Bank Secrecy Act and to require issuers to maintain an effective customer identification program.

DATES: Comments must be received by August 21, 2026.

ADDRESSES: Comments should be directed to:

FinCEN: Comments must be submitted in one of the following two ways (please choose only one of the ways listed):

• Electronically at *https://www.regulations.gov.* Follow the ''Submit a comment'' instructions under Docket FINCEN–2026–0101. If you are reading this document on *federalregister.gov,* you may use the green ''SUBMIT A PUBLIC COMMENT'' button beneath this rulemaking's title to submit a comment to the *regulations.gov* docket.

• You may mail written comments to the following address: Regulatory and Strategic Affairs Division, Financial Crimes Enforcement Network, P.O. Box 39, Vienna, VA 22183. Mailed comments must be received by the close of the comment period.

Do not include any personally identifiable information (such as name, address, or other contact information) or confidential business information that you do not want publicly disclosed. All comments are public records; they are publicly displayed exactly as received, and will not be deleted, modified, or redacted. Comments may be submitted anonymously.

Follow the search instructions on *https://www.regulations.gov* to view public comments.

OCC: Commenters are encouraged to submit comments through the Federal eRulemaking Portal. Please use the title ''Permitted Payment Stablecoin Issuer Customer Identification Program'' and ''RIN 1557–AF53'' to facilitate the organization and distribution of the comments. You may submit comments by any of the following methods:

• *Federal eRulemaking Portal—Regulations.gov:* Go to *https://regulations.gov.* Enter Docket ID OCC–2026–0331 in the Search Box and click ''Search.'' Public comments can be submitted via the ''Comment'' box below the displayed document information or by clicking on the document title and then clicking the ''Comment'' box on the top-left side of the screen. For help with submitting effective comments please click on ''Commenter's Checklist.'' For assistance with the *regulations.gov* site, please call 1–866–498–2945 (toll free) Monday–Friday, 9 a.m.–5 p.m. ET, or email *regulationshelpdesk@gsa.gov.*

• *Mail:* Chief Counsel's Office, Attention: Comment Processing, Office of the Comptroller of the Currency, 400 7th Street SW, Suite 1E–216, Washington, DC 20219.

• *Hand Delivery/Courier:* 400 7th Street SW, Suite 1E–216, Washington, DC 20219.

Instructions: You must include ''OCC'' as the agency name and Docket ID OCC–2026–0331 in your comment. In general, the OCC will enter all comments received into the docket and publish the comments on the *regulations.gov* website without change, including any business or personal information provided such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

You may review comments and other related materials that pertain to this action by the following method:

• *Viewing Comments Electronically—Regulations.gov:* Go to *https://regulations.gov.* Enter Docket ID OCC–2026–0331 in the Search Box and click ''Search.'' Click on the ''Documents'' tab and then the document's title. After clicking the document's title, click the ''Document Comments'' tab. Comments can be viewed and filtered by clicking on the ''Sort By'' drop-down on the right side of the screen or the ''Refine Results'' options on the left side of the screen. Supporting materials can be viewed by clicking on the ''Documents'' tab. Click on the ''Sort By'' drop-down on the right side of the screen or the ''Refine Documents Results'' options on the left side of the screen checking the ''Supporting & Related Material'' checkbox. For assistance with the *regulations.gov* site, please call 1–866–498–2945 (toll free) Monday–Friday, 9 a.m.–5 p.m. ET, or email *regulationshelpdesk@gsa.gov.*

The docket may be viewed after the close of the comment period in the same manner as during the comment period.

Board: You may submit comments, identified by Docket No. R–1885 and RIN 7100–AH18, by any of the following methods:

• *Agency Website: https://www.federalreserve.gov.* Follow the instructions for submitting comments at *https://www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm.*

• *Email: regs.comments@federalreserve.gov.* Include docket and RIN numbers in the subject line of the message.

• *Fax:* (202) 452–3819 or (202) 452–3102.

• *Mail:* Benjamin W. McDonough, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW, Washington, DC 20551.

• *Instructions:* All public comments are available from the Board's website at *https://www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm* as submitted. Accordingly, comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or on paper in Room M–4365A, 2001 C Street NW, Washington, DC 20551, between 9 a.m. and 5 p.m. during Federal business weekdays. For security reasons, the Board requires that visitors make an appointment to inspect comments. You may do so by calling (202) 452–3684. Upon arrival, visitors will be required to present valid government-issued photo identification and to submit to security screening in order to inspect and photocopy comments. For users of TTY–TRS, please call 711 from any telephone, anywhere in the United States.

FDIC: You may submit comments, identified by RIN 3064–AG28, by any of the following methods:

• *FDIC Website: https://www.fdic.gov/federal-register-publications.* Follow instructions for submitting comments on the agency website.

• *Email: Comments@fdic.gov.* Include RIN 3064–AG28 in the subject line of the message.

• *Mail:* Jennifer M. Jones, Deputy Executive Secretary, Attention: Comments—RIN 3064–AG28, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.

• *Hand Delivery to FDIC:* Comments may be hand-delivered to the guard station at the rear of the 550 17th Street NW building (located on F Street) on business days between 7 a.m. and 5 p.m.

• *Public Inspection:* Comments received, including any personal information provided, may be posted without change to *https://www.fdic.gov/federal-register-publications.* Commenters should submit only information that the commenter wishes to make available publicly. The FDIC may review, redact, or refrain from posting all or any portion of any comment that it may deem to be inappropriate for publication, such as irrelevant or obscene material. The FDIC may post only a single representative example of identical or substantially identical comments, and in such cases will generally identify the number of identical or substantially identical comments represented by the posted example. All comments that have been redacted, as well as those that have not been posted, that contain comments on the merits of the proposed rule will be retained in the public comment file and will be considered as required under all applicable laws. All comments may be accessible under the Freedom of Information Act.

NCUA: You may submit comments, identified by RIN 3133–AG09, by any of the following methods (please send comments by one method only):

• *Federal eRulemaking Portal: https://www.regulations.gov.* The docket number for this proposed rule is NCUA–2026–0793. Follow the instructions for submitting comments. A plain language summary of the proposed rule is also available on the docket website.

• *Mail:* Address to Melane Conyers-Ausbrooks, Secretary of the Board, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428.

• *Hand Delivery/Courier:* Same as mailing address.

• *Public inspection:* You may view all public comments on the Federal eRulemaking Portal at *https://www.regulations.gov,* as submitted, except for those we cannot post for technical reasons. The NCUA will not edit or remove any identifying or contact information from the public comments submitted. If you are unable to access public comments on the internet, you may contact the NCUA for alternative access by calling (703) 518–6540 or emailing *OGCMail@ncua.gov.*

FOR FURTHER INFORMATION CONTACT:

FinCEN: The FinCEN Regulatory Support Section by submitting an inquiry at *www.fincen.gov/contact.*

OCC: Kenneth Kohrs, BSA/AML Lead Expert, Office of the Chief National Bank Examiner; Jina Cheon, Assistant Director, Melissa Lisenbee, Counsel, or Henry Barkhausen, Counsel, Bank Advisory Group, Chief Counsel's Office, (202) 649–5490, Office of the Comptroller of the Currency, 400 7th Street SW, Washington, DC 20219. If you are deaf, hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

Board: Division of Supervision and Regulation, Lara Lylozian, Deputy Associate Director, (202) 815–9088, Lee Davis, Lead BSA/AML Policy Analyst, (202) 740–8219, *lee.h.davis@frb.gov,* Legal Division, Jason Gonzalez, Deputy Associate General Counsel, (202) 452–3275, *jason.a.gonzalez@frb.gov,* Bernard Kim, Special Counsel, (202) 452–3083, *Bernard.g.kim@frb.gov.*

FDIC: Patricia Colohan, Deputy Director, (202) 898–7283, *PColohan@fdic.gov,* Division of Risk Management Supervision; Chase Lubbock, Associate Director, (703) 254–0802, *clubbock@fdic.gov,* Division of Risk Management Supervision; Christy Cornell-Pape, Acting Chief, Financial Crimes, (415) 808–8090, *ACornell-Pape@fdic.gov,* Division of Risk Management Supervision; Deborah Tobolowsky, Counsel, (571) 309–2415, *dtobolowsky@fdic.gov,* Legal Division; Chantal Hernandez, Counsel, (202) 898–7388, *chhernandez@fdic.gov,* Legal Division; Thomas Krepp, Senior Attorney, (678) 916–2265, *tkrepp@fdic.gov,* Legal Division; Lea Pfeifer, Senior Attorney, (972) 761–8244, *lpfeifer@fdic.gov,* Legal Division; Maryann Bullion Mitchell, Senior Attorney, (571) 858–8239, *mbullionmitchell@fdic.gov,* Legal Division; Nicholas Kazmerski, Counsel, (571) 309–3136, *nkazmerski@fdic.gov,* Legal Division.

NCUA: Michael Dondarski, Associate Director, Office of Examination & Insurance, (703) 772- 4751, *mdondarski@ncua.gov;* Janell Portare, Director, Fraud and Anti-Money Laundering Division, Office of Examination & Insurance, (703) 548–2752, *jportare@ncua.gov;* Gira Bose, Senior Staff Attorney, Office of General Counsel, (703) 518–6540, *gbose@ncua.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

This proposal implements the GENIUS Act's directives to treat permitted payment stablecoin issuers (PPSIs) as financial institutions for purposes of the Bank Secrecy Act (BSA) and to require such issuers to maintain an ''effective customer identification program, including identification and verification of account holders.'' [1] This notice of proposed rulemaking (NPRM) is being issued jointly by FinCEN, along with the OCC, Board, FDIC, and NCUA (each an ''Agency'' and collectively ''the Agencies'') as applied to the PPSIs that each Agency supervises.[2] The proposal would also apply to PPSIs that opt for state supervision under the GENIUS Act.[3]

Separately, FinCEN issued a rulemaking proposing changes to its existing regulations to effectuate the GENIUS Act's direction to apply BSA obligations to PPSIs. These changes include creation of a new part in chapter X applicable to PPSIs, proposed part 1033, into which this proposed rule would be incorporated.[4]

II. Background and Authority

The GENIUS Act provides a comprehensive framework for the regulation of payment stablecoins.[5] The GENIUS Act requires that a PPSI ''be treated as a financial institution for purposes of the Bank Secrecy Act, and

[1] *See* 12 U.S.C. 5903(a)(5)(A)(v); *see also* 31 U.S.C. 5318(*l*).

[2] The GENIUS Act outlines the reserve, capital, liquidity, and risk management requirements for PPSIs and tasks implementing those requirements to the OCC, Board, FDIC, NCUA, and, as applicable, any State payment stablecoin regulators. *See* 12 U.S.C. 5903(a)(4). The OCC, Board, FDIC, and NCUA are tasked with establishing a process and framework for the licensing, regulation, examination, and supervision of PPSIs under their respective purviews. *See* 12 U.S.C. 5901(25) (defining ''primary Federal payment stablecoin regulator'' and outlining the Agencies' respective jurisdictions for PPSIs).

[3] *See* 12 U.S.C. 5903(c) (outlining option for state-level regulatory regime for PPSIs with a consolidated total outstanding issuance of not more than $10 billion), 5906 (outlining supervision by State payment stablecoin regulators), 5901(30) (defining ''State payment stablecoin regulator'').

[4] Office of Foreign Assets Control (OFAC) and FinCEN, *Permitted Payment Stablecoin Issuer Anti-Money Laundering/Countering the Financing of Terrorism Program and Sanctions Compliance Program Requirements,* 91 FR 18582 (Apr. 10, 2026) [hereinafter PPSI AML/CFT NPRM]. The PPSI AML/CFT NPRM was issued jointly by FinCEN with OFAC because it also proposes implementation of the GENIUS Act's sanction compliance program obligation.

[5] GENIUS Act, Public Law 119–27, 139 Stat. 419 (2025) (codified at 12 U.S.C. 5901–5916).

as such, shall be subject to all Federal laws applicable to a financial institution located in the United States relating to economic sanctions, prevention of money laundering, customer identification, and due diligence.'' [6] In addition to this clear, general directive, the GENIUS Act specifies that a PPSI's obligations include ''maintenance of an effective customer identification program, including identification and verification of account holders with the permitted payment stablecoin issuer.'' [7]

The Bank Secrecy Act, or ''BSA,'' is the common name for a collection of statutory authorities designed to, among other things, safeguard the national security of the United States by combating money laundering, the financing of terrorism, and other illicit finance activity.[8] The Secretary of the Treasury has delegated the authority to implement, administer, and enforce the BSA and its associated regulations to the Director of FinCEN.[9] The BSA requires the Secretary of the Treasury to prescribe ''minimum standards'' for financial institutions regarding ''the identity of the customer that shall apply in connection with the opening of an account,'' commonly referred to as customer identification programs (CIPs).[10] Under the BSA, these minimum standards the Secretary of the Treasury prescribes must include reasonable procedures for: (1) verifying the identity of any person seeking to open an account to the extent reasonable and practicable; (2) maintaining records of the information used to verify a person's identity, including name, address, and other identifying information; and (3) determining whether the person appears on any lists of known or suspected terrorists or terrorist organizations provided to the financial institution by any government agency.[11] In prescribing regulations related to these minimum standards, the BSA directs the Secretary of the Treasury to ''take into consideration the various types of accounts maintained by various types of financial institutions, the various methods of opening accounts, and the various types of identifying information available.'' [12] For financial institutions engaging in financial activity described in section 4(k) of the Bank Holding Company Act of 1956, such regulations must be jointly prescribed by the Secretary of the Treasury and the appropriate Federal functional regulator.[13]

FinCEN, jointly with the appropriate Federal functional regulators, has issued implementing regulations imposing CIP obligations on various types of financial institutions under the BSA, including banks,[14] brokers or dealers in securities,[15] mutual funds,[16] and futures commission merchants and introducing brokers.[17] In contrast, money transmitters do not have a CIP obligation, but they are required to, for certain activity, verify an individual's identity.[18] Stablecoin issuers are presently subject to BSA obligations as financial institutions and, more specifically, as money transmitters under FinCEN's regulations, which are a type of money services business (MSB).[19]

The GENIUS Act directs the Secretary of the Treasury to issue regulations, tailored to the size and complexity of the PPSI, to implement the GENIUS Act's treatment of PPSIs as financial institutions for purposes of the BSA, including the requirement that PPSIs maintain effective customer identification programs.[20] The GENIUS Act also directs the Secretary of the Treasury and each primary Federal payment stablecoin regulator—the OCC, Board, FDIC, and NCUA—to issue regulations through appropriate notice and comment rulemaking and to coordinate, as appropriate, to carry out the Act.[21] FinCEN and the Agencies are issuing a single, joint rule, ensuring consistent and uniform application of CIP requirements to all PPSIs subject to each Agency's jurisdiction.[22]

III. GENIUS Act Implementation

Treasury issued an advance notice of proposed rulemaking (ANPRM) in September 2025 seeking public comment on potential Treasury regulations implementing the GENIUS Act, including those imposing BSA, anti-money laundering, and sanctions compliance program obligations.[23] In

[6] 12 U.S.C. 5903(a)(5)(A).

[7] 12 U.S.C. 5903(a)(5)(A)(v).

[8] Certain parts of the Currency and Foreign Transactions Reporting Act, its amendments, and the other statutes relating to the subject matter of that Act, have come to be referred to as the BSA. These statutes are codified at 12 U.S.C. 1829b, 12 U.S.C. 1951–1960, and 31 U.S.C. 5311–5314 and 5316–5336 and notes thereto, with implementing regulations at 31 CFR chapter X. Consistent with that understood meaning, as codified, the GENIUS Act defines the ''Bank Secrecy Act'' to mean ''(A) section 1829b of this title [section 21 of the Federal Deposit Insurance Act]; (B) chapter 2 of title I of Public Law 91–508 (12 U.S.C. 1951 *et seq.*); and (C) subchapter II of chapter 53 of title 31, United States Code.'' 12 U.S.C. 5901(2).

[9] *See* Treasury Order 180–01 (Jan. 14, 2020), para. 3, available at *https://home.treasury.gov/about/general-information/orders-and-directives/treasury-order-180-01; see also* 31 U.S.C. 310(b)(2)(I) (providing that the Director of FinCEN shall ''[a]dminister the requirements of subchapter II of chapter 53 of this title, chapter 2 of title I of Public Law 91–508, and section 21 of the Federal Deposit Insurance Act, to the extent delegated such authority by the Secretary of the Treasury'').

[10] 31 U.S.C. 5318(*l*)(1).

[11] 31 U.S.C. 5318(*l*)(2).

[12] 31 U.S.C. 5318(*l*)(3).

[13] 31 U.S.C. 5318(*l*)(4) (referencing section 509 of the Gramm-Leach-Bliley Act for definition of ''Federal functional regulator'' and noting inclusion of the Commodity Futures Trading Commission). Under section 509 of the Gramm-Leach-Bliley Act, the term ''Federal functional regulator'' means (A) the Board of Governors of the Federal Reserve System; (B) the Office of the Comptroller of the Currency; (C) the Board of Directors of the Federal Deposit Insurance Corporation; (D) the Director of the Office of Thrift Supervision; (E) the National Credit Union Administration Board; and (F) the Securities and Exchange Commission. 15 U.S.C. 6809(2) (codifying section 509 of the Gramm-Leach-Bliley Act, Pub. L. 106–102, title V, 113 Stat. 1443 (1999)); *see also* 31 CFR 1010.100(r) (defining ''Federal functional regulator'').

[14] 31 CFR 1020.220; 31 CFR 1010.100(d) (defining ''bank,'' which includes each agent, agency, branch, or office within the United States of banks, savings associations, credit unions, and foreign banks).

[15] 31 CFR 1023.220.

[16] 31 CFR 1024.220.

[17] 31 CFR 1026.220.

[18] MSBs are required, as part of an AML program, to maintain policies, procedures, and internal controls to verify customer identification. 31 CFR 1022.210(d)(1)(i)(A). MSBs are also required to, for transmittals of funds over $3,000, collect identifying information and, at times, verify identity. 31 CFR 1010.410(e)(1)–(3); *see also* 31 CFR 1022.400. MSBs also must verify and record identifying information for transactions in currency that individually or in aggregate exceed $10,000. *See* 31 CFR 1010.312; *see also* 31 CFR 1022.312.

[19] *See* 31 U.S.C. 5312(a)(2)(R) (defining as a ''financial institution,'' in part, a ''person who engages as a business in the transmission of currency, funds, or value that substitutes for currency''); *see also* 31 U.S.C. 5312(a)(2)(J) (defining as a ''financial institution'' a ''business engaged in the exchange of currency, funds, or value that substitutes for currency or funds''); 31 CFR 1010.100(ff)(5); FinCEN, FIN–2013–G001, *Application of FinCEN's Regulations to Persons Administering, Exchanging, or Using Virtual Currencies* (Mar. 18, 2013), available at *https://www.fincen.gov/system/files/shared/FIN-2013-G001.pdf.*

[20] 12 U.S.C. 5903(a)(5)(B). Pursuant to Treasury Order 101–05 and 31 U.S.C. 321(b)(2), the authority vested in the Secretary under the GENIUS Act to issue regulations related to the prevention of money laundering has been delegated to the Director of FinCEN.

[21] 12 U.S.C. 5913(a)–(b); *see also* 12 U.S.C. 5903(a)(4)(A)(iv); 12 U.S.C. 5903(h).

[22] Certain PPSIs, defined in the GENIUS Act as State qualified payment stablecoin issuers, will not be overseen by a Federal functional regulator. *See* 12 U.S.C. 5901(31); 12 U.S.C. 5906. Consistent with FinCEN's historical practice, this proposed rule generally treats these institutions in the same way it treats PPSIs with a Federal functional regulator. FinCEN, *Customer Identification Program, Anti-Money Laundering Programs, and Beneficial Ownership Requirements for Banks Lacking a Federal Functional Regulator,* 85 FR 57129 (Sept. 15, 2020) (amending 31 CFR 1020.220 so banks lacking a Federal functional regulator are covered by the bank CIP rule). For purposes of State qualified payment stablecoin issuers, FinCEN is issuing this proposal without a Federal functional regulator.

[23] Treasury, *GENIUS Act Implementation,* 90 FR 45159 (Sept. 19, 2025). The ANPRM also solicited comment on a range of potential Treasury efforts related to the GENIUS Act that are outside the

response to this ANPRM, Treasury received approximately 450 timely comments from a variety of stakeholders, including banks and credit unions, stablecoin issuers, digital asset exchanges, analytics companies, law firms, trade associations, non-governmental organizations, technology firms, academics, and members of the public. In crafting this proposal, Treasury reviewed and considered the pertinent comments, including those related to illicit finance topics.

This NPRM represents one piece of the comprehensive regulatory framework for PPSIs set out in the GENIUS Act.[24] In a separate rulemaking, FinCEN has proposed a rule to implement the GENIUS Act's directive to apply anti-money laundering obligations to PPSIs (referred to as ''PPSI AML/CFT NPRM''), including program, reporting, and recordkeeping obligations, among others.[25] The PPSI AML/CFT NPRM proposes adding several new definitions arising from the GENIUS Act to chapter X, which are here used to describe this proposed rule. These definitions include ''digital asset,'' [26] ''distributed ledger,'' [27] ''payment stablecoin,'' [28] ''permitted payment stablecoin issuer,'' [29] ''primary Federal payment stablecoin regulator,'' [30] ''Federal qualified payment stablecoin issuer,'' [31] ''State payment stablecoin regulator,'' [32] and ''State qualified payment stablecoin issuer.'' [33] Generally speaking, the proposed definitions in the PPSI AML/CFT NPRM track the language the GENIUS Act uses to define those terms, with a few proposed technical modifications that are intended to be non-substantive.

IV. Overview of Stablecoins and Issuers

The GENIUS Act only governs a subcategory of stablecoins, namely ''payment stablecoins'' as defined by the GENIUS Act, and a subcategory of actors in the payment stablecoin ecosystem, most critically for this rulemaking, PPSIs.[34] Thus, under the GENIUS Act, not all stablecoins are payment stablecoins and not all stablecoin issuers will be eligible to be PPSIs. Because the GENIUS Act framework is not yet in place, however, it is not determined which specific stablecoins will be payment stablecoins and which specific stablecoin issuers will be PPSIs. An understanding of the stablecoin ecosystem, uses of stablecoins, and risks associated with stablecoins generally informs the parameters of the proposed rule, including the rationale behind certain proposed obligations.

A. Stablecoins and Their Uses

Stablecoins are a blockchain-based [35] digital asset [36] designed to maintain a stable value relative to an underlying asset, most often—but not always—a fiat currency.[37] Most stablecoin issuers use smart contracts [38] to issue stablecoins, enable or prohibit subsequent transactions in the stablecoin, and redeem stablecoins. The smart contracts underlying most stablecoins maintain a ledger of the number of stablecoins ''owned by a set of accounts where each account is owned by a blockchain address'' or wallet.[39]

The liquidity and stability of stablecoins relative to other digital assets and rapid settlement of stablecoins make them appealing to illicit actors as well as legitimate users.[40] Currently, most legitimate users primarily rely on stablecoins to store value or facilitate trades in other digital assets. Payment stablecoins have the potential, however, to become a more widely adopted form of payment.[41] Illicit actors have increasingly used stablecoins to facilitate transactions and store proceeds.[42] The U.S. government has linked stablecoins to a range of illicit activities, including money laundering, and bad actors, including scammers and fraudsters; [43] Democratic People's Republic of Korea information technology workers, cybercriminal groups, and related money laundering

purview of this rulemaking. For example, the ANPRM included questions related to the GENIUS Act prohibition on digital asset service providers offering and selling a payment stablecoin to any person in the United States unless the payment stablecoin is issued by a PPSI or a foreign payment stablecoin issuer that meets certain requirements. *Id.* at 45160–61. It also included questions related to Treasury's role in determining whether a state-level regulatory regime is substantially similar to the federal framework and whether a foreign country's regulatory and supervisory regime is comparable to the U.S. framework. *Id.* at 45162–63.

[24] *See, e.g.,* FDIC, *Approval Requirements for Issuance of Payment Stablecoins by Subsidiaries of FDIC-Supervised Insured Depository Institutions,* 90 FR 59409 (Dec. 19, 2025); NCUA, *Investments in and Licensing of Permitted Payment Stablecoins Issuers,* 91 FR 6531 (Feb. 12, 2026); OCC, *Implementing the Guiding and Establishing National Innovation for U.S. Stablecoins Act for the Issuance of Stablecoins by Entities Subject to the Jurisdiction of the Office of the Comptroller of the Currency,* 91 FR 10202 (Mar. 2, 2026); Treasury, *GENIUS Act Broad-Based Principles for Determining Whether a State-Level Regulatory Regime Is Substantially Similar to the Federal Regulatory Framework,* 91 FR 16844 (Apr. 3, 2026); FDIC, *GENIUS Act Requirements and Standards for FDIC-Supervised Permitted Payment Stablecoin Issuers and Insured Depository Institutions,* 91FR 18534 (Apr. 10, 2026).

[25] *See* PPSI AML/CFT NPRM, *supra* note 4.

[26] *See* 12 U.S.C. 5901(6).

[27] *See* 12 U.S.C. 5901(8).

[28] *See* 12 U.S.C. 5901(22).

[29] *See* 12 U.S.C. 5901(23).

[30] *See* 12 U.S.C. 5901(25).

[31] *See* 12 U.S.C. 5901(11).

[32] *See* 12 U.S.C. 5901(30).

[33] *See* 12 U.S.C. 5901(31).

[34] *See, e.g.,* 12 U.S.C. 5902, 5903.

[35] A blockchain is ''any technology where data is: (i) shared across a network to create a public ledger of verified transactions or information among network participants; (ii) linked using cryptography to maintain the integrity of the public ledger and to execute other functions; (iii) distributed among network participants in an automated fashion to concurrently update network participants on the state of the public ledger and any other functions; and (iv) composed of source code that is publicly available.'' Executive Order (E.O.) 14178, *Strengthening American Leadership in Digital Financial Technology,* sec. 2(b), 90 FR 8647 (Jan. 31, 2025).

[36] For this proposed rule, a ''digital asset'' is ''any digital representation of value that is recorded on a cryptographically secured distributed ledger.'' *See* 12 U.S.C. 5901(6).

[37] White House, *Strengthening American Leadership in Digital Financial Technology,* p. 88 (July 2025) [hereinafter *E.O. 14178 Report*], available at *https://www.whitehouse.gov/wp-content/uploads/2025/07/Digital-Assets-Report-EO14178.pdf.* This report was issued by the Presidential Working Group on Digital Asset Markets, of which the Secretary of the Treasury is a member, pursuant to E.O. 14178.

[38] A smart contract is a ''collection of code and data . . . that is deployed using cryptographically signed transactions'' on a blockchain network, which is executed by nodes on a blockchain to perform any given set of pre-determined functions or conditions that are recorded on a blockchain. *See* National Institute of Standards and Technology (NIST), NISTIR 8202, *Blockchain Technology Overview,* p. 32 (Oct. 2018) [hereinafter *Blockchain Technology Overview*], available at *https://nvlpubs.nist.gov/nistpubs/ir/2018/NIST.IR.8202.pdf* (''A smart contract can perform calculations, store information, expose properties to reflect a publicly exposed state and, if appropriate, automatically send funds to other accounts.'').

[39] NIST, NISTIR 8408, *Understanding Stablecoin Technology and Related Security Considerations,* p. 6 (sec. 3.2) (Sept. 2023), available at *https://nvlpubs.nist.gov/nistpubs/ir/2023/NIST.IR.8408.pdf.* The lynchpin of a blockchain is asymmetric (public key) cryptography, which is used to secure and send transactions on a blockchain. *See Blockchain Technology Overview, supra* note 38, p. 11. First, a user generates a private key (a string of characters that function like a password) and uses that private key to generate a public key (an account number on a blockchain known as an address). Without the private key associated with an address or public key, a user cannot access the digital assets contained within. Developers have created software or hardware wallets to enable users to manage their public and private keys and safeguard their assets more easily. *See E.O. 14178 Report, supra* note 37, pp. 9–10.

[40] *See* Treasury, *2026 National Money Laundering Risk Assessment,* p. 50 (Mar. 2026) [hereinafter *2026 NMLRA*], available at *https://home.treasury.gov/system/files/246/2026-NMLRA.pdf; E.O. 14178 Report, supra* note 37, p. 94.

[41] *E.O. 14178 Report, supra* note 37, p. 91.

[42] *See 2026 NMLRA, supra* note 40, p. 50.

[43] *See, e.g.,* Compl., *United States* v. *Approximately 225,364,961 USDT,* No. 25–cv–1907 (D.D.C. June 18, 2025) (civil forfeiture action against more than $225.3 million in stablecoins allegedly involved in concealing proceeds of digital assets investment fraud); *United States* v. *Su,* No. 25–cr–362 (C.D. Cal. Jan. 27, 2026) (defendant sentenced to 46 months in prison for role in digital investment scam involving $36.9 million where victim funds were converted to stablecoins).

networks;[44] drug traffickers;[45] terrorist groups;[46] and sanctions evasion and money laundering networks,[47] among others.

B. Issuers and Interactions With Users

Most stablecoins backed by financial assets, including fiat currency, have centralized control, meaning that one company, or a group of companies, are responsible for governance functions, including defining and ensuring compliance with standards related to the issuance, purchase, redemption, custody, and transfer of the stablecoin.

Currently, many stablecoin issuers generally interact directly with a small number of larger companies—which are often institutional participants in the trading of digital assets (*i.e.,* digital asset exchanges).[48] Those companies, in turn, interact with a larger and more diverse group of users. Many stablecoin issuers predominantly offer issue and redemption services to financial institutions, including digital asset exchanges that may be regulated under the BSA as MSBs.[49] Generally, once an issuer issues stablecoins to such financial institutions, those financial institutions put the stablecoins into broader circulation to other users, such as individual retail users.[50]

Due to the use of smart contracts underlying stablecoin transactions and how users interact with stablecoin issuers, the ecosystem can, broadly speaking, be divided into two components, the primary market and the secondary market. For purposes of this rulemaking, FinCEN and the Agencies will use the term ''primary market'' to generally describe a PPSI interacting directly with a user or holder of a payment stablecoin, such as when a PPSI engages in issuing, converting, redeeming, repurchasing, burning, and reissuing payment stablecoins, as well as providing associated services, such as providing custodial services.[51] FinCEN and the Agencies will use the term ''secondary market'' to describe payment stablecoin activity that does not directly involve the PPSI as a party to the transaction other than via a smart contract. For example, secondary market activity could include an individual purchasing payment stablecoins from intermediaries, an individual sending a payment stablecoin from a self-hosted wallet to a vendor to purchase goods, an individual exchanging payment stablecoins for another digital asset via a digital asset exchange, or person-to-person transactions in payment stablecoins.

V. Section-by-Section Analysis

As required by the GENIUS Act, this rulemaking proposes a CIP obligation for accounts maintained by PPSIs.[52] Obligations under this proposal are comparable to existing CIP requirements for other financial institutions, such as banks, brokers-dealers, mutual funds, and futures commission merchants and introducing brokers in commodities. PPSIs likely will frequently interact with financial institutions that are already subject to CIP requirements, and in some cases, PPSIs will be subsidiaries of insured depository institutions with CIP requirements.[53] Subjecting PPSIs to CIP requirements similar to such institutions is expected to increase the effectiveness and efficiency of CIP programs and facilitate the ability of PPSIs and other financial institutions with CIP requirements to rely on another institution's performance of any procedure related to a CIP, with the recommended safeguards contained in proposed 31 CFR 1033.220(a)(6).

In crafting this proposal, FinCEN and the Agencies have considered the statutory factors articulated in the BSA, specifically the various types of accounts PPSIs may maintain, the various methods of opening accounts, and the various types of identifying information available.[54] Most notably, FinCEN and the Agencies recognize that these factors may vary significantly by the size and complexity of the PPSI, the activities in which it engages, and the types of customers it has. Accordingly, rather than prescribe a one-size-fits-all approach, FinCEN and the Agencies direct that a PPSI's CIP should address the types of accounts it intends to maintain, how it allows those accounts to be opened, and the types of identifying information available. In defining ''account,'' as noted below, the proposal takes into consideration the range of activities in which a PPSI can engage and the types of accounts that a PPSI may maintain.

Relatedly, as mentioned above, the GENIUS Act directs the Secretary to tailor BSA obligations to the size and complexity of an issuer.[55] This proposal meets that requirement by proposing regulatory text that requires a PPSI to tailor its CIP to that PPSI's size and type of business, as well as take into consideration the PPSI's risk based on its unique business—including the types of accounts it has, how those accounts are opened, and the identifying information available. Other policy options to tailor for size and complexity were considered including, for example, a CIP obligation that would fluctuate solely based on the size of an issuer. FinCEN and the Agencies have preliminarily assessed, however, that such an approach, however, could harm national security by providing weaker points of entry to the financial system, but request comment on its approach. This CIP proposal necessarily results in tailored obligations, which comports with the GENIUS Act, mitigates the risk of weaker points of entry, and best

[44] *See, e.g.,* Indictment, *United States* v. *Sop,* No. 23–cr–128 (D.D.C. Mar. 18, 2023) (alleging defendant laundered proceeds of DPRK IT workers in violation of sanctions, including through use of stablecoins); DOJ, Press Release, *Department Files Civil Forfeiture Complaint Against Over $7.74M Laundered on Behalf of the North Korean Government* (June 5, 2025), available at *https://www.justice.gov/opa/pr/department-files-civil-forfeiture-complaint-against-over-774m-laundered-behalf-north-korean; United States of America* v. *Approximately 1,159,834.52 USDT,* No. 25–cv–3771 (D.D.C. Oct. 24, 2025) (civil forfeiture complaint of stablecoins related to virtual currency heists perpetrated by DPRK hacking groups).

[45] *See, e.g., United States* v. *Zhang et al.,* No. 22–cr–10279 (Aug. 15, 2025) (defendants sentenced to prison in connection with drug trafficking scheme involving conversion of proceeds to stablecoins); *see also,* DOJ, Press Release, *Two Men Sentenced for Role in International Money Laundering and Drug Trafficking Conspiracy* (Aug. 15, 2025), available at *https://www.justice.gov/usao-ma/pr/two-men-sentenced-role-international-money-laundering-and-drug-trafficking-conspiracy.*

[46] *See, e.g.,* DOJ, Press Release, *Justice Department Disrupts Hamas Terrorist Financing Scheme Through Seizure of Cryptocurrency* (Mar. 27, 2025), available at *https://www.justice.gov/opa/pr/justice-department-disrupts-hamas-terrorist-financing-scheme-through-seizure-cryptocurrency; United States of America* v. *Nine Cryptocurrency Wallets Held by Tether Ltd. and Seven Cryptocurrency Wallets Held by Binance Holdings Ltd.,* No. 24–cv–01251 (D.D.C. Nov. 13, 2025) (involving a civil forfeiture of approximately $2 million dollars in digital currency connected to a Gaza-based money transfer business that was involved in financially supporting Hamas).

[47] Treasury, Press Release, *Treasury Exposes Money Laundering Network Using Digital Assets to Evade Sanctions* (Dec. 4, 2024), available at *https://home.treasury.gov/news/press-releases/jy2735.*

[48] *See* Watsky, Cy, *et al., Primary and Secondary Markets for Stablecoins,* FEDS Notes, Washington: Board of Governors of the Federal Reserve System (Feb. 23, 2024), available at *https://doi.org/10.17016/2380-7172.3447.*

[49] *See id.; see also E.O. 14178 Report, supra* note 37, p. 105.

[50] *See, e.g., E.O. 14178 Report, supra* note 37, pp. 18–20.

[51] If consistent with the law and authorized by a primary Federal stablecoin regulator or the State payment stablecoin regulator, as applicable, PPSIs can also engage in activities as a ''digital asset service provider,'' as defined by the GENIUS Act, and activities incidental thereto. Such activities include exchanging and transferring digital assets. *See* 12 U.S.C. 5903(a)(7)(B), 5901(7). Such activity would also constitute primary market activity.

[52] *See* 12 U.S.C. 5903(a)(5)(A)(v).

[53] As explained more fully in the PPSI AML/CFT NPRM, *supra* note 4, in some cases PPSIs will be subsidiaries of insured depository institutions, which have CIP requirements, or be chartered by the OCC as national trust banks. *See* 12 U.S.C. 5901(11), (23).

[54] *See* 31 U.S.C. 5318(*l*)(3).

[55] 12 U.S.C. 5903(a)(5)(B).

protects the U.S. financial system from illicit activity.

A. Proposed 31 CFR 1033.100—Definitions

FinCEN and the Agencies propose promulgating in § 1033.100 three new definitions with respect to the proposed CIP obligation—account, customer, and digital asset service provider.[56] The definitions are proposed for purposes of this CIP rulemaking and would only apply to the CIP obligation unless otherwise expressly noted.[57]

The definitions discussed in this proposal are designed to clarify that a PPSI's CIP obligation extends to direct relationships, *i.e.,* primary market activity, and does not extend to activity where the only interaction is with a PPSI's smart contract. Consistent with the BSA, the CIP requirements for other types of financial institutions extend to where an institution has some sort of formal relationship with an individual or entity.[58] Based on the language in section 4(a)(5) of the GENIUS Act, and the analysis undertaken by FinCEN and the Agencies of the stablecoin ecosystem, FinCEN and the Agencies assess that the term ''customer'' in section 4(a)(5) related to ''customer identification program'' pertains to circumstances where the ''customer'' and a PPSI have a direct interaction and relationship. Put differently, the term ''customer'' is not meant to apply where a transfer is the result of third parties and a payment stablecoin user's only interaction with the PPSI is through a smart contract.

Moreover, interaction with a smart contract does not currently result in a PPSI acquiring the kind of information needed to verify an identity. Imposing an obligation where any payment stablecoin transfer could, for purposes of a CIP obligation, result in a customer and account relationship with a PPSI would essentially impose on PPSIs a global obligation to collect and verify identifying information of individual users. FinCEN and the Agencies assess that such a CIP obligation would be nearly impossible for PPSIs to implement and could potentially cripple the industry. FinCEN and the Agencies, however, seek comment on this approach and their assessment of the difficulties of such a globally applicable CIP obligation.

1. Proposed 31 CFR 1033.100(a)—Account

FinCEN and the Agencies propose adding the definition of ''account'' at § 1033.100(a). The proposed definition resembles how ''account'' is defined in other CIP rules, but contains unique provisions that reflect the kinds of activities in which PPSIs can engage. It also considers, as the BSA requires, the types of accounts PPSIs may maintain.

The proposed text defines an ''account'' in paragraph (a)(1) as a formal relationship between a PPSI and a customer, established to provide or engage in services, dealings, or other financial transactions. The ''formal relationship'' language mimics most other CIP rules promulgated under the BSA.[59] FinCEN and the Agencies are proposing carrying this language over to the PPSI CIP to promote consistency, efficiency, and the ability of institutions to rely on each other for CIP procedures (subject safeguards). FinCEN and the Agencies request comment, however, on whether the formal relationship language is sufficiently clear.

Similar to the definition of ''account'' for other financial institutions subject to CIP requirements, the proposed definition of account contains an illustrative list of activities that may fall within ''services, dealings, or other financial transactions.'' [60] The proposed examples are based on the GENIUS Act's provision limiting PPSI activities, including the GENIUS Act rule of construction that clarifies a PPSI can engage in digital asset service provider activities or activities incidental thereto to the extent where those activities are consistent with all other Federal and State laws and authorized by the appropriate primary Federal or State payment stablecoin regulator.[61] As proposed, the illustrative list would include: (i) issuing or redeeming a payment stablecoin; (ii) managing related reserves, including purchasing, selling, and holding reserve assets or providing custodial services for reserve assets; (iii) providing custodial or safekeeping services for payment stablecoins, required reserves, or private keys of payment stablecoins; (iv) other activities that directly support activities in paragraphs (a)(1)(i), (ii), and (iii); or (v) providing services of a digital asset service provider that are authorized by the primary Federal payment stablecoin regulator or the State payment stablecoin regulator, as applicable, consistent with all other Federal and State laws, provided that the claims of payment stablecoin holders rank senior to any potential claims of non-stablecoin creditors with respect to the reserve assets, consistent with section 11 of the GENIUS Act. FinCEN and the Agencies assess that providing such examples promotes clarity while leaving room for innovations in the industry that could create new, but similar, relationships between a PPSI and a person that involves a formal relationship and could fall under the ''account'' definition.

Unlike with other types of financial institutions with CIP requirements, an individual with no established relationship with a PPSI could hold a PPSI's product, specifically a payment stablecoin, and then seek to engage directly with a PPSI for a financial service. For example, an individual who has no established relationship with the PPSI could acquire a payment stablecoin from, for example, an exchange, and seek to redeem it with the PPSI. That redemption could establish an account with the PPSI and make the individual a customer. FinCEN requests comment on whether the CIP proposal should be refined or clarified to account for such activity.

The proposed definition also provides instances where activity does not form an account relationship. Two of these

[56] This proposal's definitions are in addition to other terms defined in the GENIUS Act and proposed to be codified by FinCEN as part of the PPSI AML/CFT NPRM, see *supra* note 4, most notably, ''digital asset,'' ''distributed ledger,'' ''payment stablecoin,'' ''permitted payment stablecoin issuer,'' ''primary Federal payment stablecoin regulator,'' ''Federal qualified payment stablecoin issuer,'' ''State payment stablecoin regulator,'' and ''State qualified payment stablecoin issuer.''

[57] As noted in the PPSI AML/CFT NPRM, see *supra* note 4, for example, the term ''account'' is used in various FinCEN regulations and in the GENIUS Act, but the definition of account in this proposed CIP rule generally only applies to CIP requirements set out in this proposed rule, part 1033, unless otherwise expressly noted. *Compare* 31 CFR 1010.230(c) (referencing in beneficial ownership requirement the CIP definitions of ''account'') *with* 1010.605(c)(2) (defining ''account'' for purposes of special due diligence obligations for correspondent accounts and private banking accounts, without reference to the CIP definitions of ''account''). As discussed in the PPSI AML/CFT NPRM, the GENIUS Act directs that PPSIs have the technological capability to comply, and will comply, with the terms of any lawful orders. *See* 12 U.S.C. 5903(a)(6)(B). Lawful order is defined, in part, by using ''account.'' *See* 12 U.S.C. 5901(16)(B). FinCEN is not intending, however, to apply the proposed CIP definition of account to that obligation.

[58] *See, e.g.,* 31 CFR 1020.100 (defining ''account'' in bank CIP as ''a formal banking relationship''); 1023.100 (defining ''account'' in broker-dealer CIP as ''a formal relationship''); *see also* 31 U.S.C. 5318(*l*) (setting forth obligations related to verifying the identity of ''customers . . . in connection with the opening of an account'').

[59] *See* 31 CFR 1020.100(a)(1) (defining ''account'' for bank CIP); 31 CFR 1023.100(a)(1) (defining ''account'' for broker-dealer CIP); 31 CFR 1026.100(a)(1) (defining ''account'' for futures commission merchants and introducing brokers in commodities CIP); *but see* 31 CFR 1024.100(a)(1) (defining ''account'' for mutual fund CIP as a ''contractual or other business relationship'').

[60] *See* 31 CFR 1020.100(a), 1023.100(a), 1024.100(a), 1026.100(a).

[61] *See* 12 U.S.C. 5903(a)(7).

subparagraphs are intended to make clear that purely secondary market payment stablecoin activity does not form a formal relationship between a PPSI and a payment stablecoin user or holder. That list provides that the term ''account'' does not include a product or service where a formal relationship is not established with a person, such as payment stablecoin activity that does not directly involve the PPSI as a party to the transaction other than via a smart contract. It also specifies that ownership or control of a PPSI's payment stablecoins alone, without other indicators of a formal relationship, does not constitute an account.

Consistent with other CIP rules, the proposed text further provides that the term ''account'' does not include an account that the PPSI acquires through an acquisition, merger, purchase of assets, or assumption of liabilities from a financial institution regulated by a Federal functional regulator or a bank regulated by a State bank regulator or an account opened for the purpose of participating in an employee benefit plan established under the Employee Retirement Income Security Act of 1974.

2. Proposed 31 CFR 1033.100(b)—Customer

FinCEN and the Agencies propose adding the definition of ''customer'' at § 1033.100(b) for the purposes of a PPSI's CIP obligation. The proposal would define customer as (i) a person that opens a new account; and (ii) an individual who opens a new account for: (A) an individual who lacks legal capacity, such as a minor; or (B) an entity that is not a legal person, such as a civic club.

The proposed definition also provides that the term ''customer'' does not include: (i) a financial institution regulated by a Federal functional regulator or a bank regulated by a State bank regulator; (ii) a person described in § 1020.315(b)(2) through (4) of 31 CFR chapter X; (iii) a person that has an existing account with the PPSI, provided the PPSI has a reasonable belief that it knows the true identity of the person; or (iv) a person acquiring or redeeming a payment stablecoin from a means other than directly from or directly to the PPSI. The final provision promotes FinCEN and the Agencies' determination that transfers of payment stablecoins on the secondary market do not make a party to the transfer a customer of a PPSI.

3. Proposed 31 CFR 1033.100(c)—Digital Asset Service Provider

FinCEN and the Agencies propose adding a definition of ''digital asset service provider'' at § 1033.100(c) for the purposes of a PPSI's CIP obligations because the term is used in the proposed definition of ''account.'' As discussed, the GENIUS Act expressly reserves the ability of a PPSI to engage in the digital asset service provider activities, where such activities are authorized by the appropriate primary Federal payment stablecoin regulator or State payment stablecoin regulator.[62] To help ensure such activities are appropriately included in activities that could create an account relationship with a PPSI, FinCEN and the Agencies propose defining ''digital asset service provider'' for CIP purposes.

The proposed definition of ''digital asset service provider'' is consistent with the definition provided in the GENIUS Act, with certain modifications in light of preexisting FinCEN regulatory definitions.[63] Under the proposed rule, the term ''digital asset service provider'' would mean an individual, partnership, company, corporation, association, trust, estate, cooperative organization, or other business entity, incorporated or unincorporated that, for compensation or profit, engages in business in the United States (including on behalf of customers or users in the United States) of: (A) exchanging digital assets for monetary value, meaning a national currency or deposit denominated in a national currency; (B) exchanging digital assets for other digital assets; (C) transferring digital assets to a third party; (D) acting as a digital asset custodian; or (E) participating in financial services relating to digital asset issuance. The proposed definition also provides that the term ''digital asset service provider'' does not include: (i) a distributed ledger protocol; (ii) developing, operating, or engaging in the business of developing distributed ledger protocols or self-custodial software interfaces; (iii) an immutable and self-custodial software interface; (iv) developing, operating, or engaging in the business of validating transaction or operating a distributed ledger; or (v) participating in a liquidity pool or other similar mechanism for the provisioning of liquidity for peer-to-peer transactions. The proposed definition of digital asset service provider will also state the meaning of ''distributed ledger protocol,'' as defined by 12 U.S.C. 5901(9).

This proposed definition modifies the GENIUS Act language in three respects. None of the changes are intended to substantively change the meaning of the GENIUS Act definition of digital asset service provider.

First, the proposed definition modifies the GENIUS Act definition of digital asset service provider by replacing the statutory term ''person'' in that definition with the text the GENIUS Act uses to define ''person'' in 12 U.S.C. 5901(24).[64] This change is proposed because the term ''person'' is already defined in FinCEN regulations at 31 CFR 1010.100(mm)[65] and differs from the GENIUS Act definition of ''person.''[66] FinCEN's regulatory definition of person includes Indian Tribes as defined in the Indian Gaming Regulatory Act, which the GENIUS Act definition of person does not include. Further, FinCEN's regulatory definition also does not characterize the entities that comprise the category as ''business'' entities, as the GENIUS Act definition does. To ensure the definition of ''digital asset service provider'' for PPSIs accurately applies to the ''persons'' that Congress intended, as evidenced by the GENIUS Act definition of the term, FinCEN and the Agencies propose incorporating the GENIUS Act definition of person into the regulatory definition of ''digital asset service provider.''

Second, the proposed definition of ''digital asset service provider'' incorporates the GENIUS Act definition of ''monetary value'' as provided in 12 U.S.C. 5901(17).[67] FinCEN has two similar terms, ''monetary instruments'' and ''currency,'' that are already defined in its regulations at 31 CFR 1010.100(dd)[68] and 31 CFR

[62] 12 U.S.C. 5903(a)(7)(B).

[63] *See* 12 U.S.C. 5901(7).

[64] *See* 12 U.S.C. 5901(24) (defining ''person'' as ''an individual, partnership, company, corporation, association, trust, estate, cooperative organization, or other business entity, incorporated or unincorporated'').

[65] *See* 31 CFR 1010.100(mm) (defining ''Person'' as ''An individual, a corporation, a partnership, a trust or estate, a joint stock company, an association, a syndicate, joint venture, or other unincorporated organization or group, an Indian Tribe (as that term is defined in the Indian Gaming Regulatory Act), and all entities cognizable as legal personalities'').

[66] *See* 12 U.S.C. 5901(24).

[67] *See* 12 U.S.C. 5901(17) (defining ''monetary value'' as ''a national currency or deposit (as defined in section [3 of the Federal Deposit Insurance Act (12 U.S.C. 1813))] denominated in a national currency'').

[68] *See* 31 CFR 1010.100(dd) (defining ''Monetary instruments'' as ''(1) Monetary instruments include: (i) Currency; (ii) Traveler's checks in any form; (iii) All negotiable instruments (including personal checks, business checks, official bank checks, cashier's checks, third-party checks, promissory notes (as that term is defined in the Uniform Commercial Code), and money orders) that are either in bearer form, endorsed without restriction, made out to a fictitious payee (for the purposes of § 1010.340), or otherwise in such form that title thereto passes upon delivery; (iv) Incomplete instruments (including personal checks, business checks, official bank checks, cashier's checks, third-

1010.100(m).[69] To avoid confusion between the existing definitions and the definition in the GENIUS Act, FinCEN and the Agencies propose including the GENIUS Act definition of ''monetary value'' within the definition of ''digital asset service provider.''

Third, and finally, the proposed definition of ''digital asset service provider'' also incorporates the GENIUS Act definition ''distributed ledger protocol'' as provided in 12 U.S.C. 5901(9).[70] The term ''distributed ledger protocol'' is not otherwise used in the proposed regulation, so FinCEN and the Agencies propose including the term and its definition within the definition of ''digital asset service provider.''

B. Proposed 31 CFR 1033.220—Customer Identification Program

1. Proposed 31 CFR 1033.220(a) and (a)(1)—Minimum Requirements

Proposed § 1033.220(a) would establish the minimum standards for a CIP. Proposed § 1033.220(a)(1) would require a PPSI to establish and maintain a written CIP. The CIP would be required to be appropriate for a PPSI's size and business.

As with the CIP rule for banks and other financial institutions with CIP obligations, a PPSI's CIP would be required to be a part of the PPSI's anti-money laundering and countering the financing of terrorism (AML/CFT) program. As discussed in the PPSI AML/CFT NPRM, FinCEN and the Agencies recognize the value of enterprise-wide compliance efforts. Where a PPSI is a subsidiary of an insured depository institution, FinCEN and the Agencies anticipate that the enterprise may elect to extend a single AML/CFT program to both entities and that doing so would be permissible so long as a comprehensive AML/CFT program is reasonably designed to identify and mitigate the risks posed by the different aspects of each entity's business and activities and satisfies each of the risk-based AML/CFT program and other applicable BSA and GENIUS Act requirements to which the PPSI or parent is subject. Likewise, an enterprise may elect to implement an enterprise-wide CIP rather than maintain separate CIPs for a parent and subsidiary. In doing so, however, the enterprise-wide CIP would need to account for the legal and regulatory obligations of both the parent and subsidiary. Relatedly, where a PPSI is also a national trust bank, the entity could create a single CIP covering all the entity's regulatory obligations.

2. Proposed 31 CFR 1033.220(a)(2)—Identity Verification Procedures

Proposed § 1033.220(a)(2) would impose obligations related to identity verification procedures, effectuating 31 U.S.C. 5318(*l*)(2)(A). It would require that the CIP include risk-based procedures for verifying the identity of each customer to the extent reasonable and practicable. The procedures must enable the PPSI to form a reasonable belief that it knows the identity of each customer. The procedures must be based on the PPSI's assessment of the relevant risks, including those presented by the various types of accounts maintained by the PPSI, the various methods of opening accounts provided by the PPSI, the various types of identifying information available, and the PPSI's size, location, and customer base.

As with existing CIP rules, the rule proposes to include the term ''risk-based'' as a descriptor of these procedures.[71] The identity verification procedures would need to be based on the PPSI's assessment of the relevant risks, and take into consideration the types of accounts the PPSI maintains, the different methods of opening accounts, and the types of identifying information available.[72] Ultimately the procedures must enable the PPSI to form a reasonable belief that it knows the true identity of the customer.[73] A risk-based framework reflects the fact that variations in customer relationships can present varying levels of risks.[74]

i. Proposed 31 CFR 1033.220(a)(2)(i)—Customer Information Required

Proposed § 1033.220(a)(2)(i) would specify identifying information that a CIP must account for in procedures for opening an account. The proposed rule would require a PPSI to obtain from each customer the following information prior to opening an account: (1) name; (2) date of birth, for an individual; or date of formation, for a person that is not an individual; (3) address (a residential and mailing address for individuals, or the principal place of business, local office, or other physical address and mailing address for a person other than an individual); and (4) an identification number.

The proposed rule would require that a PPSI collect a residential or business street address for an individual. If the individual does not have a residential or business street address, the individual may provide an Army Post Office or a Fleet Post Office box number or the residential or business street address of a next of kin or another contact individual. If the customer is a corporation, partnership or trust, it must provide the address of its principal place of business, local office, or other physical location. A Post Office (PO) box is not an acceptable type of address for the purposes of the proposed rule. Similarly, although some virtual offices or commercial mail receiving agencies provide an address for an entity or individual to use, similar to a PO box, the address provided is not an actual place of business or residence for the entity or individual and does not evidence a physical location for the customer.[75] Accordingly, such addresses are not acceptable physical locations for purposes of the proposed rule.

The proposed rule would also require collection of an identification number. For U.S. persons this would be a taxpayer identification number. For non-U.S. persons the identification number could be one or more of the following: a taxpayer identification number, passport number and country of issuance, alien identification card number, or number and country of issuance of any other government-issued document evidencing nationality or residence and bearing a photograph or similar safeguard. For a non-U.S. person that is not an individual and that does not have an identification number, the PPSI must request alternative

party checks, promissory notes (as that term is defined in the Uniform Commercial Code), and money orders) signed but with the payee's name omitted; and (v) Securities or stock in bearer form or otherwise in such form that title thereto passes upon delivery. (2) Monetary instruments do not include warehouse receipts or bills of lading.'').

[69] *See* 31 CFR 1010.100(m) (defining ''Currency'' as ''[t]he coin and paper money of the United States or of any other country that is designated as legal tender and that circulates and is customarily used and accepted as a medium of exchange in the country of issuance. Currency includes U.S. silver certificates, U.S. notes and Federal Reserve notes. Currency also includes official foreign bank notes that are customarily used and accepted as a medium of exchange in a foreign country'').

[70] *See* 12 U.S.C. 5901(9) (defining ''distributed ledger protocol'' as ''publicly available and accessible executable software deployed to a distributed ledger, including smart contracts or networks of smart contracts'').

[71] *See* 31 CFR 1020.220(a)(2), 1023.220(a)(2), 1024.220(a)(2), 1026.220(a)(2).

[72] *See* 31 U.S.C. 5318(*l*)(3).

[73] *See* 31 U.S.C. 5381(*l*)(2)(A).

[74] *See* Board, FDIC, FinCEN, NCUA, and OCC, *Joint Statement on the Risk-Based Approach to Assessing Customer Relationships and Conducting Customer Due Diligence* (July 6, 2022), available at *https://www.fincen.gov/news/news-releases/joint-statement-risk-based-approach-assessing-customer-relationships-and.*

[75] *See* United States Postal Service, *Domestic Mail Manual,* section 508.1.8 (Jan. 18, 2026), available at *https://pe.usps.com/cpim/ftp/manuals/dmm300/508.pdf.*

government-issued documentation certifying the existence of the person.

The proposed rule provides an exception for persons applying for a taxpayer identification number. However, the exception would require that the CIP include procedures for confirming that the application for a taxpayer identification number was filed, as well as obtaining the taxpayer identification number within a reasonable period of time after the account is opened.

ii. Proposed 31 CFR 1033.220(a)(2)(ii)—Customer Verification

Proposed § 1033.220(a)(2)(ii) relates to CIP procedures for verifying the identity of a customer using the information the PPSI has collected. The proposed rule would require that the CIP contains procedures for verifying the identity of each new customer within a reasonable period of time after the customer's account is opened. The procedures must describe when the PPSI will use documents, non-documentary methods, or a combination of both methods.

FinCEN and the Agencies recognize the interest in leveraging verifiable credentials and digital identity as part of account opening procedures.[76] Over 20 years ago when the bank CIP final rule was promulgated, FinCEN and staff of the Board, FDIC, NCUA, OCC, and the Office of Thrift Supervision (OTS) recognized in guidance that an ''electronic credential'' was one method that an institution could use to form a reasonable belief that it knows the true identity of its customer.[77] Since that time, digital identity tools have become more commonplace and more sophisticated. Notably, however, there are a variety of digital identity tools and applications currently in existence, as well as a significant number under development. These tools vary in how they operate and in their trustworthiness.[78]

FinCEN and the Agencies propose that technological variation and innovation are best accounted for by maintaining the flexibility in the proposal relating to how a PPSI verifies a customer's identity. This flexibility will enable individual PPSIs to assess its comfort level with the trustworthiness of various tools and take into consideration variation in tools and differences in risk. FinCEN and the Agencies expect that PPSIs would treat different digital identity tools differently. For example, a mobile ID or driver's license issued by a state could constitute an ''unexpired government-issued identification evidencing nationality or residence and bearing a photograph or similar safeguard'' under proposed § 1033.220(a)(2)(ii)(A). A digital identity credential offered by a non-governmental entity that enables a person to prove that they are who they claim to be without revealing information other than that fact could, if appropriate as part of a risk-based procedure, be a non-documentary verification method. Accordingly, FinCEN and the Agencies are not proposing regulatory text related to verifiable credentials and digital identities, but request comment on this approach.

a. Proposed 31 CFR 1033.220(a)(2)(ii)(A)—Verification Through Documents

The proposed rule states that if the PPSI is relying on documents to verify a customer's identity, then the CIP must contain procedures that set forth the documents that the PPSI will use. For an individual, the PPSI could use an unexpired government-issued identification evidencing nationality or residence that contains a photograph or similar safeguard, such as a driver's license or passport. For a person other than an individual, such as a corporation, partnership, or trust, the document must show the existence of the entity, such as certified articles of incorporation, a government-issued business license, a partnership agreement, or a trust instrument.

b. Proposed 31 CFR 1033.220(a)(2)(ii)(B)—Verification Through Non-Documentary Methods

For a PPSI relying on non-documentary methods to verify a customer's identity, the proposed rule would require the CIP to contain procedures that set forth the non-documentary methods the PPSI will use. These methods may include contacting a customer; independently verifying the customer's identity through the comparison of information provided with respect to the customer with information obtained from a consumer reporting agency, public database, or other source; checking references with other financial institutions; or obtaining a financial statement.

Under the proposed rule, the PPSI's non-documentary procedures would be required to address situations where an individual is unable to present an unexpired government-issued identification document that bears a photograph or similar safeguard; the PPSI is not familiar with the documents presented; the account is opened without obtaining documents; the customer opens the account without meeting in person; or the PPSI is otherwise presented with circumstances that increase the risk that the PPSI will be unable to verify the true identity of a customer through documents.

c. Proposed 31 CFR 1033.220(a)(2)(ii)(C)—Additional Verification for Certain Customers

Proposed § 1033.220(a)(2)(ii)(C) would require that a PPSI's CIP address situations where, based on the PPSI's risk assessment of a new account opened by a customer that is not an individual, the PPSI will obtain information about individuals with authority or control over such account to verify the customer's identity. This verification method would apply only when the PPSI cannot verify the true identity of a customer that is not an individual through either documentary or non-documentary methods.

iii. Proposed 31 CFR 1033.220(a)(2)(iii)—Lack of Verification

FinCEN and the Agencies believe that, while the majority of customers may be verified through documentary and non-documentary methods, there may be instances where this is not possible. Proposed § 1033.220(a)(2)(iii) relates to CIP procedures in which the PPSI cannot form a reasonable belief that it knows the true identity of a customer. Under the proposed rule, these procedures would be required to describe: (1) when the PPSI should not open an account; (2) the terms under which a customer may use an account while the PPSI attempts to verify the customer's identity; (3) when the PPSI should close an account after attempts to verify a customer's identity fail; and (4) when the PPSI should file a Suspicious Activity Report in accordance with applicable law and regulation.

[76] Treasury, *Report to Congress from the Secretary of the Treasury on Innovative Technologies to Counter Illicit Finance Involving Digital Assets,* pp. 17–22 (Mar. 2026) [hereinafter *Innovation Report*], available at *https://home.treasury.gov/system/files/246/GENIUS-Act-Illicit-Finance-Innovation-Congressional-Report-March-2026.pdf; see also E.O. 14178 Report, supra* note 37, pp. 112–13. The GENIUS Act tasked the Secretary with researching innovative or novel models, techniques, or strategies that regulated financial institutions use, or have the potential to use to detect illicit activity, including money laundering, involving digital assets, including digital identity verification solutions. 12 U.S.C. 5908. Treasury issued a request for comment in August 2025. *See* Treasury, *Request for Comment on Innovative Methods to Detect Illicit Activity Involving Digital Assets,* 90 FR 40148 (Aug. 18, 2025). Treasury issued the required congressional report on March 6, 2026.

[77] FinCEN, *FAQs: Final CIP Rule,* p. 6 (Jan. 2004), available at *https://www.fincen.gov/system/files/guidance/finalciprule.pdf.*

[78] *See E.O. 14178 Report, supra* note 37, p. 112.

3. Proposed 31 CFR 1033.220(a)(3)—Records

The proposed rule in § 1033.220(a)(3) states that the CIP must include procedures for making and maintaining a record of all information obtained by the PPSI through the CIP, effectuating 31 U.S.C. 5318(*l*)(2)(B). At a minimum, proposed § 1033.220(a)(3)(i) would require that the record include: (1) all identifying information about a customer obtained under the CIP; (2) a description of any document relied on to verify the identity of the customer under the CIP, noting the type of document, any identification number contained in the document, the place of issuance, and if any, the date of issuance and expiration date; (3) a description of the methods and results of any measures undertaken to verify the identity of a customer; and (4) a description of the resolution of each substantive discrepancy discovered when verifying the identifying information obtained.

Additionally, the proposed rule states that a PPSI must retain the identifying information about a customer obtained under § 1033.220(a)(3)(i)(A) for five years after the date the account is closed and the information regarding the verification of a customer's identity records collected under § 1033.220(a)(3)(i)(B), (C), and (D) for five years after the record is made.

4. Proposed 31 CFR 1033.220(a)(4)—Comparison With Government Lists

Proposed § 1033.220(a)(4) would require a PPSI's CIP to include reasonable procedures for determining whether a customer appears on any list of known or suspected terrorists or terrorist organizations issued by any Federal government agency and designated as such by Treasury in consultation with the Federal functional regulators, effectuating 31 U.S.C. 5318(*l*)(2)(C). The procedures would have to require the PPSI to make such a determination within a reasonable period of time after the account is opened, or earlier if required by another Federal law or regulation or Federal directive issued in connection with the applicable list. The procedures also would have to require the PPSI to follow all Federal directives issued in connection with such lists.

Because Treasury and the Federal functional regulators have not yet designated any such lists, the proposed rule cannot be more specific with respect to the lists PPSIs must check in order to comply with this provision. Accordingly, PPSIs would not have an affirmative duty under this proposed regulation to seek out all lists of known or suspected terrorists or terrorist organizations compiled by the Federal government. Instead, PPSIs would receive separate notification regarding the lists that must be consulted for purposes of this provision.

Many PPSIs already have procedures in place for determining whether customers' names appear on some Federal lists, including lists that identify known terrorists and terrorist organizations. For example, under current law, there are substantive legal requirements associated with lists circulated by Treasury's Office of Foreign Assets Control (OFAC). Failure to comply with these requirements may result in criminal or civil penalties.

5. Proposed 31 CFR 1033.220(a)(5)—Customer Notice

The proposed rule states in § 1033.220(a)(5) that the CIP must include procedures for providing customers with adequate notice that the PPSI is requesting information to verify their identities. Under the proposed rule, notice would be considered adequate if the PPSI generally described the identification requirements of this section and provided such notice in a manner reasonably designed to ensure that a prospective customer is able to view the notice, or is otherwise given notice, before opening an account. For example, depending upon the manner in which the account is opened, a PPSI may post a notice on its website, include the notice in its account applications, or use any other form of oral or written notice. The proposed rule provides a sample notice.

6. Proposed 31 CFR 1033.220(a)(6)—Reliance on Another Financial Institution

Proposed § 1033.220(a)(6) would provide that a PPSI's CIP may include procedures specifying when a PPSI may rely on another Federally regulated financial institution's performance of a procedure with respect to any PPSI customer that is opening or has opened an account. Such reliance would have to be reasonable under the circumstances, and the other financial institution on which the PPSI seeks to rely would have to be subject to an AML/CFT program with CIP requirements, as well as regulated by a Federal functional regulator.[79] Additionally, the institutions would have to have a contract requiring the institution on which the PPSI seeks to rely to certify annually to the PPSI that it has implemented an AML/CFT program and will perform (or its agent will perform) the specified requirements of the PPSI's CIP. Critically, this proposed provision would not change a PPSI's CIP obligation, and the PPSI would remain responsible for its compliance.

This proposal is consistent with other CIP requirements under the BSA, including the bank CIP regulation where, critically, some banks—but not all banks—are overseen by a Federal functional regulator.[80] It does, however, create a disparity between PPSIs that fall under a primary Federal payment stablecoin regulator and a State payment stablecoin regulator.[81] A State qualified payment stablecoin issuer would be able to rely on, for example, a procedure performed by a PPSI that is a subsidiary of an insured depository institution. But a PPSI that is a subsidiary of a Federally regulated depository institution, would not be able to rely on a procedure performed by a State qualified payment stablecoin issuer because such issuers are not overseen by a Federal functional regulator.

While the proposal would not permit a PPSI to rely on another entity to perform a CIP procedure unless such an entity is another Federally regulated financial institution, it should not be construed as restricting appropriate use of third parties to perform a service related to a PPSI's CIP on the PPSI's behalf.[82] In such cases, however, the CIP obligation would remain with the PPSI.

C. Proposed 31 CFR 1033.220(b)—Exemptions

Proposed § 1033.220(b) would provide that the appropriate Federal functional regulator, with the concurrence of the Secretary, may by order or regulation, exempt any PPSI or any type of account from the

[79] *See* 31 CFR 1010.100(r) (defining ''Federal functional regulator'' as ''(1) The Board of Governors of the Federal Reserve System; (2) The Office of the Comptroller of the Currency; (3) The Board of Directors of the Federal Deposit Insurance Corporation; (4) The Office of Thrift Supervision; (5) The National Credit Union Administration; (6) The Securities and Exchange Commission; or (7) The Commodity Futures Trading Commission'').

[80] *See* FinCEN, *Customer Identification Program, Anti-Money Laundering Programs, and Beneficial Ownership Requirements for Banks Lacking a Federal Functional Regulator,* 85 FR 57129 (Sept. 15, 2020) (amending 31 CFR 1020.220 so banks lacking a Federal functional regulator are covered by the bank CIP rule).

[81] *Compare* 12 U.S.C. 5905 *with* 12 U.S.C. 5906.

[82] Such third-party arrangements are contemplated, for example, in FAQs issued by FinCEN, the Board, FDIC, NCUA, OCC, and OTS. *See* Board, FDIC, FinCEN, NCUA, OCC, and OTS, *Interagency Interpretative Guidance on Customer Identification Program Requirement under Section 326 of the USA Patriot Act,* Customer Notice FAQ 2 (Apr. 28, 2005), available at *https://www.fincen.gov/resources/statutes-regulations/guidance/interagency-interpretive-guidance-customer-identification.*

requirements of this section. It also provides that the Secretary, with the concurrence of the Federal functional regulator, may exempt any PPSI or any type of account from the requirements of this section.

In issuing such exemptions, the Federal functional regulator and the Secretary would consider whether the exemption is consistent with the purposes of the BSA and with safety and soundness, as well as in the public interest. It would also permit the Federal functional regulator and Secretary to consider other necessary and appropriate factors. Given that the GENIUS Act identifies the OCC, Board, FDIC, and NCUA as a primary Federal payment stablecoin regulator for PPSIs under their respective jurisdictions, in this proposed rule, FinCEN and the Agencies retain ''Federal functional regulator'' consistent with its use in the BSA CIP exemption provision, providing the Secretary of the Treasury and the Federal functional regulator joint authority to issue an exemption.[83]

D. Proposed 31 CFR 1033.220(c)—Other Requirements Unaffected

Proposed § 1033.220(c) clarifies that nothing in § 1033.220 relieves a PPSI of its obligation to comply with any other provision of chapter X, including provisions concerning information that must be obtained, verified, or maintained in connection with any account or transaction, including requirements to have the technological capability to comply with and to comply with the terms of any lawful order.[84]

E. Compliance Date

FinCEN and the Agencies propose that the rule would be effective 12 months after issuance of the final rule to allow sufficient time for PPSIs to review and implement the requirements of the proposed rule.

VI. Request for Comments

FinCEN and the Agencies seek comments on all aspects of the proposed rule and specifically seek comments on the following topics. For all responses, commenters are encouraged to provide the basis for any conclusions drawn in their comments.

1. Should any CIP requirement be extended to secondary market activity? If yes, in what circumstances? What would be the benefits and drawbacks of doing so?

2. Should FinCEN and the Agencies refine or clarify its definitions of account, customer, or digital asset service provider? Are additional definitions needed?

3. Should FinCEN and the Agencies retain ''formal relationship'' as part of the definition of account? What are the hallmarks of a ''formal relationship'' between a PPSI and a user? Should FinCEN and the Agencies provide examples or attributes of a formal relationship in guidance? Would other concepts be a better foundation for the account definition, such as a contractual or business relationship, and why?

4. Should the proposed rule be clarified or refined to account for situations where a customer's only desired relationship with a PPSI is to redeem a payment stablecoin?

5. Should the regulatory text explicitly discuss digital identity solutions or verifiable credentials? How could it best do so given the range of tools available on the market?

6. What are the benefits and risks of using digital identity solutions or verifiable credentials as part of verifying customers' identities?

7. What is the expected likelihood that a PPSI would rely on another PPSI's CIP or the CIP of another Federal functionally regulated financial institution's CIP?

8. What, if anything, could be changed to make the proposed rule more conducive to industry innovation? Explain how any changes would positively or negatively impact PPSIs expected operations and illicit finance risk to the U.S. financial system.

VII. Executive Order 14294

Section 5 of Executive Order 14294 directs that all future notices of proposed rulemaking (NPRMs) and final rules published in the **Federal Register**, the violation of which may constitute criminal regulatory offenses, should include a statement identifying that the rule or proposed rule is a criminal regulatory offense and the authorizing statute.[85] Executive Order 14294 directs agencies to draft this statement in consultation with the Department of Justice.

Executive Order 14294 further directs that the regulatory text of all NPRMs and final rules with criminal consequences published in the **Federal Register** after May 9, 2025 should explicitly state a *mens rea* requirement for each element of a criminal regulatory offense, accompanied by citations to the relevant provisions of the authorizing statute.

Willful violations of the proposed regulations set forth in this proposed rule, if finalized, may be subject to criminal penalties pursuant to 31 U.S.C. 5322 and regulations promulgated in 31 CFR chapter X. The statutory authority for criminal liability requires a *mens rea* of willfulness as an element pursuant to 31 U.S.C. 5322(a) and 31 U.S.C. 5322(b). FinCEN's existing regulation, 31 CFR 1010.840, that sets out criminal penalties for violations of regulations promulgated in 31 CFR chapter X also includes a *mens rea* of willfulness. The Department of Justice was consulted in drafting this statement.

VIII. Regulatory Impact Analysis

FinCEN and the Agencies have analyzed the proposed rule as required under E.O. 12866,[86] E.O. 13563,[87] E.O. 14192,[88] the Regulatory Flexibility Act (RFA),[89] the Unfunded Mandates Reform Act of 1995 (UMRA),[90] the Paperwork Reduction Act (PRA),[91] the Riegle Community Development and Regulatory Improvement Act of 1994,[92] the Gramm-Leach-Bliley Act,[93] and the Providing Accountability Through Transparency Act of 2023.[94]

The Office of Information and Regulatory Affairs in the Office of Management and Budget (OMB) has determined this proposed rule to be a ''significant regulatory action'' under section 3(f) of E.O. 12866. FinCEN and the Agencies have included an Initial Regulatory Flexibility Analysis (IRFA) pursuant to the RFA as the proposed rule may have a significant economic impact on a substantial number of certain types of potentially affected small entities.[95] Pursuant to analysis

[83] *See* 31 U.S.C. 5318(*l*)(5).

[84] *See* 12 U.S.C. 5903(a)(6)(B).

[85] E.O. 14294, *Fighting Overcriminalization in Federal Regulations,* 90 FR 20363, sec. 5 (May 14, 2025).

[86] E.O. 12866, *Regulatory Planning and Review,* 58 FR 51736 (Oct. 4, 1993).

[87] E.O. 13563, *Improving Regulation and Regulatory Review,* 76 FR 3821 (Jan. 21, 2011).

[88] *See* E.O. 14192, *Unleashing Prosperity Through Deregulation,* 90 FR 9065 (Feb. 6, 2025); Office of Management and Budget (OMB), M–25–20, *Guidance Implementing Section 3 of Executive Order 14192, Titled ''Unleashing Prosperity Through Deregulation,''* (Mar. 26, 2025), available at *https://www.whitehouse.gov/wp-content/uploads/2025/02/M-25-20-Guidance-Implementing-Section-3-of-Executive-Order-14192-Titled-Unleashing-Prosperity-Through-Deregulation.pdf.*

[89] 5 U.S.C. 601 *et seq.*

[90] 2 U.S.C. 1532.

[91] 44 U.S.C. 3506(c)(2)(A), 3507(a)(1)(D).

[92] 12 U.S.C. 4802(a).

[93] Public Law 106–102, section 722, 113 Stat. 1338, 1471 (1999), 12 U.S.C. 4809.

[94] 5 U.S.C. 553(b)(4).

[95] This economic expectation is sensitive to key assumptions about how potentially affected financial institutions would respond to the proposed requirements. FinCEN requests comment on whether it would instead be more reasonable to certify that the proposed rule would not have a significant economic impact on a substantial number of small entities, given that the Agencies are certifying for their respective entities.

required by UMRA, FinCEN and the Agencies conclude it is unlikely that the proposed rule, if implemented, would result in a novel annual expenditure of more than $193 million by State, local, and Tribal governments or by the private sector.[96]

As described above,[97] the proposed rule would implement the GENIUS Act's directives to treat PPSIs as financial institutions for purposes of the BSA and to require such issuers to maintain an ''effective customer identification program, including identification and verification of the identity of account holders.'' [98] It includes proposed requirements for a PPSI to establish and maintain a written CIP; maintain risk-based procedures for verifying the identity of each customer to the extent reasonable and practicable; maintain certain records; and compare the customers' identity with government lists. The proposal would also require a PPSI to include procedures for customer notice related to verifying identity, allows reliance on another financial institution's CIP under certain circumstances, and outlines the ability of FinCEN and the Agencies to issue exemptions related to the CIP requirement.

In issuing this proposal, FinCEN and the Agencies contemplate a number of benefits for PPSIs, regulators, other compliance examiners, law enforcement and national security agencies, and the general public. Such benefits include CIPs that effectively contribute to the detection and deterrence of money laundering and terrorist financing, support broader BSA policy goals, and help ensure that CIPs for PPSIs are consistent with those required for other financial institution types with CIP requirements, which should promote efficiencies and reduce opportunities for regulatory arbitrage.

This regulatory impact analysis (RIA) begins by describing the broad economic analysis FinCEN and the Agencies undertook to inform their expectations of the proposed rule's economic impact and burden.[99] This is followed by pieces of additional and, in some cases, more specifically tailored analysis as required by E.O.s 12866, 13563, and 14192; [100] the RFA; [101] the UMRA; [102] and the PRA.[103] Requests for comments related to the RIA—regarding specific findings, assumptions, or expectations, or with respect to the analysis in its entirety—can be found in the final subsection.[104] These requests for comments have been previewed throughout the RIA.

A. Assessment of Impact

Consistent with best practices in regulatory economic analysis, FinCEN and the Agencies' assessment of impact begins with an overview of broad economic considerations, identifying, among other things, the need for the policy intervention.[105] Next, FinCEN and the Agencies (1) establish baseline estimates of the number of covered PPSIs and other entities, including insured depository institutions, that could be affected by the proposed rule, and (2) describe the current regulatory requirements and background practices against which the proposed rule would introduce changes.[106] The analysis then briefly reviews elements of the proposed rule that most directly inform how foreseeable economic impacts would flow from how PPSIs and their respective regulators would engage in activities not expected to otherwise be undertaken in order to comply.[107] Next, the RIA presents the anticipated benefits and estimated costs to the respective affected parties that would be associated with the proposed CIP obligations.[108] Finally, the assessment concludes with a brief discussion of alternative policies FinCEN and the Agencies considered and could have proposed, including an evaluation of the relative economic merits of each against the expected value of the rule as proposed.[109]

1. Broad Economic Considerations

In performing its assessment of impact, FinCEN and the Agencies took into consideration certain fundamental economic problems that the proposed rule is expected to address as well as the general social and economic costs that may ensue from an AML/CFT and CIP regime for PPSIs that is ineffective. Because this NPRM is being issued pursuant to statutory obligations,[110] the necessity for FinCEN and the Agencies to independently identify and articulate fundamental economic problems that the proposed rule is intended to address, as the basis for regulatory action,[111] is attenuated because at best this activity would complement the problem identification already performed by Congress.[112] Nevertheless, FinCEN and the Agencies have remained mindful of these animating considerations as well as the general social and economic costs that may ensue from an ineffective AML/CFT regime.[113]

FinCEN and the Agencies expect that the proposed rulemaking would meaningfully alleviate certain underlying economic problems that could otherwise impair the effective administration of the BSA and potentially distort affected markets. These include potential problems that flow from the incidence of both positive and negative externalities in connection with customer identification activity and the potential for regulatory arbitrage in the absence of uniform minimum standards for financial institutions' CIPs.[114]

The expected benefits of the proposed rule, as discussed below,[115] are therefore linked by the extent to which the proposed requirements would address these fundamental economic problems.

2. Institutional Baseline and Affected Parties

In proposing this rule, FinCEN and the Agencies considered the

[96] The UMRA requires an assessment of mandates with an annual expenditure of $100 million or more, adjusted for inflation. 2 U.S.C. 1532(a). FinCEN and the Agencies have not anticipated material changes in expenditures for State, local, and Tribal governments, insofar as they would not participate in the primary activities of monitoring or enforcing compliance of the newly proposed requirements in a way that differs from current involvement, thereby incurring novel incremental costs. But because the proposed rule would affect entities in the private sector that are covered financial institutions, FinCEN and the Agencies have considered expenditures these private entities may incur, pursuant to UMRA, as part of the regulatory impact in its assessment below.

[97] *See supra* section I; *see also supra* section V.

[98] *See* 31 U.S.C. 5903(a)(5)(A), 5903(a)(5)(A)(v); *see also* 31 U.S.C. 5318(*l*).

[99] *See infra* section VIII.A.

[100] *See infra* section VIII.B.

[101] *See infra* section VIII.C.

[102] *See infra* section VIII.D.

[103] *See infra* section VIII.E.

[104] *See infra* section VIII.F.

[105] *See infra* section VIII.A.1.

[106] *See infra* section VIII.A.2.

[107] *See infra* section VIII.A.3.

[108] *See infra* section VIII.A.4.

[109] *See infra* section VIII.A.5.

[110] *See* 12 U.S.C. 5903(a)(5)(A)(v); *see also generally, supra* section II.

[111] *See* E.O. 12866, *Regulatory Planning and Review,* 58 FR 51736, section 1(b)(1) (Oct. 4, 1993) (''Each agency shall identify the problem that it intends to address (including, where applicable, the failures of private markets or public institutions that warrant new agency action) as well as assess the significance of that problem.'').

[112] *See* 12 U.S.C. 5903(a)(5)(A)(v).

[113] In a related context, with respect to AML/CFT programs, Congress instructed FinCEN to consider the potential economic inefficiencies engendered by the presence of market externalities when promulgating implementing regulations. *See* 31 U.S.C. 5318(h)(2)(B)(i) (stating financial institutions are spending private compliance funds for a public and private benefit, including protecting U.S. financial system from illicit finance risks); *see also* 31 U.S.C. 5318(h)(2)(B)(iii) (stating that AML/CFT programs safeguard national security and generate significant public benefits by preventing illicit flows of funds and assisting law enforcement and national security agencies with information).

[114] *See, e.g.,* FinCEN, *Anti-Money Laundering and Countering the Financing of Terrorism Programs,* 89 FR 55428, 55450 (July 3, 2024).

[115] *See infra* section VIII.A.4.i.

incremental impacts of the proposed CIP requirements relative to the current state of the affected markets and their participants.[116] This baseline analysis of the parties that would be affected by the proposed rule, their current CIP-like obligations and activities, and the costs and/or benefits associated with those activities satisfies analytical best practices by describing the alternative of not pursuing the proposed, or any other, novel regulatory action.[117] In each case, the RIA has attempted to identify the incremental expected economic effects of each component of the proposal as precisely as practicable against this baseline. Nevertheless, in certain cases, FinCEN and the Agencies can only make qualitative assessments.

As a first step in the process of isolating these anticipated marginal effects, FinCEN and the Agencies assessed the regulatory and market landscape facing the current stablecoin issuers, and potential future PPSIs, that would be affected by the proposed rule, including an estimate of the expected near-term number of potential PPSIs, their existing regulatory requirements, and the burden they either would or currently face in connection with the compliance activities the proposed rule would require. FinCEN and the Agencies also briefly discuss other categories of persons and entities (*i.e.,* regulators, compliance examiners, law enforcement and national security agencies, and certain members of the general public) that are expected to be directly affected by the proposed rule.

i. Regulatory Baseline

As discussed in section II, stablecoin issuers are already subject to BSA obligations as MSBs, specifically, money transmitters. As MSBs, stablecoin issuers are currently subject to a range of BSA obligations. MSBs are required to, for instance, (i) establish and maintain written AML programs[118] that include policies, procedures, and internal controls to verify customer identification;[119] (ii) file currency transaction reports;[120] (iii) file Suspicious Activity Reports (SARs);[121] and (iv) maintain certain records, including those relating to certain transmittals of funds.[122] MSBs are required to register with FinCEN[123] and are subject to examination for BSA compliance by the Internal Revenue Service (IRS).[124]

While MSBs are not subject to as many customer identification requirements as other types of financial institutions under the BSA, the BSA does require them to maintain policies, procedures, and internal controls to verify customer identification[125] and to collect identification information for transmittals of funds over $3,000—including the name, address, and identification document of an individual requesting transmission[126]—and for transactions in currency of more than $10,000.[127]

ii. Baseline of Expected Affected Parties

FinCEN and the Agencies have identified four distinct populations expected to be directly affected, to varying degree, by the proposed rule, namely: (1) PPSIs, (2) customers of PPSIs, (3) certain other financial institutions, and (4) other less directly affected parties, including regulators (including examiners working for or under the authority of those regulators) and law enforcement and national security agencies. To the extent that economic impact on additional key, directly affected subpopulations of the general public should be considered, FinCEN and the Agencies invite comments, data, studies, or reports that would enhance its ability to identify and quantify such effects.

a. PPSIs

FinCEN and the Agencies have conducted independent research with a view to estimating the number of potential PPSIs that would exist in the near-term future.[128] Taking each of those independent exercises into consideration, the proposed rule could be expected to apply to approximately 50 PPSIs in each of the first three years of the GENIUS Act being effective. Table 1 illustrates the anticipated distribution of these potential PPSIs as organized by types as categorized in the GENIUS Act's definition of ''permitted payment stablecoin issuer''[129] and proposed definition § 1010.100(ttt). That proposed definition contains three subtypes of PPSIs, specifically those that are subsidiaries of insured depository institutions or credit unions that have been approved to issue payment stablecoins by a primary Federal payment stablecoin regulator (collectively ''subsidiaries of insured depository institutions''); Federal qualified payment stablecoin issuers (FQPSIs); and State qualified payment stablecoin issuers (SQPSIs).[130] As explained in proposed § 1010.100(vvv), a FQPSI is an entity approved by the OCC under 12 U.S.C. 5903 to issue payment stablecoins and is either—(1) a nonbank entity, (2) an uninsured national bank, or (3) a Federal branch.[131]

FinCEN expects that of the 50 anticipated PPSIs, approximately 60 percent should be subsidiaries of insured depository institutions and 40 percent not.[132] [133] Because FinCEN has not identified, with more certainty than not, currently operating stablecoin issuers that it expects will become SQPSIs within the PPSI regulatory framework (as defined in proposed § 1010.100(ttt)(3) and § 1010.100(xxx)), the population used in this analysis does not further distinguish its estimate for these types of potential future PPSIs from other non-IDI subsidiary expected future PPSIs.[134] Because these projections represent best-effort estimates based on limited information,

[116] In this context, FinCEN and the Agencies employ the term ''market'' in its broadest economic sense, referring to any set of exchanges, transactions, or actions that involve counterparties with unique objectives. The baseline here set forth also forms the counterfactual against which the quantifiable effects of the rule are measured; therefore, substantive errors in or omissions of relevant data, facts, or other information may affect the conclusions formed regarding the general and economically significant impacts of the rule. FinCEN and the Agencies invite comment on the accuracy of the baseline population estimates as well as any supporting studies, data, or anecdotes.

[117] *See* E.O. 12866, *supra* note 86, at section 1(a) (''In deciding whether and how to regulate, agencies should assess all costs and benefits of available regulatory alternatives, including the alternative of not regulating.'').

[118] 31 CFR 1022.210.

[119] 31 CFR 1022.210(d)(1)(i)(A).

[120] 31 CFR 1022.310.

[121] 31 CFR 1022.320.

[122] 31 CFR 1022.400, 1010.410(e)–(f).

[123] 31 CFR 1022.380.

[124] 31 CFR 1010.810(b).

[125] 31 CFR 1022.210(d)(1)(i)(A).

[126] 31 CFR 1010.410(e)(1).

[127] 31 CFR 1010.311, 110.312.

[128] *See, e.g.,* FDIC, *Approval Requirements for Issuance of Payment Stablecoins by Subsidiaries of FDIC-Supervised Insured Depository Institutions,* 90 FR 59409 (Dec. 19, 2025); NCUA, *Investments in and Licensing of Permitted Payment Stablecoins Issuers,* 91 FR 6531 (Feb. 12, 2026); OCC, *Implementing the Guiding and Establishing National Innovation for U.S. Stablecoins Act for the Issuance of Stablecoins by Entities Subject to the Jurisdiction of the Office of the Comptroller of the Currency,* 91 FR 10202 (Mar. 2, 2026); FDIC, *GENIUS Act Requirements and Standards for FDIC-Supervised Permitted Payment Stablecoin Issuers and Insured Depository Institutions,* 91 FR 18534 (Apr. 10, 2026).

[129] 12 U.S.C. 5901(23).

[130] *See* PPSI AML/CFT NPRM, at section VI.C.1.ix, *supra* note 4; *see also* 12 U.S.C. 5901(23).

[131] *See* PPSI AML/CFT NPRM, at section VI.C.1.ix, *supra* note 4; *see also* 12 U.S.C. 5901(23).

[132] *See* PPSI AML/CFT NPRM, at sections VI.C.1.xi and xiii, *supra* note 4; *see also* 12 U.S.C. 5901(11), (31).

[133] The OCC estimates that within the first year of the GENIUS Act being effective, 12 currently non-OCC regulated institutions would have PPSI-affiliated subsidiaries and 12 OCC-regulated depository institutions would have PPSI affiliated subsidiaries.

[134] *See* PPSI AML/CFT NPRM, at section VI.C.1.xiii, *supra* note 4; *see also* 12 U.S.C. 5901(31).

the public is strongly encouraged to provide additional comments, data, and other information that could enhance the accuracy and precision of these estimates.

Table 1. Population of Expected PPSIs

PPSIs as defined in proposed 31 CFR 1010.100	(ttt)(1) - Subsidiaries of Insured Depository Institutions				(uu)(2) - FQPSIs			(uu)(3) - SQPSIs*
	(ttt)(1)(i)			(ttt)(1)(ii)	(vvv)(1)	(vvv)(2)	(vvv)(3)	(xxx)
Licensing/Registration					OCC			State payment stablecoin regulator
Reserve, Capital, Liquidity, and Risk Management Regulator	OCC	Board	FDIC	NCUA				
AML/CFT Supervision**								IRS
Pre-GENIUS Act population	~30				25			
Post-GENIUS Act Anticipated population					~20***			

*For the purposes of this illustrative chart, the SQPSIs column does not reflect that certain SQPSIs may have or reach an outstanding issuance of more than $10 billion and, if they do, must either transition to the Federal regulatory framework or cease issuing new stablecoins until they fall below the $10 billion threshold under the GENIUS Act.

** As set forth in the GENIUS Act and the proposed implementing regulations. *See* PPSI AML/CFT NPRM, *supra* note 4.

*** Based on current information, OCC estimates that within the first year of GENIUS Act implementation, 12 currently non-OCC regulated institutions would become FQPSIs.

b. Customers of PPSIs

FinCEN and the Agencies expect the general public to be affected by the proposed rule, with certain subpopulations affected more directly than others. In particular, FinCEN and the Agencies considered customers of PPSIs, as the term ''customer'' is proposed to be defined in this rulemaking. Although estimated payment stablecoin users number in the hundreds of millions, a substantially smaller number (in the hundreds of thousands) are likely to interact with PPSIs in the primary market. Many of these customers are large financial institutions and most large stablecoin issuers set significant financial requirements for primary market participants that exclude retail-level participation. In terms of volume, most primary market activity can be attributed to these large entities. Most primary market activity, as measured in transaction volume, is attributable to these large entities. However, some issuers have increasingly adopted wider-facing mint/redeem models that seek to include smaller investors and businesses.

To estimate the number of expected primary market customers a future PPSI might interact with, FinCEN examined current on-chain minting and redemption activity as observable from publicly available data. Almost all the stablecoin products meeting the GENIUS Act's definitional criteria for future payment stablecoins that FinCEN reviewed had fewer than 1,000 primary market customers in a given year, which is consistent with prior expectations of high institutional barriers. However, a small number of the stablecoins reviewed had significantly more primary market contact (with over 250,000 customers) in a given year. In the sample of issuers FinCEN reviewed, the average number of an issuer's primary market customers was approximately 17,000, but this value appeared to be driven by extreme outliers. The truncated average was approximately 1,000, and the median value was 100.[135]

Based on this analysis, FinCEN estimate that the ''average'' PPSI would have approximately 1,000 primary market customers that it interacts with directly, including issuing and redeeming payment stablecoins and engaging in digital asset service provider activities where those activities are authorized by the appropriate primary Federal or the State payment stablecoin regulator and consistent with all other Federal and State laws. However, some PPSIs are expected to have substantially more or substantially less customers than this estimate. In total, FinCEN does not expect the total number of unique primary market PPSI customers to exceed 300,000. However, FinCEN estimates that a substantial portion of these customers may be affiliates of a single counterparty or associated with non-U.S. entities.[136] FinCEN estimates that the number of customers that are U.S. businesses is likely no more than 10,000. As described earlier, these businesses belong to several categories, including digital asset exchanges, specialized digital asset commodities traders, and other types of investment- and securities-related businesses. Besides digital asset exchanges, FinCEN expects most of a PPSI's other customers are likely to be financial institutions.[137]

FinCEN also used publicly available data on on-chain minting and redemption activity to analyze annual rates of customer growth and turnover. Many of the stablecoin issuers reviewed retained the same group of large ''core'' primary market customers year over year but exhibited significant turnover among their smaller primary market customers. In addition, most stablecoin issuers saw significant growth in their primary market customer base during 2025. For purposes of modeling expected economic effects, FinCEN and the Agencies assume that this growth will continue, particularly among stablecoin issuers that are able to secure PPSI registration. Of the stablecoin issuers FinCEN reviewed, the average rate of new customer inflow, year over year, was approximately 65 percent of the number of existing, previous customers. Therefore, FinCEN and the Agencies apply this rate, where relevant, when estimating the costs in the remaining analysis.

c. Other Financial Institutions

Certain other financial institutions may be affected by the proposed rule. Although FinCEN and the Agencies cannot, at this time, provide the specific number of expected affected financial institutions in either category, there are two particular categories that could reasonably be expected to be affected by the proposed CIP requirements for PPSIs.

The first category includes insured depository institutions that have a PPSI as a subsidiary. Because this RIA projects that there may be up to 30 such PPSIs in the next three years, the corresponding number of expected affected insured depository institutions would also be up to 30. It is anticipated that an insured depository institution would arrange for its subsidiary PPSI's CIP to nest within the preexisting overall CIP structure of the parent organization. As such, parent organizations may be economically affected by the need to revise, expand, or otherwise tailor existing CIPs. FinCEN and the Agencies expect, however, that similarities between the existing CIP rule for banks and this proposal would minimize, though not eliminate, this cost.

The second category of financial institutions expected to be affected by the proposed CIP requirements includes those financial institutions already subject to their own CIP obligations on which one or more PPSIs would be able to rely for the performance of aspect of its CIP obligations, pursuant to proposed § 1033.220(a)(6), or which themselves could rely upon a PPSI for the performance of some aspect of their own CIP obligations, pursuant to the provision of the financial institution's CIP regulation analogous to proposed § 1033.220(a)(6).[138] Table 2 presents the total number of financial institutions already subject to CIP obligations, which represents the maximum number of potentially affected parties in this category. FinCEN considers it unlikely that all, or even many, of these 14,575 financial institutions would either be relied upon by PPSIs for some aspect of the PPSI's CIP compliance or rely upon PPSIs for some aspect of the institution's CIP.[139] FinCEN and the Agencies acknowledge, however, that this expectation is somewhat

[135] To address the impact of extreme outliers, the truncated mean was estimated by removing six percent of the sample from the left and right tails of the distribution (the single smallest and largest values). The largest value was more than three standard deviations away from nearest value, making it a significant outlier.

[136] In cases where these entities are not U.S. persons, the incremental economic burdens of the proposed rule, while considered as part of the broader economic analysis, are not included in the IRFA because RFA considerations apply to U.S. small entities only.

[137] Such firms would be classified under North American Industry Classification System (NAICS) industry code 523 (''Securities, Commodity Contracts, and Other Financial Investments and Related Activities'').

[138] *See, e.g.,* 31 CFR 1020.220(a)(6) (analogous CIP provision applicable to banks).

[139] Proposed § 1033.220(a)(6)(iii) would require that ''[t]he other financial institution [. . .] certify annually to the permitted payment stablecoin issuer that it has implemented its AML/CFT program, and that it will perform (or its agent will perform) specified requirements of the permitted payment stablecoin issuer's CIP.'' A bank that is not examined by a Federal functional regulator (FFR) may rely on another financial institution's CIP where that institution is overseen by an FFR. However, another financial institution cannot rely on the CIP of a bank that is not examined by an FFR. *See* 31 CFR 1020.220(a)(6)(ii).

speculative and are interested in receiving comments on the anticipated likelihood of this outcome.

receiving comments on the anticipated likelihood of this outcome.

TABLE 2—ESTIMATES OF FINANCIAL INSTITUTION TYPES WITH EXISTING CIP REQUIREMENTS

Financial institution type [a]	Number of financial institutions
Banks with a Federal functional regulator (FFR) [b]	[c] 8,623
Banks without an FFR [d]	[e] 365
Broker-Dealers [f]	[g] 3,278
Mutual Funds [h]	[i] 1,355
Futures Commission Merchants (FCMs) and Introducing Brokers in Commodities (IBCs) [j]	[k] 954
Total	14,575

[a] *See* 31 U.S.C. 5312(a)(2); 31 CFR 1010.100(t) (definition of financial institution).
[b] *See* 31 CFR 1010.100(t)(1); 31 CFR 1010.100(d); 31 CFR 1020.210(a); 31 CFR 1020.220 (CIP requirements for banks).
[c] This includes 4,336 FDIC-insured depository institutions (*i.e.,* Federally regulated banks) according to the FDIC's *Quarterly Bank Profile* for Q4 2025, p. 2 (*https://www.fdic.gov/quarterly-banking-profile/past-quarterly-banking-profiles*). It also includes 4,287 NCUA-chartered credit unions (*i.e.,* Federally regulated credit unions) as of December 31, 2025, according to the NCUA's *Quarterly Credit Union Data Summary: 2025 Q4,* p. i (*https://ncua.gov/analysis/credit-union-corporate-call-report-data/quarterly-data-summary-reports*).
[d] *See* 31 CFR 1020.210(b); 31 CFR 1020.220 (CIP requirements for banks).
[e] The Board of Governors of the Federal Reserve System Master Account and Services Database (*https://www.federalreserve.gov/paymentsystems/master-account-and-services-database-existing-access.htm*) contains data as of November 30, 2025 on financial institutions that use Federal Reserve Bank financial services, including those with no additional Federal regulator. FinCEN used this data to identify 365 banks and credit unions with no additional Federal regulator using Federal Reserve Bank financial services.
[f] *See* 31 U.S.C. 5312(a)(2)(G); 31 CFR 1010.100(t)(2); 31 CFR 1023.220 (CIP requirements for broker-dealers).
[g] This estimate is based on U.S. Securities and Exchange Commission (SEC) data on active broker-dealers available at "Company Information About Active Broker-Dealers" (*https://www.sec.gov/foia-services/frequently-requested-documents/company-information-about-active-broker-dealers*), which listed 3,278 active broker-dealers registered with the SEC as of December 31, 2025.
[h] *See* 31 U.S.C. 5312(a)(2)(I); 31 CFR 1010.100(t)(10); 31 CFR 1024.220 (CIP requirements for mutual funds).
[i] This estimate is based on the number of N–1A registrants in SEC's *Annual Registered Investment Company Update: Form N–CEN Data, Period Ending December 2024,* April 2025, table 1.3, p. 4 (*https://www.sec.gov/files/annual-registered-investment-company-update-20250404.pdf*).
[j] *See* 31 U.S.C. 5312(a)(2)(H); 31 CFR 1010.100(t)(8–9); 31 CFR 1026.220 (CIP requirements for FCMs and IBCs).
[k] According to Commodity Futures Trading Commission data on FCMs available at "Financial Data for FCMs" (*https://www.cftc.gov/MarketReports/financialfcmdata/index.htm*), there were 66 registered FCMs as of December 31, 2025. The number of IBCs as of December 31, 2025 (888) was obtained from the National Futures Association "NFA Membership and Registration" website (*https://www.nfa.futures.org/registration-membership/membership-and-directories.html*). Because deduplication of entities registered as both FCMs and IBCs was not feasible, this estimate may double-count some entities registered in both categories. FinCEN, however, believes this subpopulation may be small.

d. Other Affected Parties

Regulators and Compliance Examiners: Examiners required to verify whether CIP obligations are being followed by PPSIs would be directly affected by the proposed rule.[140] In a separate rulemaking, FinCEN is proposing changes to its existing regulations to effectuate the GENIUS Act's direction to apply BSA obligations to PPSIs.[141] FinCEN's PPSI AML/CFT NPRM includes a proposal to (1) amend 31 CFR 1010.810(b) to delegate examination authority to the primary Federal payment stablecoin regulators (the Agencies) and (2) assert that its existing regulations delegates examination authority to the IRS for the SQPSIs.[142] As a function of the proposal in that NPRM, this proposed rule is expected to directly affect FinCEN as well as the primary Federal payment stablecoin regulators, *i.e.,* the Agencies, and their compliance examiners, who number approximately 7,500 from the Agencies, plus several hundred additional examiners from the IRS.[143]

Law Enforcement and National Security Agencies: Law enforcement and national security agencies can directly access and use reports provided to FinCEN in compliance with the AML/CFT requirements after entering a memorandum of understanding with FinCEN. As of fiscal year 2024, 432 federal, state, and local law enforcement; regulatory; and national security agencies had access to BSA reports and BSA Search, and the BSA Portal had over 12,000 authorized personnel with access.[144] While CIP obligations do not include express reporting requirements that would provide data directly to law enforcement or regulators, they support overall AML/CFT obligations and are complementary to the direct benefits of those programs for law enforcement. For instance, effective CIP practices include retaining standardized records that may support future law enforcement and national security needs and may improve the efficacy of certain types of BSA reporting, such as SARs, by providing PPSIs with additional data on existing or potential customers.

iii. Current Market Practices

In considering the impact of the proposed rule, FinCEN and the Agencies considered certain relevant features and CIP practices of current stablecoin issuers that could meet the proposed definitional criteria of PPSI.

In defining current practices, it is first important to distinguish stablecoins in general from the narrower concept of a payment stablecoin as defined by the GENIUS Act. As discussed earlier, stablecoins that carry indicators they could be payment stablecoins are only a subset of the overall market of stablecoins, although they represent

[140] Certain state regulators may be affected in a way that is comparable to the effects on Federal regulators. However, given that the GENIUS Act sets out a federal regulatory framework with certain tasks for Federal regulators, it is difficult at this time to do more than speculate about what actions states may take, and therefore the Agencies did not attempt to estimate the effect of this rule on state regulatory agencies. However, the Agencies are interested in receiving comments offering assessments on this subject.

[141] *See* PPSI AML/CFT NPRM, *supra* note 4.

[142] *Id.*

[143] These figures represent an approximate number of Federal examiners.

[144] *See* FinCEN, *Financial Crimes Enforcement Network (FinCEN) Year in Review for Fiscal Year 2024,* p. 5, available at *https://www.fincen.gov/system/files/2025-08/FinCEN-Infographic-Public-2025-508.pdf.* Note that not all users are from external agencies. FinCEN employees are also among the users with access to the BSA Portal.

over 80 percent of the total market value.[145] Payment stablecoins have several features that make CIP compliance more practical for their issuers. Most importantly, PPSIs are likely to have a centralized issuance structure in which the issuer is obliged to redeem upon demand the advertised fixed value for every coin issued. As opposed to decentralized issuance structures, where users can anonymously mint, trade, and redeem their own coins on a decentralized blockchain largely free of any third-party interface, centralized issuance structures allow a collection point for customer information and transaction records for primary-market transactions.

In order to collect, screen, and store customer information in the course of business, stablecoin issuers and other financial market participants often employ software technologies especially suited for this purpose. These third-party services provide customer identity information verification and screening to collect and verify personal information such as name or address, and to identify whether someone wishing to open an account is on a list of known or suspected terrorists or terrorist organizations, among other functions. These activities may be performed in the ordinary course of business but are also expected to occur because stablecoin issuers have AML/CFT program obligations as MSBs.[146]

Many of the stablecoin issuers evaluated by FinCEN tended to retain the same group of large ''core'' primary market customers year over year, but exhibited significant turnover among smaller primary market customer institutions focused on market arbitrage or other short-term trading opportunities. Turnover rates were particularly high among issuers whose business models facilitated larger numbers of primary market customers. Stablecoin issuers such as this may see several thousand new primary market participants in a given year, indicating that such issuers are likely to have automated know your customer functions to facilitate large numbers of new customers. Smaller or more centralized issuers generally experienced far fewer numbers of new customers (although retention or growth may be similar from a percentage standpoint), indicating that processes may be more manual. Overall, most issuers saw significant growth in their primary market customer base during 2025, possibly a result of increased adoption rates and greater regulatory clarity following the passage of the GENIUS Act.

3. Description of Proposed Requirements

For purposes of the RIA, FinCEN and the Agencies considered the various components of the proposed rule with a view towards the specific features or elements that are expected to generate, either directly or indirectly, an economic benefit or cost or lead to changes in a market participant's incentives in a way that may generate economic benefits or costs.[147] For completeness, this section presents a brief review of all of the components of the proposed rule and sorts those not anticipated to have a separable incremental effect from those foreseeably expected to impose direct economic effects. The latter are then further discussed in the following subsection (VIII.A.4). For components of the proposed rule that FinCEN and the Agencies' analysis has not assigned a quantified burden (in hours or dollars), the reason for doing so is briefly explained in the description of expected costs.[148]

To balance the completeness of the RIA with the desire for expositional clarity and ease of tractability between the proposed regulatory text and sections V (Section-by-Section Analysis) and VIII (Regulatory Impact Analysis), FinCEN and the Agencies have included Table 3, to provide a mapping of the various components of the proposed rulemaking as presented in section V to their analogous categorization in the RIA.

TABLE 3—OVERVIEW/MAPPING OF THE PROPOSED RULE

Elements of the Proposed Rule	Section V analysis	Discussed in RIA subsection(s)	Proposed regulatory text location
Define ''account'' as a formal relationship between a customer and a PPSI established to provide or engage in services, dealings, or other financial transactions, including five non-exclusive examples.	V.A.1	VIII.A.3.i	1033.100(a)(1).
Define ''account'' to exclude: (1) a product or service where a formal relationship is not established with a person; (2) an account the PPSI acquires through an acquisition, merger, purchase of assets, or assumption of liabilities from a financial institution; (3) an account opened to participate in an Employment Retirement Income Security Act of 1974 employee benefit plan; or (4) ownership or control of a PPSI's payment stablecoins alone, without other indicators of a formal relationship.	V.A.1	VIII.A.3.i	1033.100(a)(2).
Define ''customer,'' for purposes of PPSI CIP requirements, to include (1) a person that opens a new account and (2) any individual who opens a new account for either: (a) an individual who lacks legal capacity or (b) an entity that is not a legal person.	V.A.2	VIII.A.3.i	1033.100(b)(1).

[145] Among the approximately 352 stablecoin products evaluated by FinCEN, those products with indicia of being a potential PPSI or foreign payment stablecoin issuer payment stablecoin represented about 63 products, or less than 18 percent of all products examined. However, the market value of these products represented approximately 80 percent of the market value of the sample.

[146] *See* 31 CFR 1022.210; PPSI AML/CFT NPRM, *supra* note 4.

[147] *See infra* section VIII.A.4.

[148] *See infra* section VIII.A.4.ii.

TABLE 3—OVERVIEW/MAPPING OF THE PROPOSED RULE—Continued

Elements of the Proposed Rule	Section V analysis	Discussed in RIA subsection(s)	Proposed regulatory text location
Define ''customer,'' for purposes of PPSI CIP requirements, to exclude: (1) a financial institution with an FFR or a bank regulated by a State bank regulator, (2) a defined exempt person as described in 31 CFR 1020.315(b)(2)–(4), (3) a known PPSI customer with an existing account, and (4) a person acquiring/redeeming a payment stablecoin from a means other than directly to/from the PPSI.	V.A.2	VIII.A.3.i	1033.100(b)(2).
Define ''digital asset service provider,'' for purposes of PPSI CIP requirements, to include certain defined persons engaged in select businesses.	V.A.3	VIII.A.3.i	1033.100(c)(1).
Incorporate ''person'' as defined by the GENIUS Act within the PPSI–CIP framework to adopt the meaning set forth in 12 U.S.C. 5901(24) when defining a ''digital asset service provider.''.	V.A.3	VIII.A.3.i	1033.100(c)(1)(i).
Incorporate ''monetary value'' as defined by the GENIUS Act to clarify its meaning within the definition of ''digital asset service provider'' as set forth in 12 U.S.C. 5901(7).	V.A.3	VIII.A.3.i	1033.100(c)(1)(i)(A).
Define ''digital asset service provider,'' for purpose of PPSI CIP requirements, to exclude: (1) distributed ledger protocols; (2) developing, operating, or engaging in the business of developing distributed ledger protocols or self-custodial software interfaces; (3) immutable and self-custodial software interfaces, (4) developing, operating, or engaging in the business of validating transactions or operating a distributed ledger, or (5) participating in a liquidity pool or similar mechanism.	V.A.3	VIII.A.3.i	1033.100(c)(2).
Introduce a definition of ''distributed ledger protocol'' to clarify its meaning within the definition of ''digital asset service provider'' as set forth in 12 U.S.C. 5901(9).	V.A.3	VIII.A.3.i	1033.100(c)(3).
Require a PPSI to establish and maintain a written CIP appropriate for its size and business that is part of the PPSI's AML/CFT Program.	V.B.1	VIII.A.3.ii, VIII.A.4.i, VIII.A.4.ii.a, VIII.E..	1033.220(a)(1).
Require a PPSI's CIP to include risk-based identity verification procedures, including procedures for opening an account that specify the identifying information that would be obtained with respect to each customer.	V.B.2	VIII.A.3.ii, VIII.A.4.i, VIII.A.4.ii.a, VIII.E.	1033.220(a)(2).
Require that a PPSI's CIP contain procedures for opening an account that specify the identifying information that would be obtained prior to account opening with respect to each customer, including, at minimum: (1) name, (2) date of birth/formation, (3) address, and (4) identification number, subject to certain exceptions.	V.B.2.i	VIII.A.3.ii, VIII.A.4.i, VIII.A.4.ii.a, VIII.E.	1033.220(a)(2)(i).
Require a PPSI's CIP to contain procedures for verifying the identity of each customer within a reasonable period of time before or after the customer's account is opened, using information obtained in accordance with its customer identification procedures that describe when the PPSI would use documents, non-documentary methods, or a combination of both methods.	V.B.2.ii	VIII.A.3.ii, VIII.A.4.i, VIII.A.4.ii.a, VII.E.	1033.220(a)(2)(ii).
Require that if the PPSI is relying on documents to verify a customer's identity, the CIP must contain procedures that set forth the documents the PPSI would use.	V.B.2.ii.a	VIII.A.3.ii, VIII.A.4.i, VIII.A.4.ii.a, VIII.E.	1033.220(a)(2)(ii)(A).
Provide non-exclusive lists of examples of documents a PPSI may use to verify the identity of customers that are (1) natural persons/individuals or (2) other persons.	V.B.2.ii.a	VIII.A.3.ii	1033.220(a)(2)(ii)(A)(*1*) & 220(a)(2)(ii)(A)(*2*).
Require that if a PPSI would employ non-documentary methods to verify the identity of a customer, its CIP must contain procedures that set forth the non-documentary methods the PPSI would use.	V.B.2.ii.b	VIII.A.3.ii, VIII.A.4.i, VIII.A.4.ii.a, VIII.E.	1033.220(a)(2)(ii)(B).
Provide a non-exclusive list of examples of non-documentary methods a PPSI may use to verify customer identity.	V.B.2.ii.b	VIII.A.3.ii	1033.220(a)(2)(ii)(B)(*1*).

TABLE 3—OVERVIEW/MAPPING OF THE PROPOSED RULE—Continued

Elements of the Proposed Rule	Section V analysis	Discussed in RIA subsection(s)	Proposed regulatory text location
Require that a PPSI's non-documentary procedures must address situations where: (1) the customer (a) is an individual unable to present an unexpired government-issued identification document bearing a photograph or similar safeguard or (b) opens the account without meeting in person; or (2) the PPSI (a) is unfamiliar with the documents presented, (b) opens an account without obtaining documents, or (c) is otherwise presented with circumstances that increase the risk that it will be unable to verify the true identity of a customer through documents.	V.B.2.ii.b	VIII.A.3.ii, VIII.A.4.i, VIII.A.4.ii.a, VIII.E.	1033.220(a)(2)(ii)(B)(*2*).
Require that the PPSI's CIP address situations where, based on the PPSI's risk assessment of the new account of a customer that is not an individual, the PPSI determines it cannot verify the customer's true identity using either the its CIP's established documentary and non-documentary verification methods, the PPSI will obtain information about individuals with authority or control over such account in order to verify the customer's identity.	V.B.2.ii.c	VIII.A.3.ii, VIII.A.4.i, VIII.A.4.ii.a, VIII.E.	1033.220(a)(2)(ii)(C).
Require a PPSI CIP include procedures for when it cannot form a reasonable belief that it knows the true identity of a customer that describe: (1) when the PPSI should not open an account, (2) the terms under which a customer may use an account while the PPSI attempts to verify the customer's identity, (3) when the PPSI should close an account after attempts to verify a customer's identity fail, and (4) when the PPSI should file a SAR in accordance with applicable law and regulation.	V.B.2.iii	VIII.A.3.ii, VIII.A.4.i, VIII.A.4.ii.a, VIII.E.	1033.220(a)(2)(iii).
Require the PPSI's CIP include procedures for making and maintaining a record of all information obtained under procedures implementing its program, including at minimum: (1) all identifying information about a customer obtained prior to account opening, (2) a description of any document that was relied on to verify a customer's identity, (3) a description of the methods and results of any measures undertaken to verify the identity of a customer (a) via the PPSI CIP's non-documentary methods or (b) by obtaining information about individuals with authority or control over the account of a customer that is not an individual, and (4) a description of the resolution of each substantive discrepancy discovered when verifying the identifying information obtained.	V.B.3	VIII.A.3.ii, VIII.A.4.i, VIII.A.4.ii.a, VIII.E.	1033.220(a)(3)(i).
Require the PPSI to retain the records made using the CIP-specified customer identification information obtained before the opening of an account for five years after the date the account is closed.	V.B.3	VIII.A.3.ii, VIII.A.4.i, VIII.A.4.ii.a, VIII.E.	1033.220(a)(3)(ii).
Require the PPSI to retain the records made using CIP-specified methods to verify customer identity via: (1) documentary and non-documentary methods; (2) obtaining information about individuals with authority or control over and account, as applicable; (3) resolving substantive discrepancies discovered when verifying customer identification information for five years after the record is made.	V.B.3	VIII.A.3.ii, VIII.A.4.i, VIII.A.4.ii.a, VIII.E.	1033.220(a)(3)(ii).
Require the PPSI's CIP include reasonable procedures to: (1) determine within a reasonable period of time after the account is opened, or earlier if required by another Federal law or regulation or Federal directive issued in connection with the applicable list, whether a customer appears on any list of known or suspected terrorists or terrorist organizations issued by any Federal Government agency and designated as such by Treasury in consultation with the primary Federal payment stablecoin regulators; and (2) follow all Federal directives issued in connection with such lists.	V.B.4	VIII.A.3.ii, VIII.A.4.i, VIII.A.4.ii.a, VIII.E.	1033.220(a)(4).
Require the PPSI's CIP include procedures for providing customers with adequate notice that the PPSI is requesting information to verify their identities.	V.B.5	VIII.A.3.ii, VIII.A.4.i, VIII.A.4.ii.a, VIII.E.	1033.220(a)(5)(i).

TABLE 3—OVERVIEW/MAPPING OF THE PROPOSED RULE—Continued

Elements of the Proposed Rule	Section V analysis	Discussed in RIA subsection(s)	Proposed regulatory text location
Provide that customer notice would be considered adequate if the PPSI generally describes the CIP rule's identification requirements and is provided in a manner reasonably designed to ensure that a prospective customer is able to view the notice, or is otherwise given notice, before opening an account, such as by: (1) the PPSI posting a notice on its website, (2) including the notice in its account applications, or (3) any other form of oral or written notice, depending upon the manner in which the account is opened.	V.B.5	VIII.A.3.ii	1033.220(a)(5)(ii).
Provide sample language a PPSI may use to provide notice to its customer, as appropriate.	V.B.5	VIII.A.3.ii	1033.220(a)(5)(iii).
Allow for a PPSI's CIP to include procedures specifying when the PPSI will rely on the performance by another financial institution (including an affiliate) of any procedures of the PPSI's CIP, with respect to any customer of the PPSI that is opening, or has opened, an account or has established an account or similar business relationship with the other financial institution to provide or engage in services, dealings, or other financial transactions, provided that: (1) the reliance is reasonable under the circumstances; (2) the other financial institution: (a) is subject to a rule implementing 31 U.S.C. 5318(h) or 12 U.S.C. 5903(a)(5)(A) and is regulated by an FFR; and (b) enters into a contract with the PPSI requiring it to certify annually to the PPSI that it has implemented its AML/CFT program, and that it will perform (or its agent will perform) specified requirements of the PPSI's CIP.	V.B.6	VIII.A.3.ii, VIII.A.4.i, VIII.A.4.ii.a, VIII.E.	1033.220(a)(6).
Permit that, having considered whether the exemption is consistent with the purposes of the BSA and with safety and soundness, in the public interest, and any other necessary and appropriate factors, the appropriate FFR, with the concurrence of the Secretary, may, by order or regulation, exempt any PPSI or any type of account from the requirements of this section, and the Secretary, with the concurrence of the FFR, may exempt any PPSI or any type of account from the requirements of this section.	V.C	VIII.A.3.i, VIII.A.4.ii.a, VIII.A.4.ii.c.	1033.220(b).
Clarify that nothing in the rule relieves a PPSI of its obligation to comply with any other provision of 31 CFR chapter X, including provisions concerning information that must be obtained, verified, or maintained in connection with any account or transaction, or its obligations with respect to complying with the terms of any lawful order as set forth in chapter X.	V.D	VIII.A.3.i	1033.220(c).

i. New Definitions

As discussed in greater detail in section V.A, FinCEN and the Agencies propose adding three new terms ''account,'' ''customer,'' and ''digital asset service provider'' to the proposed new PPSI part of its regulations, 31 CFR 1033.100.[149] The definitions are proposed for purposes of this CIP and would only apply to the CIP obligation unless otherwise expressly noted.[150]

ii. New Requirements

As discussed in section V above, FinCEN and the Agencies are jointly proposing a rule to implement the GENIUS Act's directive that PPSIs maintain an effective CIP.

The proposed rule would require that a PPSI's CIP include risk-based procedures for verifying the identity of each customer to the extent reasonable and practicable. The procedures must enable the PPSI to form a reasonable belief that it knows the identity of each customer. The procedures must be based on the PPSI's assessment of the relevant risks, including those presented by the various types of accounts maintained by the PPSI, the various methods of opening accounts provided by the PPSI, the various types of identifying information available, and the PPSI's size, location, and customer base.

The proposed rule would require a PPSI to obtain the following information prior to opening an account: (1) name; (2) date of birth, for an individual; or

[149] This proposal's definitions are in addition to other terms defined in the GENIUS Act and proposed to be codified by FinCEN as part of the PPSI AML/CFT NPRM, most notably, ''digital asset,'' ''payment stablecoin,'' and ''permitted payment stablecoin issuer.'' *See* PPSI AML/CFT NPRM, *supra* note 4.

[150] As noted in the PPSI AML/CFT NPRM, *supra* note 4, for example, the term ''account'' is used in various FinCEN regulations and in the GENIUS Act, but the definition of account in this proposed CIP rule generally only applies to CIP requirements set out in this proposed rule. *Compare* 31 CFR 1010.230(c) (referencing in beneficial ownership requirement the CIP definitions of ''account'') *with* 1010.605(c)(2) (defining ''account'' for purposes of special due diligence obligations without reference to the CIP definitions of ''account''). As discussed in the PPSI AML/CFT NPRM, the GENIUS Act directs that PPSIs have the technological capability to comply and comply with the terms of lawful orders. *See* 12 U.S.C. 5903(a)(6)(B). Lawful order is defined, in part, by using the word ''account.'' *See* 12 U.S.C. 5901(16)(B). FinCEN is not intending, however, to apply the proposed CIP definition of account to the word ''account'' with respect to this obligation.

date of formation, for a person that is not an individual; (3) address (a residential and mailing address for individuals, or principal place of business, local office, or other physical address and mailing address for a person other than an individual); and (4) an identification number.

The proposed rule would require that the CIP contain procedures for verifying the identity of each new customer, using information obtained from the customer, within a reasonable period of time after the customer's account is opened. The procedures must describe when the PPSI would use documents, non-documentary methods, or a combination of both methods.

The proposed rule states that if the PPSI is relying on documents, then the CIP must contain procedures that set forth the documents that the PPSI would use. For an individual, the PPSI could use an unexpired government-issued identification evidencing nationality or residence that contains a photograph or similar safeguard, such as a driver's license or passport. For a person other than an individual, such as a corporation, partnership, or trust, the document must show the existence of the entity, such as certified articles of incorporation, a government-issued business license, a partnership agreement, or a trust instrument.

For a PPSI relying on non-documentary methods, the CIP must contain procedures that set forth the non-documentary methods the PPSI would use. These methods may include, but are not limited to, contacting a customer; independently verifying the customer's identity through the comparison of information provided with respect to the customer with information obtained from a consumer reporting agency, public database, or other source; checking references with other financial institutions; or obtaining a financial statement.

FinCEN and the Agencies believe that while the majority of customers may be verified through documentary and non-documentary methods, there may be instances where this is not possible. The risk that the PPSI would not know the customer's true identity may be heightened for certain types of accounts, such as an account opened in the name of a corporation, partnership, or trust that is created or conducts substantial business in a jurisdiction that has been designated by the United States as a primary money laundering concern or has been designated as non-cooperative by an international body.

The proposed rule states that the PPSI's CIP would be required to include procedures for responding to circumstances in which the PPSI cannot form a reasonable belief that it knows the true identity of a customer. These procedures should describe: (1) when the PPSI should not open an account; (2) the terms under which a customer may use an account while the PPSI attempts to verify the customer's identity; (3) when the PPSI should close an account after attempts to verify a customer's identity fail; and (4) when the PPSI should file a SAR in accordance with applicable law and regulation.

The proposed rule states that the CIP must include procedures for making and maintaining a record of all information obtained under procedures implementing the CIP. This is consistent with the requirement of 31 U.S.C. 5318(*l*)(2)(B) that CIPs include procedures for maintaining records of the information used to verify a person's identity, including name, address, and other identifying information. At a minimum, proposed § 1033.220(a)(3)(i) requires that the record must include: (1) all identifying information about a customer obtained under the CIP; (2) a description of any document relied on to verify the identity of the customer under the CIP, noting the type of document, any identification number contained in the document, the place of issuance, and if any, the date of issuance and expiration date; (3) a description of the methods and results of any measures undertaken to verify the identity of a customer; and (4) a description of the resolution of each substantive discrepancy discovered when verifying the identifying information obtained.

Additionally, the proposed rule states that a PPSI must retain the identifying information about a customer obtained under § 1033.2210(a)(3)(i)(A) of the proposed rule for five years after the date the account is closed, and the information regarding the verification of a customer's identity records collected under paragraphs (a)(3)(i)(B), (C), and (D) of this section for five years after the record is made.

Consistent with 31 U.S.C. 5318(*l*)(2)(C), the proposed rule outlines that the CIP would be required to include reasonable procedures for determining whether a customer appears on any list of known or suspected terrorists or terrorist organizations issued by any Federal government agency and designated as such by Treasury in consultation with the Federal functional regulators. The procedures must require the PPSI to make such a determination within a reasonable period of time after the account is opened, or earlier if required by another Federal law or regulation or Federal directive issued in connection with the applicable list. The procedures must also require the PPSI to follow all Federal directives issued in connection with such lists.

Lastly, the proposed rule states that the CIP would be required to include procedures for providing customers with adequate notice that the PPSI is requesting information to verify their identities. The proposed rule considers notice adequate if the PPSI generally describes the identification requirements of this section and provides such notice in a manner reasonably designed to ensure that a prospective customer is able to view the notice, or is otherwise given notice, before opening an account. For example, depending upon the manner in which the account is opened, a PPSI may post a notice on its website, include the notice in its account applications, or use any other form of oral or written notice. The proposed rule provides a sample notice.

4. Anticipated Economic Effects

This section provides FinCEN's and the Agencies analysis of the expected costs and benefits of the proposed rule as attributed to the elements of the regulation with foreseeable incremental effects. While not all costs and benefits are readily quantifiable, in this analysis FinCEN and the Agencies have sought to include an evaluation of certain foreseeable non-quantified economic benefits in addition to quantified costs to more comprehensively assess the potential net benefit of the proposed rule and select alternatives.

i. Expected Benefits

The proposed rule aims to clarify and standardize CIP requirements across all issuers of payment stablecoin that apply and are granted registration as PPSIs. This standardized obligation across all types of PPSIs would also harmonize the CIP obligations for payment stablecoin issuers with those applicable to other types of covered financial institutions, including banks. By standardizing CIP requirements for PPSIs, the potential for PPSIs to exploit opportunities to engage in regulatory arbitrage may be reduced. As discussed in section VIII.A.1, the expected economic benefits of the proposed rulemaking hinge on its ability to reduce the potential exploitation of this arbitrage as well as reducing the inefficiencies that the positive externalities of effective customer identification practices and the negative externalities generated by insufficient customer identification and

recordkeeping engender. A more even regulatory playing field might also remove the risk of potential inefficient overinvestment or socially costly underinvestment in the level of customer identification that could otherwise be attributable to regulatory uncertainty. Moreover, such standardization avoids the creation of regulatory gaps that criminals can exploit.

While these anticipated benefits are more difficult to quantify than the costs, the proposed rule is nonetheless expected to generate value insofar as risk-based, effective CIPs can contribute to the detection and deterrence of money laundering and terrorist financing and support broader BSA policy goals. A PPSI's efforts to obtain and verify the identity of account holders or respond to circumstances in which the PPSI cannot form a reasonable belief that it knows the true identity of a customer would help reduce the ability of money launderers, criminals, and other illicit finance actors to access U.S. financial markets through PPSIs. Maintaining records would enhance PPSI's internal compliance efforts and aid PPSI and enforcement personnel in detecting and taking measures to prevent potential illicit finance activity. Establishing a CIP with these elements would help PPSIs systematize, and in some cases automate, practices that facilitate the detection of attempted financial crimes and ensure that PPSIs have effective practices for identifying and verifying the identities of their customers and prospective customers. Insulating this financial market from abuse by bad actors of potentially significant social and monetary value is essential to its growth and longevity and protects the integrity of the broader U.S. financial system.

ii. Expected Costs

This section assesses the foreseeable costs to the respective parties expected to be incrementally economically impacted by the proposed rule.[151] This section is organized as follows. First, it estimates select cost profiles likely to be incurred by PPSIs, including both start-up costs and recurring administrative and maintenance costs based on relevant cost information associated with each identified category of required compliance activity. The discussion of expected costs then describes potential costs to PPSI customers and concludes with an estimate of government implementation costs for oversight and enforcement.

The sum of the proposed rule's expected incremental quantified costs (unadjusted) over a multi-year time horizon are presented in Table 4.[152] This includes expected costs to a static population of 50 PPSIs of approximately $284,000 in the first year, and an average of approximately $239,000 in each year thereafter;[153] expected costs to an anticipated PPSI customer base that increases by 65 percent year over year of approximately $1.0 million annually in the first year, and approximately the same amount each year thereafter;[154] and expected costs to the government of approximately $982,000 in the period leading up to the first effective year of the final rule, approximately $1.3 million in the first effective year, and approximately $913,000 per year thereafter. In total, the quantified economic costs of the proposed rule would amount to an average burden of approximately $2.3 million per year once a final rule became effective. FinCEN and the Agencies invite comment on whether the analysis of the average costs for each component of the CIP as outlined in section VIII.A.4.ii.a is an accurate reflection of the cost faced by issuers of products that may be considered payment stablecoins. In addition, FinCEN and the Agencies request comment on whether there are any additional cost categories that FinCEN and the Agencies have failed to consider.

TABLE 4—QUANTIFIED INCREMENTAL COSTS OF THE PROPOSED RULE BY YEAR

Affected party	Year (−1)	Year 1	Year 2	Year 3	3-Year average
PPSIs	.....	$283,572	$238,723	$238,723	$253,673
New PPSI Customers	.....	1,025,400	1,025,400	1,025,400	1,025,400
Government	981,698	1,347,789	912,634	912,634	1,057,686
Annual Incremental Costs	981,698	2,656,761	2,176,757	2,176,757	2,336,758

a. PPSIs

1. Establishing and Maintaining a Written CIP

The proposed rule would require a PPSI to establish and maintain a CIP aligned with, and integrated into, its broader risk-based and reasonably designed AML/CFT program. As described in section VIII.3.ii, a PPSI must also use this approach to establish and maintain a well-designed, written CIP that establishes and maintains the operational framework for executing effective identity verification.

If an entity that becomes a PPSI does not already have a CIP that is consistent with the proposed rule's requirements, that prospective PPSI would have to newly establish or else modify its existing customer identification practices. Creating or modifying the policies and procedures detailed in the CIP would entail costs for these entities. Such entities may incur costs both while implementing new or modified policies and procedures, as well as when newly programming, or modifying existing programming of, their automated systems and testing those

[151] Hourly burden figures presented for cost estimates in this section are rounded to the nearest hundredth of an hour for presentation purposes. Total burden figures are produced using unrounded figures for accuracy.

[152] The corresponding net present value (NPV) of the aggregate costs displayed in Table 4 are $5.8 million ($6.6 million) using a seven percent (three percent) discount rate, or an average annualized aggregate cost of $2.2 million ($2.3 million) in each of the first three years in which a final rule would be effective. Of these costs, the NPV of costs that would be borne by PPSIs is estimated over the same three-year time horizon to be $688,399 ($718,797) using a 7 percent (3 percent) discount rate, respectively. This equates to annualized costs of $254,695 ($254,117) using the same discount rates, or $5,094 ($5,082) per year per PPSI on average.

[153] Note, the incremental costs presented in this subsection differ in several aspects from the PRA recordkeeping and reporting costs presented below (see *infra* section VIII.E). The cost totals presented here reflect the estimated incremental costs that would result from this proposed rule, while the costs presented in section VIII.E analysis include pro forma accounting of all costs associated with the PRA recordkeeping and reporting activities required by the proposed rule, even if such activities are already being conducted by the respondents.

[154] As described in *infra* section VIII.A.4.ii.b, these costs are essentially identical to those incurred as a result of general AML/CFT program requirements. Therefore, these costs should not be considered as being in addition to the customer costs contemplated in FinCEN's accompanying rulemaking on general AML/CFT program requirements for PPSIs. *See* PPSI AML/CFT NPRM, at section XII.4.ii, *supra* note 4.

systems. These costs are expected to be significantly lower for PPSIs that are subsidiaries of insured depository institutions, which are currently required to have established procedures in place for obtaining identifying information of customers in compliance with BSA requirements.[155] By contrast, other PPSIs are less likely to have policies and procedures in place that meet the minimum requirements in the rule, and are therefore expected to face higher up-front CIP implementation costs.

These design, implementation, documentation, and maintenance costs are distinct from similar costs to establish and maintain the PPSI's overall AML/CFT program but would generally be expected to be guided by the same principles of risk-based, allocatively efficient construction. As such, CIP implementation costs are expected to vary not just by whether a PPSI is affiliated with or is an institution with a CIP obligation, but also by the nature of the types of accounts the PPSI maintains, the methods it provides to open an account, the types of identifying information available from customers, and the PPSI's own unique size, location, and customer base. However, to simplify the remainder of the analysis, FinCEN and the Agencies distinguish primarily between PPSIs affiliated with a insured depository institution or ''IDI'' (referred to for simplicity as ''IDI-subsidiary PPSIs'') and PPSIs that are not affiliated with a subsidiary of an insured depository institution (referred to for simplicity as ''non-IDI subsidiary PPSIs'') in developing compliance-related expected cost profiles. FinCEN and the Agencies request comment on the share of PPSIs that would likely already have CIPs established and would therefore not incur the full costs associated with establishing and maintaining a CIP.

The average burden, measured in time, for a non-IDI subsidiary PPSI to establish and maintain a written CIP that encompasses all the regulatory elements as grouped and described in section VIII.A.3 above is expected to range between approximately 20 to 30 hours per firm (an average of 25 hours per firm). For IDI-subsidiary PPSIs, these activities are expected to require about ten to 15 hours per firm (with an average of approximately 12 hours per firm) in the first year, depending on each institution's existing digital infrastructure. For both PPSI types, FinCEN estimates annually, on average, this activity would take approximately ten hours in subsequent years.

CIP establishment and maintenance activities would therefore be expected to result in an incremental cost of approximately $3,115 per non-IDI subsidiary PPSI, $1,495 per IDI-subsidiary PPSI,[156] and a total collective cost of approximately $107,139 in the first year after the proposed rule is finalized.[157] In each subsequent year, ongoing establishment and maintenance is expected to result in an average cost of approximately $1,246 per PPSI, and a total average annual cost of approximately $62,290 for 50 PPSIs.[158]

2. Obtaining and Verifying Customer Identification Information

The proposed rule would require a PPSI's CIP to include the collection of certain information prior to opening a new account. This information would include, at a minimum, the name, date of birth, address, and identification number of each customer opening new accounts. Centralized stablecoin issuers already obtain identifying information from customers, such as their names and addresses, since most issuers need to uniquely identify each of their customers operationally and these particular forms of personally identifiable information are common ways of doing so. Therefore, the associated incremental cost of compliance with the requirement is expected to be relatively small for all PPSIs.

Despite this, some new costs for PPSIs can be anticipated because some may not be obtaining all the information required by the proposed rule or doing so consistently. These issuers would face additional costs in collecting this information and updating their account opening applications to insert procedures requesting that customers provide the required information.

The proposed rule would further require a PPSI's CIP to include procedures to verify the identity of each customer and would provide issuers with multiple possible methods to do so, which would mitigate the costs of such activities.[159] For example, depending on the procedures implemented—including through documentary or non-documentary methods, as provided by the rule—and based on the issuer's assessment of the relevant risks, customers that open accounts with an issuer may simply provide a copy of documents showing its existence as a legal entity. Alternatively, issuers may, for example, obtain a financial statement from the customer or compare the information provided by the customer with information obtained from a consumer reporting agency or public database.

The documentary and non-documentary verification methods set forth in the proposed rule to verify the identities of customers are not meant to be an exclusive list of the appropriate means of verification. Other reasonable methods may be available now or in the future. The purpose of making the rule flexible in this regard is to allow payment stablecoin issuers to select verification methods that are reasonable and practicable. Methods that are appropriate for an issuer with a small, familiar customer base may not be sufficient for an issuer with more customers from many different geographic regions. The proposed rule recognizes this fact and, therefore, allows an issuer to employ such verification methods as would be suitable to form a reasonable belief that it knows the true identities of its customers.

FinCEN and the Agencies recognize that obtaining and verifying the identity of each customer would result in incremental costs for many PPSIs if these firms currently do not use verification methods or do not verify identities in a way that is consistent with the proposed rule's requirements.

[155] 31 CFR 1020.220.

[156] FinCEN notes that because, in its approach to calculating expected costs, different costs apply to PPSIs of various (1) types (*e.g.,* whether a PPSI is a subsidiary of an insured depository institution or not) and (2) sizes, average values may not meaningfully represent the economic cost that any single, particular PPSI may expect to incur.

[157] Throughout this analysis, FinCEN and the Agencies apply an hourly wage rate that is a general composite hourly wage rate ($87.61) scaled by a private sector benefits factor of 1.42 ($124.58 = $87.61 × 1.42). This incorporates Bureau of Labor Statistics (BLS) mean wage data associated with six occupational codes (11–1010: Chief Executives; 11–3021: Computer and Information Systems Managers; 11–3031: Financial Managers; 13–1041: Compliance Officers; 23–1010: Lawyers and Judicial Law Clerks; 43–3099: Financial Clerks, All Other) for each of the nine groupings of NAICS industry codes that FinCEN and the Agencies determined are most directly comparable to its 11 categories of potentially affected financial institutions as delineated in 31 CFR parts 1020 to 1030. *See* BLS, *May 2024—National industry-specific and by ownership,* available at *https://www.bls.gov/oes/tables.htm.* Given that many occupations provide benefits beyond wages (*e.g.,* insurance and paid leave), FinCEN and the Agencies apply the private sector benefit factor to the unloaded wage rate to reflect the total cost to the employer. The benefit factor is the ratio of total compensation (which includes wages and benefits) to wages. Total compensation = 43.94 and Wages and salaries = 30.90 (1.42 = 43.94 ÷ 30.90) as of June 2024, based on the private industry workers series data downloaded from BLS. BLS, *Employer Costs for Employee Compensation* data, available at *https://www.bls.gov/news.release/archives/ecec_09102024.pdf.*

[158] *See* Tables 9 and 10, *infra* section VIII.E.3.

[159] *See* proposed § 1033.220(a)(2)(ii).

FinCEN and the Agencies also note that this requirement for customer identification information collection and verification, which is applied to all customers equally, is distinct from the requirements to conduct customer due diligence as required in the accompanying proposed rule on AML/CFT program requirements for PPSIs. Unlike generalized CIP collection and verification, that due diligence requires prioritized, risk-based screening based on factors identified by the PPSI.

As discussed earlier, FinCEN estimates that the ''average'' PPSI would have approximately 1,000 legal entity clients that it interacts with directly.[160] The proposed requirements do not require PPSIs to collect information on existing customers,[161] and therefore FinCEN only estimate incremental costs for collecting information on new customers. As described earlier, FinCEN and the Agencies used public data on on-chain minting and redemption activity to examine annual rates of customer growth and turnover, and estimate that the average new customer rate is 65 percent of the number of existing customers. Therefore, FinCEN expects the average PPSI to collect information on approximately 650 new customers per year.

Due to the wide range of models employed by issuers, FinCEN and the Agencies acknowledge a range of costs for customer information collection and verification. However, nearly all stablecoin issuers already collect significant customer information on primary market customers in the ordinary course of business. Nevertheless, the customer information collection requirements in this proposal may still entail a relatively small incremental burden on a per-customer basis for non-IDI subsidiary PPSIs, which may be inherently less familiar with CIP information collection requirements than banks. Nearly all primary market customers interfacing with stablecoin issuers directly are legal entities, and FinCEN estimates that non-IDI subsidiary PPSIs would require an average of three minutes collect any additional required information from each customer. For IDI-subsidiary PPSIs, more streamlined incremental information collection processes associated with the existing CIP program of the parent company can be anticipated. For this reason, FinCEN estimates an average time to correspond with each customer and collect the required information of two minutes. For small PPSIs, FinCEN and the Agencies conservatively assume it would take three minutes per PPSI to collect information from each customer.

In summary, FinCEN expects that the collection of customer information to comply with the proposed rule would cost approximately $4,049 per non-IDI subsidiary PPSI, or a total of $80,977 annually. For IDI-subsidiary PPSIs, FinCEN and the Agencies expect a per-firm cost of approximately $2,699, which results in approximately $80,977 annually for all firms of this type.[162] Table 5 below provides a comparative summary of these costs for each PPSI type.

TABLE 5—ESTIMATED ANNUAL INCREMENTAL COST ASSOCIATED WITH OBTAINING AND VERIFYING CUSTOMER IDENTIFICATION INFORMATION BY PPSI TYPE

PPSI type	Hours per PPSI	Cost per PPSI	Number of PPSIs	Total burden hours	Total cost
Non-IDI Subsidiary PPSIs	32.5	$4,049	20	650	$80,977
IDI-Subsidiary PPSIs	21.7	2,699	30	650	80,977

3. Recordkeeping

The proposed rule requires certain records to be retained for a five-year period following the creation of the record [163] and others to be retained for five years following an account closure.[164] While FinCEN and the Agencies generally expect PPSIs to utilize the same technological infrastructure to securely store CIP-specific records as they would all other business/operation-related data, it is nevertheless foreseeable that some incremental costs might accrue. To allow for this, FinCEN includes a PRA recordkeeping cost for non-labor, technology costs that include an annual $100 baseline storage cost for each PPSI and a per-record cost of $0.10 associated with storing customer records.[165] Based on an estimate of 650 new customers per PPSI per year, the corresponding incremental storage cost would be $165 per PPSI per year, or an aggregate total of $8,250 annually for a population of 50 PPSIs.

4. Comparing Customers With Government Lists

The proposed rule would require a PPSI's CIP to include reasonable procedures for determining whether a customer appears on any list of known or suspected terrorists or terrorist organizations issued by any Federal government agency and designated as such by Treasury in consultation with the Federal payment stablecoin regulators. Such a list has not yet been issued.

Nevertheless, similar list-checking activities should already be industry practice by stablecoin issuers and other financial institutions that are U.S. persons because an obligation already exists for such U.S. persons to check their customers against the Specially Designated Nationals (SDN) List administered by OFAC. While the burden associated with this evaluation of customers against the SDN List is also considered as part of the separate proposed rule to impose AML/CFT program and sanctions compliance program requirements on PPSIs,[166] failure to comply with current obligations, such as by engaging in appropriate customer screening, could result in criminal or civil penalties for a stablecoin issuer.

Since a list as described in proposed § 1033.220(a)(4) has not yet been issued, and to a certain extent the prospective requirement to compare customers

[160] *See supra* section VIII.A.2.b.

[161] Under the proposed rule, PPSIs would not be required to collect information from existing customers unless there is reason to believe the issuer does not know the true identity of a customer, a scenario that FinCEN anticipates would be uncommon. FinCEN requests comment on whether it is reasonable to assume that all PPSIs would have reason to believe they know the true identity of their customers.

[162] *See also* Tables 9 and 10, *infra* section VIII.E.3.

[163] These records pertain to the methods and information used to verify customer identification information and are described in proposed § 1033.220(a)(3)(i)(B), (C), and (D). For the recordkeeping requirement, see proposed § 1033.220(a)(3)(ii).

[164] These records include the customer identification information required before an account is opened as described in proposed § 1033.220(a)(3)(i)(A). For the recordkeeping requirement, see proposed § 1033.220(a)(3)(ii).

[165] *See infra* section VIII.E.2.iii.

[166] *See* PPSI AML/CFT NPRM, *supra* note 4.

against a future list reinforces existing market practices, the cost resulting from this requirement is currently expected to be *de minimis.*

5. Providing Notice to Customers

The proposed rule would require a PPSI's CIP to include procedures for providing its customers with adequate notice that the issuer is requesting information to verify their identities.[167] Proposed § 1033.220(a)(5)(ii) sets forth general adequacy standards for the content of a notice and states that notice may be provided in a manner reasonably designed to ensure that a customer is able to view the notice, or is otherwise given notice, before opening an account. For example, if an account is opened electronically, such as through an internet website, the issuer may provide notice electronically. Because the notice is a standardized disclosure included with all applications, FinCEN does not anticipate a per-customer burden, but rather a one-time upfront cost to add the notice to application materials. FinCEN also allows for an average one-hour ongoing annual burden to review and update the notice if necessary. Because proposed § 1033.220(a)(5)(iii) provides sample notice text, the expected burden of preparing or revising the textual content of a PPSI's notice is expected to take proportionately less time and effort than a PPSI's other presentation-related business-specific decisions, such as location (as banner text online, inline on a form, etc.) and accessibility (including formatting, number of languages/translations to provide, number of distinct locations, methods of messaging, and platforms to place notice), among other attributes, which FinCEN and the Agencies expect to be informed by a PPSI's approach to risk-based and reasonably designed programs, generally.

FinCEN estimates that the average annual cost for this activity would be approximately $124.58 per PPSI, yielding an aggregate average annual cost of approximately $6,229 for 50 expected PPSIs.[168]

b. PPSI Customers

As presented above in section VIII.A.2.ii.b, the typical stablecoin issuer that could be considered a payment stablecoin issuer would have approximately 100 legal entity clients that it interacts with directly and the population of unique prospective PPSI customers that could be affected parties as U.S. legal persons is no more than 10,000. As described in section VIII.A.2.ii.b, these non-individual persons, legal entities, or other businesses belong to several categories, including digital exchanges, specialized digital commodities traders, and other types of investment- and securities-related businesses that, aside from digital exchanges, would generally all be classified under NAICS code 523 (''Securities, Commodity Contracts, and Other Financial Investments and Related Activities''). Accordingly, $102.54 was used to estimate hourly costs to PPSI customers.[169]

FinCEN estimates that PPSI customers, which are mostly financial institutions engaged in trading a broad range of stablecoin products as part of their investment portfolios, or exchanges seeking to provide off-chain liquidity to retail customers for a similarly broad range of stablecoin products, will likely initiate at least one new primary market relationship each year, although this frequency may fluctuate. In order to generate a conservative estimate, FinCEN and the Agencies assume for purposes of this analysis that all primary market participants would be required to provide this information at least once during the course of business in a given year when interacting with a new PPSI, while acknowledging significant uncertainty around this estimate. FinCEN and the Agencies request public comment on this assumption.

Assuming that 10,000 customers would spend, on average, approximately one hour to collect, review, and transmit the required customer identification information to its PPSI counterparties each year, this would imply that costs to PPSI customers could be as much as $1.03 million annually.

This estimate is highly conservative and likely to overestimate the true incremental costs of the proposed CIP requirements to PPSI customers for a number of reasons. For one, it assumes that all primary market participants will be required to provide this information once during the course of business in any given year as a function of opening or attempting to newly open an account with a PPSI, which may not be true for many customers. Additionally, these costs may be included, or otherwise indistinguishable from customer costs attributable to other business reasons to collect and provide identifying information to a PPSI, including as necessary to satisfy a PPSI's general AML/CFT program requirements. Some customers may be required to submit information to identify themselves and support a PPSI's required verification activities, and in some cases, submit additional information about select key individuals associated with the customer in order for a PPSI to satisfy its separate needs to meet certain general AML/CFT program requirements and requirements unique to its CIP. However, the collection and production of this information by the customer is generally the same, or a highly overlapping, set of activities. Therefore, the customer costs presented here should not be treated as strictly additive to the customer costs articulated in FinCEN's rulemaking that proposes general AML/CFT program requirements for PPSIs.

c. Government Costs

To implement the proposed rule, FinCEN anticipates incurring certain operating costs that would include approximately $0.98 million in the year prior to the final rule's effective date, $1.35 million in the first effective year the rule is in effect, and approximately $0.91 million per average subsequent year. These estimates include anticipated expenses related to rulemaking and maintenance, stakeholder outreach and informational support, compliance monitoring, and potential enforcement activities as well as certain incremental increases to pre-existing administrative and logistic expenses.

FinCEN acknowledges that this treatment of cost estimates implicitly assumes that increased resources commensurate with any novel operating costs would exist. If this assumption does not hold, then operating costs associated with a rule may impose certain economic costs on the public in the form of opportunity costs from the agency's forgone alternative activities and those activities' attendant benefits. Putting that into the context of this proposed rule, and benchmarking against FinCEN's actual appropriated budget for fiscal year 2025 ($190,193,000),[170] the corresponding opportunity cost could resemble forgoing up to 0.7 percent (0.5 percent) of current activities in the first year (each subsequent year) in which a final rule was effective. However, to the

[167] *See* proposed § 1033.220(a)(5)(i).

[168] *See* Tables 9 and 10, *infra* section VIII.E.3.

[169] Based on a BLS mean industry hourly wage rate of $72.11. BLS, *Occupational Employment and Wage Statistics: Industry: Securities, Commodity Contracts, and Other Financial Investments and Related Activities* (May 2024), available at *https://data.bls.gov/oes/#/industry/523000.* The BLS mean industry hourly wage rate of $72.11 was scaled by a benefits factor of 1.42. *See supra* note 157.

[170] FinCEN, *Congressional Budget Justification FY 2026* (May 2025), available at *https://home.treasury.gov/system/files/266/11.-FinCEN-FY-2026-CJ.pdf.*

extent that activities FinCEN would undertake as a function of the proposed rule would functionally substitute for or otherwise replace forgone activities, such an estimate likely overstates the potential economic costs to FinCEN and, consequently, the public.

These estimates do not include the potential costs borne by other regulators or entities engaged in informational outreach, examinations, or related supervisory actions of enforcement activities as a consequence of the proposal. Consequently, the cost estimates here may understate the burden of activities required to promote compliance with the rules as proposed and the full scope of government costs.

5. Consideration of Policy Alternatives

FinCEN and the Agencies considered several alternatives to the currently proposed version of the rule, but is limiting the presentation here to considerations where public response may be most useful. Some of the alternatives described below are scenarios that may have resulted in reduced burdens for PPSIs but would do so at the expense of forgone benefits or efficiency gains. Other alternatives would have resulted in more significant burdens. For the reasons described below, FinCEN and the Agencies decided not to propose any of these alternatives. FinCEN and the Agencies invite comment on these alternatives, and on any other alternatives that were not considered here.

i. Alternative Definitions of ''Customer''

FinCEN and the Agencies considered adopting wider definitions of ''customer'' to encompass additional market activity, namely on the secondary market. While the PPSI AML/CFT NPRM does propose some requirements for PPSIs with regard to secondary market activity,[171] this proposed rule limits customer information collection with regard to the CIP to primary market customers (*i.e.,* such as when a PPSI engages in issuing, converting, redeeming, repurchasing, burning, and reissuing payment stablecoins, as well as providing associated services, such as providing custodial services).[172]

Collecting information on secondary market customers would have significant benefits, but is also practically challenging. Almost all (approximately 99 percent) of stablecoin transaction activity takes place on the secondary market. In addition to most transaction volume occurring in the secondary market, nearly all users of payment stablecoin products are secondary market users, as most large payment stablecoin issuers set significant financial requirements for primary market participants that exclude retail traders.

Despite this being the location of significant activity, and potentially significant risk, issuers have a limited ability to collect customer information on the secondary market. The secondary market includes both ''on-chain'' transactions (actual blockchain exchanges of digital assets) and ''off-chain'' transactions (ledger/book transactions made by third-party exchanges for which no evidence appears on the blockchain). Market participants tend to use the two types of secondary trading for different purposes. On-chain transactions typically include digital asset transactions (such as arbitrage trading or institutional flows) and a small portion of direct payments for purposes like remittances across international borders. Off-chain transactions are where most retail trading takes place. The ratio of on-chain to off-chain transaction activity varies significantly by product, but in the aggregate, a majority of transaction volume for likely payment stablecoin products occurs off-chain.[173] Even for products where most transaction volume occurs on-chain, a majority of the actual economic value for these products is typically held in the wallets of exchange providers for off-chain trading. For either type of activity, it is most often the case that no customer information is collected in secondary market transactions by the stablecoin issuer itself.

Many exchange operators facilitating off-chain activity collect customer information in a manner similar to the information collected by issuers for their primary market customers. However, exchanges rarely share this information with issuers. For secondary market customers trading stablecoins on the blockchain itself, identities are often anonymous or pseudonymous. Blockchains are by nature decentralized algorithms, so there is often no central collection point at which identifying information is collected.

This being the case, FinCEN and the Agencies opted to confine the definition of customer for the purpose of customer information collection under the proposed rule to those undertaking primary market transactions directly with the issuer.

ii. Alternative Information Requirements

Another alternative that FinCEN and the Agencies considered was requiring customers to provide additional information beyond what is required by the proposed rule. The proposed rule would require issuers to collect, at a minimum, the name, address, and government-issued identification number or incorporation document for legal entity customers. For instance, FinCEN and the Agencies might have required customers to provide any blockchain wallet addresses associated with a legal entity, incorporation or tax documents, or certain identifying financial information such as account numbers. However, FinCEN and the Agencies opted not to require these items for several reasons. First, many issuers already collect this additional information in the ordinary course of business, and are best situated to determine what, if any, additional information is necessary to make risk-based decisions about a customer. Second, the absence of this information does not exempt an issuer from the responsibility to assess the money laundering and terrorist financing risks associated with a customer or their transactions. Given this broader programmatic obligation, little may be lost in letting it remain the issuer's prerogative to determine when or whether such additional information is necessary.

iii. Size-Related Alternatives

FinCEN and the Agencies considered modifying the proposed rule's requirements for small payment stablecoin issuers or establishing an asset threshold for certain compliance obligations of payment stablecoin issuers that are not bank subsidiaries. As discussed in more detail in the IRFA (section VIII.C.1.ii.b), FinCEN utilizes a threshold of $200 million in total reserve assets to identify small payment stablecoin issuers that are not subsidiaries of insured depository institutions. FinCEN and the Agencies considered using this threshold as a tailoring benchmark, whereby issuers under the threshold would be allowed

[171] *See* PPSI AML/CFT NPRM, *supra* note 4.

[172] PPSIs may also engage in ''digital asset service provider'' activities (as specified in the GENIUS Act), and activities incidental thereto, that are authorized by a primary Federal payment stablecoin regulator or State payment stablecoin regulator, consistent with applicable law. Such activities include exchanging and transferring digital assets. *See* 12 U.S.C. 5901(7), 5903(a)(7)(B).

[173] Among the four largest payment stablecoin products evaluated by FinCEN, about 35 percent of the total trading volume was estimated to occur on-chain. However, this varied significantly by product, and two of the products examined had significantly more relative trading volume on-chain. The location of secondary market activity depends heavily on the way in which the product is used and how it is marketed.

to apply for PPSI status under lessened CIP standards designed to reduce compliance cost. However, FinCEN and the Agencies opted against this alternative. Creating some category of PPSI subject to lessened CIP requirements would conceivably result in the targeting of these issuers by illicit actors seeking to circumvent regulatory scrutiny. Further, FinCEN's analysis indicates that most technology services that enable customer information collection as described here are highly scalable, allowing small issuers to readily identify and employ more cost-effective options.

B. Executive Orders 12866, 13563, and 14192

E.O. 12866 directs agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, and public health and safety effects; distributive impacts; and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. E.O. 13563 also recognizes that some benefits are difficult to quantify and provides that, where appropriate and permitted by law, agencies may consider and discuss qualitatively values that are difficult or impossible to quantify.

This proposed rule has been designated a ''significant regulatory action'' under E.O. 12866; accordingly, it has been reviewed by OMB.

This action, if finalized, is expected to be considered an E.O. 14192 regulatory action.

C. Regulatory Flexibility Analysis

When an agency issues a proposed rulemaking, the RFA requires the agency either to provide an IRFA with a proposed rule or certify that the proposed rule would not have a significant economic impact on a substantial number of small entities.

1. FinCEN IRFA

Because the proposed rule may have a significant economic impact on a substantial number of certain types of PPSIs that may qualify as small entities, FinCEN undertook the following analysis. In the event that FinCEN has potentially overestimated the anticipated scope and significance of the economic burden of the proposed rule on small entities, and certification would instead be more appropriate, comments to this effect—including studies, data, or other evidence—are invited.

i. The Proposed Rule: Objectives, Description, and Legal Basis

The proposed rule would implement FinCEN's regulations that prescribe the minimum requirements for CIPs for PPSIs as described earlier in section V.

The legal basis for the proposed rule is the GENIUS Act.[174] The GENIUS Act creates a regulatory framework for payment stablecoins in the United States.[175] Under the GENIUS Act, it generally will be unlawful for any person other than a PPSI to issue a payment stablecoin in the United States.[176] The GENIUS Act outlines certain reserve, capital, liquidity, and risk management requirements for PPSIs and tasks implementing those requirements to the Agencies, and, as applicable, State payment stablecoin regulators.[177]

The GENIUS Act requires that a PPSI ''be treated as a financial institution for purposes of the Bank Secrecy Act, and as such, shall be subject to all Federal laws applicable to financial institutions located in the United States relating to economic sanctions, preventing money laundering, customer identification, and due diligence.'' [178] In addition to its general directive, the GENIUS Act specifies that a PPSI's obligations must include maintenance of an effective CIP, including identifying and verifying the PPSI's account holders.[179]

The proposed rule would implement the GENIUS Act by proposing a requirement for PPSIs to maintain an effective CIP, including identification and verification of account holders. It includes requirements related to documenting customer verification procedures, requisite customer information, required recordkeeping, comparison with government lists, and customer notification.

ii. The Expected Impact on Small Entities

The expected impact of the rule on small entities varies across three distinct types of PPSIs: those that are subsidiaries of insured depository institutions; FQPSIs; [180] and SQPSIs.[181] FinCEN has incorporated the Agencies' RFA analyses with respect to their nexuses with these respective types and limited its own further analysis below to the remaining potential future PPSIs that it anticipates. As the proposed rulemaking may also affect the small entities that are customers of PPSIs, this population was also subject to IRFA requirements and is included in section VIII.C.1.ii.c below.

a. Small PPSIs Considered by the Agencies

Analyses of the expected impact on PPSIs that would be subject to their jurisdiction were conducted by each of the Agencies and are appended with their respective certifications in sections VIII.C.2, 3, 4, and 5 below.

b. Other Potential Small PPSIs

The U.S. Small Business Administration (SBA) definition of ''small entity'' as defined in 13 CFR 121.201 includes businesses, nonprofits, and small government entities with fewer than 50,000 residents.[182]

Based on analysis of the distributional data separately analyzed by FinCEN in the IRFA accompanying the PPSI AML/CFT NPRM, FinCEN considered applying a functional definition of ''small entity'' for purposes of this IRFA that would correspond closely to the 80th percentile threshold, which was rounded to $200 million for convenience in that proposed rule and is requesting comment on the appropriateness of the $200 million threshold in both that NPRM and this proposed rule.

The proposed $200 million threshold would capture approximately 76 percent of current stablecoin issuers that meet the GENIUS Act definitional criteria to be eligible for potential future PPSI status. That is, of the pre-GENIUS Act population of 25 stablecoin issuers that may be eligible to meet the GENIUS Act's definitional criteria for future PPSIs (see Table 1), 19 had fewer than $200 million in total circulating payment stablecoin product values. Together, these 76 percent of current

[174] *See supra* section II.

[175] *See generally* 12 U.S.C. 5901–5916.

[176] *See* 12 U.S.C. 5902(a), 5901(23) (defining ''permitted payment stablecoin issuer''); *see also* 12 U.S.C. 5902(c) (permitting, but not requiring, Treasury to issue regulations providing limited safe harbors from 12 U.S.C. 5902(a)); 12 U.S.C. 5916.

[177] 12 U.S.C. 5903(a)(4).

[178] 12 U.S.C. 5903(a)(5)(A).

[179] 12 U.S.C. 5903(a)(5)(A)(v).

[180] 12 U.S.C. 5901(11). In the PPSI AML/CFT NPRM FinCEN proposes to define this category in its regulations (see proposed § 1010.100(vvv)) using essentially the same language as the statutory definition. *See* PPSI AML/CFT NPRM, *supra* note 4, at section VI.C.1.xi.

[181] 12 U.S.C. 5901(31). In the PPSI AML/CFT NPRM, FinCEN proposes to define this category in its regulations (see CFR 1010.100(xxx)) using essentially the same language as the statutory definition. *See* PPSI AML/CFT NPRM, *supra* note 4, at section VI.C.1.xiii.

[182] Some stablecoin issuers are organized as nonprofit entities and are included in this count.

stablecoin issuers hold less than one percent of aggregate market average total assets.

To examine the expected impact of the proposed rule on small entities, FinCEN used two steps: the first step was to estimate the total number of potential future small entities that would be affected by the proposed rule, and the second step was to estimate the significance of this impact on those entities.

In order to contextualize the relative significance of costs associated with the proposed rule for small PPSIs, FinCEN used estimates of total assets to estimate likely revenues for such issuers. Stablecoin issuers generally derive revenue from investment returns on their reserve holdings. As described in the GENIUS Act, PPSIs would be permitted to invest reserve funds in several different types of asset classes, including government-backed securities. Based on prevailing interest rates, FinCEN assumed issuers would likely receive returns of about five percent on invested funds. While actual returns may fluctuate and fall below or above this estimate, this value represents an benchmark for estimation purposes. To validate this assumption, FinCEN examined actual revenue values as reported by current stablecoin issuers and compiled in quarterly MSB Call Report data. While five percent of total assets was generally within the same order of magnitude to actual reported revenue, actual revenues often exceeded five percent.

Returns in excess of prevailing rates for government-issued fixed income securities can be due to several factors. First, stablecoin issuers often ''over collateralize'' their products, meaning that they hold larger reserve portfolios than are required to redeem every coin at par value. This practice helps protect from market fluctuations and affords issuers greater flexibility during times of financial stress. In such cases, stablecoin issuers have reserve portfolios that are larger than the circulating value of their products, leading to returns in excess of those implied by multiplying their circulating value by prevailing rates of return for common reserve investments. Stablecoin issuers may also invest excess reserves in higher-yielding products or loans whose rates of return exceed those of government-backed securities. In addition to this, several other factors might lead to larger returns. For example, stablecoin issuers may offer certain fee-based services to customers, and may account for certain unrealized gains as revenue, increasing reported revenue levels.

Bearing these factors in mind, FinCEN retained five percent of total assets as a reasonable benchmark for revenue. This parameter was chosen in order to retain an estimate of revenue that does not minimize costs or possible fluctuations in returns. In other words, by using a conservative but realistic estimate, FinCEN avoids underestimating the relative impact of compliance costs associated with the proposed rule. FinCEN requests comment on the appropriateness of using five percent of total reserve assets as an estimate of these firms' revenue.

In section VIII.A.4.ii, FinCEN discussed the expected incremental costs of compliance with the proposed rule for PPSIs. As that section detailed, the incremental first-year costs of the proposed CIP requirements for PPSIs not covered by the Agencies' analyses are expected to be approximately $7,500 per PPSI in the first year, and approximately $5,600 in the average subsequent year.

TABLE 5—CIP COSTS AS A SHARE OF MODELED ANNUAL REVENUE

Year	Modeled CIP program cost	Percentage of small issuers for which Year-1 CIP costs exceed:	
		1% of modeled revenue	3% of modeled revenue
1	$7,500	61	34
2+	5,600	45	26

At this time, FinCEN assesses that there is insufficient data to forecast with meaningful precision the proportion of the total population of potential future PPSIs that would resemble current stablecoin issuers that would qualify as small entities or to consider the potential economic significance of the proposed CIP requirements differentially by type. FinCEN has therefore provided the analysis in Table 5 for illustrative purposes only to facilitate an assessment of how economically significant the proposed CIP requirements might be if future small PPSIs were comparable to current stablecoin issuers whose products meet the GENIUS Act's definitional criteria for a future payment stablecoin. Comments and data are invited to assist analyzing the potential effects of the proposed CIP requirements on small PPSIs, particularly those that would not be the subsidiaries of insured depository institutions.

c. Small Business Customers of PPSIs

In addition to these entities, FinCEN expect that the proposed rule, if adopted, to have impacts on the primary market customers of PPSIs. Many of these entities, which include digital asset exchanges, specialized commodities traders, and other investment firms, are small businesses. Using the data described earlier,[183] FinCEN estimates that there are approximately 300,000 primary market customers that interact directly with stablecoin issuers. However, FinCEN estimates that a substantial portion of these may be affiliates of a single counterparty or associated with non-U.S. entities. FinCEN estimates that the number of affected U.S. businesses is no more than 10,000. These businesses belong to several categories, including digital asset exchanges, specialized digital commodities traders, and other types of investment- and securities-related businesses. Aside from digital asset exchanges, FinCEN expects that nearly all of these firms would be part of the NAICS classifications under industry code 523 (''Securities, Commodity Contracts, and Other Financial Investments and Related Activities'').

[183] *See supra* section VIII.A.2.ii.b.

TABLE 6—DESCRIPTION OF PPSI CUSTOMER SMALL ENTITIES

Primary market customer type	Approximate number of customers	NAICS code	SBA small-business threshold	Percentage considered small [a]	Average annual revenue of small entities [b]
Other Investment Firms	10,000	523	$47 million	97.7% (about 9,770 firms)	$1.55 million.
Digital Asset Exchanges [c].	300	523210	$47 million	70% (about 210 firms)	$5.85 million.

[a] To estimate the number of small entities in NAICS code 523, FinCEN used the U.S. Census 2022 Statistics of U.S. Businesses Data by Enterprise Receipts Size. U.S. Census, 2022 Statistics of U.S. Businesses Data by Enterprise Receipts Size, available at *https://www.census.gov/data/tables/2022/econ/susb/2022-susb-annual.html.* FinCEN calculated the proportion of small businesses in NAICS code 523 with less than $50 million in annual receipts (the closest available threshold). For Digital Asset Exchanges, FinCEN used internal data.

[b] Revenue data for NAICS code 523 and Digital Asset Exchanges was collected from the U.S. Census 2022 Statistics of U.S. Businesses Data by Enterprise Receipts Size and internal data, respectively.

[c] Note, these 300 customers are a subset of the 10,000 customers captured under NAICS code 523.

While a substantial number of these firms would be required to provide customer information to the PPSIs they wish to engage in direct transactions with, the cost of providing this information is expected to be *de minimis* relative to the average revenue of these firms.[184] Therefore, while a substantial number of businesses may be providing information to PPSIs, FinCEN does not contemplate that this requirement would constitute a significant effect when considered in relation to their overall revenue.

iii. Other Matters: Duplicate, Overlapping, Conflicting, and Alternative Requirements

FinCEN is unaware of any existing Federal regulations that would overlap or conflict with the proposed rule. As discussed in section III, in a related, complementary rulemaking FinCEN is proposing to apply additional GENIUS Act and BSA obligations on PPSIs, including, for example, AML/CFT program requirements and suspicious activity reporting requirements. This rulemaking deals exclusively with a CIP requirement, which is not contained within the related, complementary rulemaking.

Additionally, FinCEN has considered certain alternatives to the proposed rule that take into consideration the expected costs and potential benefits to small entities. As discussed in greater detail in section VIII.A.5.iii, FinCEN considered modifying the requirements for small entities. As discussed in that section, FinCEN opted against this exclusion for several reasons. By creating some category of PPSI for small issuers that would be subject to lessened CIP requirements could conceivably lead to illicit actors who seek to circumvent regulatory scrutiny targeting these small issuers. Additionally, FinCEN analysis indicates that most technology services that enable customer information collection as described here are highly scalable, allowing small issuers to readily identify and employ more cost-effective options.

In addition, as discussed in greater detail in section VIII.A.5.ii, FinCEN also considered adopting additional information reporting requirements for new customers. Because some primary market customers of potential PPSIs may themselves be small businesses, such a requirement that expanded reporting requirements beyond what information is already provided in the ordinary course of business may have presented an incremental cost for some number of these small entities. However, as discussed in section VIII.A.5.ii, FinCEN opted not to augment these requirements. Many issuers already collect this additional information in the course of business, and are best situated to determine what, if any, additional information is necessary to support overall AML/CFT goals. As a result, FinCEN expect no incremental cost burden to small entity customers of potential PPSIs as a result of the requirements in the proposed rule.

2. OCC Certification

The proposal will apply to entities overseen by the OCC. The OCC currently supervises 997 institutions (national banks, Federal savings associations, and branches or agencies of foreign banks),[185] of which approximately 609 are small entities under the RFA.[186] In general, the OCC classifies the economic impact on an individual small entity as significant if the total estimated impact in one year is greater than five percent of the small entity's total annual salaries and benefits or greater than 2.5 percent of the small entity's total non-interest expense. Furthermore, the OCC considers five percent or more of OCC-supervised small entities to be a substantial number, and at present, 30 OCC-supervised small entities would constitute a substantial number.

In the OCC's NPRM published March 2, 2026, the OCC stated, ''Given that all current OCC banks that issue stablecoins generally have issuance of over $1 billion and are not considered small entities and the lack of small entity stablecoin issuers, the OCC will need to wait for more information to determine whether it is likely that there will be a significant number of small entities affected by the proposed rule. At this time, the OCC does not expect that the proposed rule would have a significant impact on a substantial number of small entities under the RFA.'' [187]

The OCC continues to expect that small entities will not be the initial adopters of this technology because of the compliance infrastructure and capital necessary to support stablecoin issuance. As such, the OCC anticipates that future FQPSIs would not be small entities as defined by the SBA (currently $850 million in assets for financial entities). Hence, the proposed rule would not have a significant impact on a substantial number of small entities

[184] This cost is estimated to be less than $200 per firm annually, on average. *See* section VIII.A.4.ii.b.

[185] Financial Institution Data Retrieval System Data, accessed February 20, 2026.

[186] The OCC estimated the number of small entities based on the SBA's size thresholds for commercial banks and savings institutions, and trust companies, which are $850 million and $47 million, respectively. Consistent with the General Principles of Affiliation 13 CFR 121.103(a), the OCC counted the assets of affiliated financial institutions when determining if it should classify an OCC-supervised institution as a small entity. The OCC used December 31, 2024, to determine size because a ''financial institution's assets are determined by averaging the assets reported on its four quarterly financial statements for the preceding year.'' *See* footnote 8 of the SBA, *Table of Small Business Size Standards* (Mar. 17, 2023), available at *https://www.sba.gov/document/support-table-size-standards.*

[187] OCC, *Implementing the Guiding and Establishing National Innovation for U.S. Stablecoins Act for the Issuance of Stablecoins by Entities Subject to the Jurisdiction of the Office of the Comptroller of the Currency,* 91 FR 10202 (Mar. 2, 2026).

under the OCC's purview for purposes of the RFA.

3. Board IRFA

The Board is providing an initial regulatory flexibility analysis with respect to this proposal. The RFA requires an agency to consider whether the rules it proposes will have a significant economic impact on a substantial number of small entities. Under regulations issued by the SBA, a ''small'' entity includes a depository institution, bank holding company, or savings and loan holding company with total assets of $850 million or less.[188] For purposes of this section, any reference to ''small'' entities is a reference to this definition.

In connection with a proposed rule, the RFA requires an agency to prepare an IRFA describing the impact of the rule on small entities, unless the head of the agency certifies that the proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities and publishes such certification along with a statement providing the factual basis for such certification in the **Federal Register**. An IRFA must contain (1) a description of the reasons why action by the agency is being considered; (2) a succinct statement of the objectives of, and legal basis for, the proposed rule; (3) a description of, and, where feasible, an estimate of the number of small entities to which the proposed rule will apply; (4) a description of the projected reporting, recordkeeping, and other compliance requirements of the proposed rule, including an estimate of the classes of small entities that will be subject to the requirement and the type of professional skills necessary for preparation of the report or record; (5) an identification, to the extent practicable, of all relevant Federal rules which may duplicate, overlap with, or conflict with the proposed rule; and (6) a description of any significant alternatives to the proposed rule which accomplish its stated objectives and minimize any significant economic impact of the proposed rule on small entities.[189]

The Board has considered the potential impact of the proposed rule on small entities in accordance with the RFA. Based on its analysis and for the reasons stated below, the Board believes that this proposed rule will not have a significant economic impact on a substantial number of small entities. Nevertheless, the Board is publishing and inviting comment on this initial regulatory flexibility analysis.

i. Reasons Why Action Is Being Considered by the Board

As explained above, this proposal implements the GENIUS Act's directives to treat PPSIs as financial institutions for purposes of the BSA and to require such issuers to maintain an ''effective customer identification program, including identification and verification of account holders.'' [190] The proposed rule would subject PPSIs to CIP requirements that are comparable to existing CIP requirements for other financial institutions, such as banks, broker-dealers, mutual funds, and FCMs and IBCs. It also would require a PPSI to tailor its CIP to that PPSI's size and type of business, as well as take into consideration the PPSI's risk based on its unique business—including the types of accounts it has, how those accounts are opened, and the identifying information available.

ii. The Objectives of, and Legal Basis for, the Proposal

The proposed rule would prescribe the minimum requirements for CIPs for PPSIs as described earlier in section V.

Section 4(a)(5)(A) of the GENIUS Act (12 U.S.C. 5903(a)(5)(A)) requires that a PPSI ''be treated as a financial institution for purposes of the Bank Secrecy Act, and as such, shall be subject to all Federal laws applicable to financial institutions located in the United States relating to economic sanctions, preventing money laundering, customer identification, and due diligence.'' [191] Additionally, section 4(a)(5)(A) specifies that a PPSI must maintain an effective CIP, and must identify and verify the PPSI's account holders.[192]

The proposed rule would implement the GENIUS Act by proposing a requirement for PPSIs to maintain an effective CIP, including identification and verification of account holders. The proposed rule includes requirements related to documenting customer verification procedures, requisite customer information, required recordkeeping, comparison with government lists, and customer notification.

iii. Description of the Compliance Requirements of the Proposal and Estimate of the Number of Small Entities

The proposed rule would implement the GENIUS Act by proposing a requirement for PPSIs to maintain an effective CIP, including identification and verification of account holders. The proposed rule includes requirements for Board-supervised PPSIs of all sizes related to documenting customer verification procedures, requisite customer information, required recordkeeping, comparison with government lists, and customer notification. The compliance burdens are described in more detail in section VIII.A.4.ii above.

This NPRM is being issued jointly by FinCEN, along with the Board and other Agencies as applied to the PPSIs that each Agency supervises. The expected impact on PPSIs that are subject to the Board's jurisdiction is analyzed below.

The proposed rule would apply to (i) subsidiaries of insured State member banks that have been approved by the Board to issue payment stablecoins and (ii) State-qualified PPSIs that are uninsured State-chartered depository institutions that have transitioned to the Board's regulatory framework under section 4(d) of the GENIUS Act (12 U.S.C. 5903(d)). By definition, the proposed rule would only apply to a State-qualified PPSIs that have an outstanding issuance value of more than $10 billion, and accordingly, would not be considered small for the purposes of this IRFA. This analysis therefore focuses only on Board-supervised PPSIs that are subsidiaries of State member banks. The Board is not aware of any method of determining the identity, industry, or size of Board-supervised PPSIs that are subsidiaries of State member banks, given that there are no such entities at this time and it is difficult to predict how this market will develop. Further, SBA regulations do not provide small entity thresholds specific to PPSIs. As a result, this section of the IRFA discusses the size of the parent State member banks of such PPSIs. The Board believes this approach is appropriate because, under the GENIUS Act, an insured State member bank must have ''control'' of a Board-supervised PPSI.[193]

[188] *See* 13 CFR 121.201. Consistent with the SBA's General Principles of Affiliation, the Board includes the assets of all domestic and foreign affiliates toward the applicable size threshold when determining whether to classify a particular entity as a small entity. *See* 13 CFR 121.103.

[189] 5 U.S.C. 603(b)–(c).

[190] *See* 12 U.S.C. 5903(a)(5)(A)(v); *see also* 31 U.S.C. 5318(*l*).

[191] 12 U.S.C. 5903(a)(5)(A); *see also* 31 U.S.C. 5318(*l*).

[192] 12 U.S.C. 5903(a)(5)(A)(v).

[193] The GENIUS Act defines the term ''subsidiary'' by reference to the definition of ''subsidiary'' in the Federal Deposit Insurance Act, which states that a subsidiary includes any company which is owned or controlled directly or indirectly by another company. *See* 12 U.S.C. 5901(32) (''The term ''subsidiary'' has the meaning given that term in [12 U.S.C. 1813].''); *see also* 12

Continued

As of December 31, 2025, there were 703 insured State member banks.[194] Of those institutions, 439 are considered small for the purposes of RFA.[195] For this analysis, the Board estimates that between five and ten insured State member banks may, with the Board's permission, form a Board-supervised PPSI subsidiary in the first few years after the finalization of the proposed rule. Given the early stages of the payment stablecoin market, this range accounts for significant uncertainty regarding the volume of future participants. The population of Board-supervised PPSIs that are subsidiaries of State member banks could be higher or lower depending on market demand, strategic operational choices of insured State member banks and other institutions eligible to become PPSIs, and future developments in the digital landscape. By utilizing this range, the Board aims to establish an estimate that serves as the basis for evaluating the economic effects of the proposed rule, while acknowledging the inherent uncertainty resulting from a lack of historical precedent. The Board expects that the insured State member banks that are most likely to seek to form a Board-supervised PPSI subsidiary initially will be larger institutions with the compliance infrastructure and capital necessary to support a new business line to issue payment stablecoins. As such, the Board anticipates that most, if not all, insured State member banks with Board-supervised PPSIs would not be small entities as defined by the SBA. Even assuming the unlikely scenario that all, *i.e.,* the upper-bound number of ten insured State member banks, would be small and that all ten insured State member banks would be significantly impacted by the proposed rule, these impacted entities would comprise a very small percentage of small insured State member banks.

iv. Consideration of Duplicative, Overlapping, or Conflicting Rules and Significant Alternatives to the Proposal

The Board has not identified any Federal statutes or regulations that would duplicate, overlap, or conflict with the proposal. The Board is seeking comment on certain potential alternative approaches to discrete aspects of the final rule, as discussed elsewhere in this proposal, most of which would not significantly change the estimated economic impact of the proposed rule.

vi. Conclusion

Based on its analysis and for the reasons stated above, the Board believes that the proposed rule is unlikely to have a significant economic impact on a substantial number of small entities. The Board welcomes comment on all aspects of its analysis. In particular, the Board requests that commenters describe the nature of any impact on small entities and provide empirical data to illustrate and support the extent of the impact. Additionally, the Board requests that commenters describe the number of small entities under the RFA and the impact on small entities.

4. FDIC Certification

The RFA generally requires an agency, in connection with a proposed rule, to prepare and make available for public comment an initial regulatory flexibility analysis that describes the impact of the proposed rule on small entities.[196] However, an initial regulatory flexibility analysis is not required if the agency certifies that the proposed rule would not, if promulgated, have a significant economic impact on a substantial number of small entities. The SBA has defined ''small entities'' to include banking organizations with total assets of less than or equal to $850 million.[197]

Generally, the FDIC considers a significant economic impact to be a quantified effect in excess of five percent of total annual salaries and benefits or 2.5 percent of total non-interest expenses. The FDIC believes that effects in excess of one or more of these thresholds typically represent significant economic impacts for FDIC-insured institutions.

The FDIC estimates the effects of the required mandates of the proposed rule on small FDIC-supervised entities. For the purposes of this analysis, the FDIC utilizes a pre-statutory baseline under which the GENIUS Act is considered unenacted. Under this baseline, no formal federal framework exists to coordinate and homogenize the issuance of payment stablecoins, leaving the market to operate under a fragmented regulatory framework and limited federal guidance.

As previously discussed, the proposed rule would apply to all PPSIs, including FDIC-supervised PPSIs, which would be subsidiaries of FDIC-supervised institutions.[198] As of the quarter ending September 30, 2025, there were 2,772 insured State nonmember banks and State savings associations. Of those institutions, 2,064 are considered ''small'' for the purposes of RFA.[199]

The FDIC recognizes considerable uncertainty regarding the number of FDIC-supervised PPSIs that would emerge under the proposed framework. For the purposes of this analysis, the FDIC estimates that the number of FDIC-supervised PPSIs would likely range between five and 30 in the first few years after the enactment of the proposed rule. Given the early stages of the payment stablecoin market, this range accounts for significant uncertainty regarding the volume of future participants. The population of FDIC-supervised PPSIs under the proposed rule could be higher or lower depending on market demand, strategic operational choices of eligible institutions, and future developments in the digital landscape. By utilizing this range, the FDIC aims to establish an estimate that serves as the basis for evaluating the economic effects of the proposed rule, while acknowledging the inherent uncertainty resulting from a lack of historical precedent.

Because an FDIC-supervised PPSI must be a subsidiary of an IDI, the FDIC expects that the initial adopters of this technology would likely be larger institutions with the compliance infrastructure and capital necessary to support stablecoin issuance. As such, the FDIC anticipates that most, if not all, future PPSIs would not be small entities as defined by the SBA. Therefore, the FDIC believes the proposed rule is unlikely to have a significant economic impact on a substantial number of small entities.

However, given the lack of historical precedent and the evolving nature of the payment stablecoin market, the FDIC conservatively assumes that, for the purpose of this analysis, all the entities falling within the previously discussed

U.S.C. 1813(w)(4). In the Federal Deposit Insurance Act, the term ''control'' is defined by reference to the Bank Holding Company Act. 12 U.S.C. 1813(w)(5). The Board's Regulation Y sets out the Board's presumptions of control and noncontrol under the controlling influence prong of the Bank Holding Company Act definition of ''control.'' *See* 12 CFR part 225, subpart D.

[194] Call Report Data, December 31, 2025.

[195] Call Report Data, December 31, 2025.

[196] 5 U.S.C. 601 *et seq.*

[197] The SBA defines a small banking organization as having $850 million or less in assets and determines an organization's assets by averaging the assets reported on its four quarterly financial statements for the preceding year. *See* 13 CFR 121.201 (as amended by 87 FR 69118, effective December 19, 2022). Following these regulations, the FDIC uses an FDIC-supervised institution's affiliated and acquired assets, averaged over the preceding four quarters, to determine whether the FDIC-supervised institution is ''small'' for the purposes of the RFA.

[198] *See* 12 U.S.C. 5903(a)(7).

[199] Federal Financial Institutions Examination Council Reports of Condition and Income (Call Reports), September 30, 2025.

scope of five to 30 potential FDIC-supervised PPSIs could be small entities. By adopting this conservative assumption, the FDIC aims to provide a comprehensive estimate of the potential economic impact on small entities.

In the unlikely scenario that all, *i.e.,* the upper-bound number of 30 entities, would be small, the estimated impact on each small entity would be a *de minimis* amount. Even if all 30 entities would instead be significantly impacted by the proposed rule, the FDIC does not consider 30 entities to be a substantial number of small entities.

In light of the foregoing, the FDIC certifies that the proposed rule would not have a significant economic impact on a substantial number of small entities. Accordingly, an initial regulatory flexibility analysis is not required.

The FDIC invites comments on all aspects of the supporting information provided in this RFA section. The FDIC is particularly interested in comments on any significant effects on small entities that the agency has not identified.

5. NCUA Certification

As noted in the FDIC certification, under the RFA an initial regulatory analysis is not required if the promulgating agency certifies the proposed rule (if enacted) would not have a ''significant economic impact'' on a substantial number of ''small entities.'' The NCUA certifies the economic burden of the CIP rule—both in terms of likely expenses borne by individual small credit unions and the number of small credit unions facing significant expenses—falls short of the RFA materiality threshold.

Under the GENIUS Act, federally insured credit unions (FICUs) cannot become PPSIs. The credit-union analogue for a bank subsidiary—at least for purposes of this act—is the credit union service organization (CUSO).[200] Currently, the NCUA does not charter, insure, or collect call-report type data from CUSOs, so there is no formal definition of small for RFA purposes. Following the FDIC, the NCUA relies on its traditional approach to RFA analysis by examining the impact of the CIP rule on FICUs with fewer than $100 million in assets.[201] As of September 30, 2025, the NCUA supervised 4,331 FICUs; of these, 2,553 (or 58.9 percent) qualified as small entities. Compared with commercial banks, credit unions are quite small. Indeed, the industry median asset size (again 2025:Q3) was $63.63 million—roughly one-sixth of the median asset size in the banking industry. Put another way, 3,813 FICUs (88.0 percent of all FICUs) would qualify as small under the FDIC RFA threshold (fewer than $850 million).

Predicting the number of PPSIs in the credit-union sector is difficult because: (i) CUSOs or credit unions have never offered a product quite like stablecoin; and (ii) as noted, the NCUA—with extremely limited authority over CUSOs (as third-party vendors)—has little-to-no anecdotal or formal data to make a forecast. That said, the National Association of Credit Union Service Organizations (NACUSO) reported in its 2020 CUSO Market Report that credit unions holding between $100 and $500 million in assets are by far the largest block of CUSO customers. Moreover, the credit-union sector has historically been conservative in its approach to offering products/services with novel risk dimensions. When such products/services are offered, large credit unions have been in the forefront. In short, qualitative and quantitative data suggest the number of PPSIs in the credit-union sector should be well below that in the banking industry. Specifically, the NCUA expects the actual number to fall between zero and 10, with five being a reasonable point estimate. Five represents 0.2 percent of the total number of small FICUs.

As for the number of small FICUs potentially facing a ''significant'' burden, applying the FBA materiality threshold of either 5 percent of annual compensation expense or 2.5 percent of total non-interest expense is problematic because small credit unions: (1) tend to rely heavily on volunteers; [202] and (2) often enjoy free office space provide provided by a sponsor. Under the FBA compensation threshold (5 percent), for example, 1,274 small FICUs—49.9 percent of those holding fewer than $100 million—would face a significant burden. Similarly, under the FBA non-interest expense threshold (2.5 percent), 1,226 would face an undue burden. At first, both numbers appear to qualify as ''substantial.'' But, again, it is important to remember small credit unions typically have relatively simple operations with plain vanilla product/service offerings. The CUSOs serving these credit unions would be extremely unlikely to become PPSIs *even if the CIP regulatory burden were zero dollars.* So, to arrive at an estimate of small FICUs potentially facing an undue burden, recall the estimate for PPSIs industrywide offered above—zero to 10. Now, assume (unrealistically) the actual number is 10, that all held fewer than $100 million in assets, and all faced marginal compliance expenses exceeding 5 percent of compensation expense or 2.5 percent of non-interest expense. Under these conservative assumptions, only 0.4 percent of small FICUs would face an undue burden. In short, the relatively modest size and simple operations of ''small'' FICUs—both absolutely and compared with commercial banks—suggest few would be interested in stablecoins even if there were no regulatory burden. Accordingly, it is reasonable to conclude the CIP rule will not have a significant economic impact on a substantial number of small FICUs.

D. Unfunded Mandates Reform Act

The UMRA requires that an agency prepare a statement before promulgating a rule that may result in expenditure by the state, local, and Tribal governments, in the aggregate, or by the private sector, of $193 million or more in any one year ($100 million in 1995, adjusted for inflation).[203] Section 202 of UMRA also requires an agency to identify and consider a reasonable number of regulatory alternatives before promulgating a rule.

As discussed above,[204] FinCEN and the Agencies have not estimated the number of potential future SQPSIs given the inherently speculative nature of such an exercise at this time. Consequently, FinCEN and the Agencies

[200] A CUSO is an entity that provides various products/services to credit unions and their members. The goals are to (i) enable credit unions to enjoy economies of scale and (ii) expand the range of product/service offerings for credit-union members. These organizations are typically owned by one or more credit unions. Examples of CUSO products/services include loan origination, operational support, and IT services.

[201] Using this traditional approach implicitly assumes (for analytical purposes only) CUSOs are a formal part of the credit unions they support. The NCUA Board established the definition of ''small'' (fewer than $100 million in assets) via IRPS 80 FR 57512 in 2015.

[202] For example, the median number of paid full-time equivalent employees for a small FICU is five.

[203] The U.S. Bureau of Economic Analysis reports the annual value of the gross domestic product implicit price deflator for calendar year 1995 (the year UMRA was enacted) as 66.939, and as 128.974 for calendar year 2025 (the most recent available). Thus, the inflation-adjusted estimate for $100 million is 128.974 ÷ 66.939 × $100 million, or $192.7 million. *See* U.S. Bureau of Economic Analysis, *Table 1.1.9. Implicit Price Deflators for Gross Domestic Product,* available at *https://apps.bea.gov/iTable/?reqid=19&step=3&isuri=1&1921=survey&1903=13#eyJhcHBpZCI6MTksInN0ZXBzIjpbMSwyLDMsM10sImRhdGEiOltbIk5JUEFfVGFibGVfTGlzdCIsIjEzIl0sWyJDYXRlZ29yaWVzIiwiU3VydmV5Il0sWyJGaXJzdF9ZZWFyIiwiMTk5NSJdLFsiTGFzdF9ZZWFyIiwiMjAyNSJdLFsiU2NhbGUiLCIwIl0sWyJTZXJpZXMiLCJBIl1dfQ==.*

[204] *See supra* sections VIII.A.2.ii.a.

are unable to assess the potential burden to state, local, and Tribal governments of the proposed CIP rule and are, at this time, not expecting any additional expenditures to these parties as an incremental cost of the proposed rule. However, FinCEN and the Agencies' expectation that this rulemaking will not cause material changes in State expenditures, in particular, should be understood as relating only to the impact of this rulemaking and not to the impact of the GENIUS Act writ large. The GENIUS Act envisions an active role for the states in the regulation of PPSIs as a complement to Federal regulation.

While the analyses above [205] and below,[206] indicate that the proposed rule is not expected to impose incremental novel expenditures on the private sector of $193 million or more, and hence that additional economic analysis pursuant to UMRA requirements is not strictly necessary, FinCEN and the Agencies believe that the preceding assessment of impact, generally, and consideration of policy alternatives, specifically, would satisfy the UMRA's analytical requirements. FinCEN and the Agencies invite public comment on any additional factors that, if considered, would materially alter the conclusions of this assessment.

E. Paperwork Reduction Act

The recordkeeping requirements in the proposed rule, which qualify as ''collections of information'' under the PRA, will be submitted to OMB for review in accordance with the PRA.[207] Under the PRA, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB.[208] Written comments and recommendations for the proposed information collection can be submitted by visiting *https://www.reginfo.gov/public/do/PRAMain.* Find this particular document by selecting ''Currently Under Review—Open for Public Comments'' or by using the search function. Comments are welcome and must be received by August 21, 2026.

In accordance with requirements of the PRA, 44 U.S.C. 3506(c)(2)(A), and its implementing regulations, 5 CFR part 1320, the following information concerning the collection of information as it relates to the new CIP requirements for covered PPSIs is presented to assist those persons wishing to comment on the information collections.

1. Description of Affected Financial Institutions and OMB Control Numbers

OMB Control Number(s): [1506–XXXX].

Description of Affected Entities: Only those covered financial institutions defined in section 31 CFR 1010.100(t)(11) (*i.e.,* PPSIs) would be affected.

Estimated Number of Respondents: 50 PPSIs.

FinCEN estimates an average annual population of approximately 50 PPSIs in the first three years, comprised of approximately 20 non-IDI subsidiary PPSIs and 30 IDI-subsidiary PPSIs.[209] FinCEN expects these entities to each have an average of 1,000 customers, with an average of 650 new customers annually.[210]

As this is a developing market, FinCEN and the Agencies acknowledge significant uncertainty regarding the number of potential PPSIs. However, as discussed earlier, FinCEN and the Agencies estimate that IDI-subsidiary PPSIs would have reduced CIP-related expenses due to their position within a parent's existing CIP program.

2. Estimated Annual Burden Hours

As described in section VIII.A.4.ii.a, each PPSI is expected to incur recordkeeping burdens associated with the proposed CIP obligations. FinCEN and the Agencies have identified five main cost categories associated with the various incremental recurring costs expected to be incurred by PPSIs to comply with CIP requirements. These cost categories are: (1) establishing and maintaining a written CIP; (2) obtaining and verifying customer identification information, (3) recordkeeping; (4) consulting government lists, and (5) customer notification.

i. Establishing and Maintaining a Written CIP

PPSIs subject to this rule would have to establish a CIP in accordance with the proposed rule. FinCEN estimates the average cost for a PPSI to establish and maintain a written CIP as described in section VIII.A.4.ii.a.1 to be between approximately 20 to 30 hours per firm (with an average of 25 hours per firm) in the first year for non-IDI subsidiary PPSIs, and about ten to 15 hours per firm (with an average of approximately 12 hours per firm) in the first year for IDI-subsidiary PPSIs. For both PPSI types, the average burden of these activities is expected to decrease to approximately ten hours per PPSI, irrespective of type, in each subsequent year. This activity would involve tasks such as reviewing the requirements of the rule, establishing and documenting the program, and updating the CIP when necessary.

ii. Obtaining and Verifying Customer Identification Information

The proposed rule would require PPSIs to collect and verify certain information from each customer.[211] Because the proposal exempts existing primary market customers from information collection requirements, the agencies estimate information collection costs for primary market customers opening new accounts. FinCEN and the Agencies estimate this cost on a per-customer basis.

FinCEN estimates a range of costs for customer identification information collection and verification—most of which would be from legal entities.[212] FinCEN estimates that small issuers would require an average of one hour to correspond with each new customer and collect the required information, while larger issuers would require only ten minutes (0.17 hours) per new customer, owing to more volume and onboarding automation. Thus, FinCEN uses an average of 35 minutes (0.58 hours) per new customer for non-IDI subsidiary PPSIs. For PPSI entities affiliated with insured depository institutions, FinCEN and the Agencies estimate more streamlined information collection processes associated with the existing CIP program of the parent. For this reason, FinCEN estimates an average time to correspond with each new customer and collect the required information ranging from ten minutes for most banks to 20 minutes for some smaller banks. FinCEN uses an average of 15 minutes (0.25 hours) per new customer.

iii. Recordkeeping

The proposed rule would require certain records to be retained for a five-year period following the creation of the record [213] and others to be retained for five years following an account closure.[214] To allocate burden to these obligations, FinCEN PRA estimates allow for non-labor, technology costs that include an annual $100 baseline cost for each PPSI and a per-record cost of $0.10 associated with storing new customer records in accordance with

[205] *See supra* sections VIII.A through C.

[206] *See infra* section VIII.E.

[207] *See* 44 U.S.C. 3506(c)(2).

[208] *See* 44 U.S.C. 3507(a)(3).

[209] *See supra* section VIII.A.2.ii.a.

[210] *See supra* section VIII.A.2.ii.b.

[211] *See supra* section V.B.2.

[212] *See supra* section VIII.A.2.ii.b.

[213] *See supra* note 168.

[214] *See supra* note 169.

similar estimates in prior rulemakings.[215]

iv. Comparison With Government Lists

The proposed rule would require a PPSI's CIP to include reasonable procedures for determining whether a customer appears on any list of known or suspected terrorists or terrorist organizations issued by any Federal government agency and designated as such by Treasury in consultation with the Federal payment stablecoin regulators. While such a list has not yet been issued, a nominal one-hour burden in the PRA section is assigned to this requirement to account for the possible future issuance of such lists.

v. Customer Notification

The proposed rule would require a PPSI's CIP to include procedures for providing its customers with adequate notice that the issuer is requesting information to verify their identities. Because the notice is a standardized disclosure included with all applications, FinCEN does not anticipate a per-customer burden, but rather a one-time upfront cost to add the notice to application materials. FinCEN also assigns a nominal average one-hour ongoing annual burden to review and update the notice if necessary.[216]

vi. Summary of Annual Burden Hours

Tables 7 and 8 present the estimated average annual burden hours per respondent and the aggregate average annual burden hours for all affected PPSIs in year one and in subsequent years, respectively.[217] FinCEN estimates a three-year average annual burden of 264 hours per PPSI and a three-year average annual burden of 13,178 hours for all 50 PPSIs.[218]

TABLE 7—YEAR-1 BURDEN HOUR ESTIMATES

Recordkeeping burden attributed to	Hours per response	Number of responses	Hours per respondent	Number of respondents	Total burden hours
Establishing and maintaining a written CIP (non-IDI subsidiary PPSIs)	25	1	25	20	500
Establishing and maintaining a written CIP (IDI-subsidiary PPSIs)	12	1	12	30	360
Obtaining/verifying customer identification information (non-IDI subsidiary PPSIs)	0.58	650	379	20	7,583
Obtaining/verifying customer identification information (IDI-subsidiary PPSIs)	0.25	650	162.5	30	4,875
Consulting government lists	1	1	1	50	50
Providing notice to customers	1	1	1	50	50
Total				50	13,418

TABLE 8—YEARS 2+ BURDEN HOUR ESTIMATES

Recordkeeping burden attributed to	Hours per response	Number of responses	Hours per respondent	Number of respondents	Total burden hours
Establishing and maintaining a written CIP	10	1	10	50	500
Obtaining/verifying customer identification information (non-IDI subsidiary PPSIs)	0.58	650	379	20	7,583
Obtaining/verifying customer identification information (IDI-subsidiary PPSIs)	0.25	650	163	30	4,875
Consulting government lists	1	1	1	50	50
Providing notice to customers	1	1	1	50	50
Total				50	13,058

3. Estimated Annual Total Costs

Tables 9 and 10 present the average annual cost per respondent and total annual cost for all affected PPSIs for year one and years two and three, respectively. FinCEN estimates an average annual labor cost of $32,835 per PPSI and an aggregate annual labor cost of $1.64 million. FinCEN additionally estimates an average annual non-labor cost of $165 per PPSI and an aggregate annual non-labor cost of $8,250 to account for storage and technology costs. In total, FinCEN and the Agencies estimate an average annual of $33,000 per PPSI[219] and an aggregate annual cost of $1.65 million.

[215] *See, e.g.,* FinCEN, *Agency Information Collection Activities; Proposed Renewal; Comment Request; Renewal Without Change on Information Sharing Between Government Agencies and Financial Institutions,* 90 FR 47125 (Sept. 30, 2025).

[216] FinCEN and the Agencies request comment on whether PPSIs would likely incur an annual recordkeeping burden associated with the proposed customer notification requirement, or whether the recordkeeping burden is largely incurred when the notification is initially drafted.

[217] Hourly burden figures presented in Table 7 and Table 8 are rounded to the nearest hundredth of an hour for presentation purposes. Total burden figures are produced using unrounded figures for accuracy.

[218] FinCEN and the Agencies note that because, in its approach to calculating expected time burdens, different burden estimates apply to PPSIs of various (1) types (*e.g.,* whether a PPSI is a subsidiary of an insured depository institution or not) and (2) sizes, average values may not meaningfully represent the economic burden that any single, particular PPSI may expect to incur.

[219] FinCEN notes again, that due to heterogeneity across the PPSI population, average costs may not meaningfully represent the economic burden that any single, particular PPSI may expect to incur.

TABLE 9—TOTAL ESTIMATED COST IN YEAR 1

Recordkeeping burden attributed to	Hours per respondent	Cost per respondent	Total burden hours	Total cost
Establishing and maintaining a written CIP (non-IDI subsidiary PPSIs)	25	$3,115	500	$62,290
Establishing and maintaining a written CIP (IDI-subsidiary PPSIs)	12	1,495	360	44,849
Obtaining/verifying customer identification information (non-IDI subsidiary PPSIs)	379	47,237	7,583	944,732
Obtaining/verifying customer identification information (IDI-subsidiary PPSIs)	163	20,244	4,875	607,328
Recordkeeping (Technology)		165		8,250
Consulting government lists	1	125	50	6,229
Providing notice to customers	1	125	50	6,229
Total				1,679,906

TABLE 10—TOTAL ESTIMATED ANNUAL COST IN YEARS 2+

Recordkeeping burden attributed to	Hours per respondent	Cost per respondent	Total burden hours	Total cost
Establishing and maintaining a written CIP	10	$1,246	500	$62,290
Obtaining/verifying customer identification information (non-IDI subsidiary PPSIs)	379	47,237	7,583	944,732
Obtaining/verifying customer identification information by (IDI-subsidiary PPSIs)	163	20,244	4,875	607,328
Recordkeeping (Technology)		165		8,250
Consulting government lists	1	125	50	6,229
Providing notice to customers	1	125	50	6,229
Total				1,635,057

4. Aggregate Burden and Cost Estimates

Estimated Number of Respondents: 50 PPSIs.

Estimated Aggregate Three-Year Average Annual Recordkeeping Burden: Approximately 13,178 hours.

Estimated Aggregate Three-Year Average Annual Recordkeeping Cost: Approximately $1,650,007.

5. General Request for Comments Under the Paperwork Reduction Act

FinCEN and the Agencies invite comments on: (1) whether the collection of information is necessary for the proper performance of the mission of FinCEN, including whether the information would have practical utility; (2) the accuracy of FinCEN's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information required to be maintained; (4) ways to minimize the burden of the collection of information, including through the use of automated collection techniques or other forms of information technology; and (5) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services required to report the information.

F. Riegle Community Development and Regulatory Improvement Act

Pursuant to section 302(a) of the Riegle Community Development and Regulatory Improvement Act of 1994 (RCDRIA), in determining the effective date and administrative compliance requirements for new regulations that impose additional reporting, disclosure, or other requirements on IDIs, each Federal banking agency must consider, consistent with principles of safety and soundness and the public interest, any administrative burdens that such regulations would place on affected depository institutions, including small depository institutions, and customers of depository institutions, as well as the benefits of such regulations.[220] In addition, section 302(b) of the RCDRIA requires new regulations and amendments to regulations that impose additional reporting, disclosures, or other new requirements on insured depository institutions generally to take effect on the first day of a calendar quarter that begins on or after the date on which the regulations are published in final form.[221] The Agencies invite comments to further inform their consideration of the RCDRIA.

G. Plain Language

Section 722 of the Gramm-Leach-Bliley Act [222] requires the Federal banking agencies to use plain language in all proposed and final rulemakings published in the **Federal Register** after January 1, 2000. The agencies invite your comments on how to make this proposed rule easier to understand. For example:

- Have the agencies organized the material to suit your needs? If not, how could the proposed rule be more clearly stated?
- Are the requirements in the proposed rule clearly stated? If not, how could the proposed rule be more clearly stated?
- Does the proposed rule contain language or jargon that is not clear? If so, which language requires clarification?
- Would a different format (grouping and order of sections, use of headings, paragraphing) make the proposed rule easier to understand? If so, what changes to the format would make the proposed rule easier to understand?
- What else could the agencies do to make the proposed rule easier to understand?

H. Providing Accountability Through Transparency Act of 2023

The Providing Accountability Through Transparency Act of 2023 requires that a notice of proposed rulemaking include the internet address of a summary of not more than 100 words in length of a proposed rule, in plain language, that shall be posted on the internet website under section 206(d) of the E-Government Act of 2002.[223]

[220] 12 U.S.C. 4802(a).

[221] 12 U.S.C. 4802(b).

[222] 12 U.S.C. 4809.

[223] 5 U.S.C. 553(b)(4).

The proposal and the required summary can be found at *www.regulations.gov* by searching for Docket IDs FINCEN–2026–0101, OCC–2026–0331 or NCUA–2026–0793 or *https://www.fdic.gov/federal-register-publications.*

I. Additional Requests for Comment

1. Are FinCEN and the Agencies' baseline estimates of the number of market participants accurate? Are there specific sources of data that would suggest any of these population estimates should be revised? Please provide data, studies, or anecdotal evidence that would support any suggested alternatives.

2. Are there other distinct, identifiable subpopulations of the general public that could reasonably be directly affected by the proposed rule and should have been considered in the RIA? Please provide data, studies, or reports that would enhance FinCEN and the Agencies' ability to identify and quantify such effects.

3. FinCEN and the Agencies assume that a number of depository institutions would have affiliates or subsidiaries that seek PPSI status and that other PPSIs would not be subsidiaries of insured depository institutions. How likely are issuers or potential issuers to seek PPSI status as a subsidiary of an insured depository institution versus seeking PPSI status not as a subsidiary of an insured depository institution?

4. FinCEN and the Agencies made certain assumptions, based on data, about the number of primary customers that a typical PPSI would have. How many primary market customers does a typical issuer of payment stablecoin-type products interact with? What costs do issuers face in collecting customer information from these entities? How many are these customers are new to the issuer on an annual basis?

5. Is it likely that any of the 14,575 financial institutions listed in Table 2 would be relied upon by PPSIs for some aspect of their CIP compliance? Please provide data, studies, reports, or anecdotal evidence that would enhance FinCEN and the Agencies' ability to identify and quantify the effects of such reliance.

6. To what extent should the economic impact on state regulatory agencies be considered in the RIA? Please provide data, studies, or reports that would support the identification enhance FinCEN's ability to identify and quantify such effects.

7. Is FinCEN and the Agencies' analysis of the average costs for each component of the CIP as outlined in section VIII.A.4.ii.a reasonable reflection of the cost faced by issuers of products that may be considered payment stablecoins? If not, are there specific sources of empirical evidence or data that would suggest these burden estimates should be revised? Are there any additional cost categories related to establishing and maintaining a CIP that FinCEN and the Agencies have failed to consider? Please provide data, studies, or anecdotal evidence that would support any suggested revisions.

8. What types and share of PPSIs would likely already have CIPs established and would therefore not incur the full costs associated with establishing and maintaining a CIP? Are there certain CIPs or customer identification practices implemented by stablecoin issuers that this analysis should take into account? Please provide data, studies, or reports that would enhance FinCEN and the Agencies' ability to identify this population.

9. Is it reasonable to assume that PPSIs would already have measures in place to form a reasonable belief that they know the true identities of their existing customers and therefore would not need to obtain and verify customer identification information for any of their existing primary market customers in the first year once the rule would become effective? If not, what share of PPSIs would need to obtain and verify customer identification for all or a portion of their existing customers? Are there specific sources of empirical evidence or data that would suggest this assumption should be revised? Please provide data, studies, or anecdotal evidence that would support the suggested alternative assumption.

10. FinCEN and the Agencies request comment on the alternative policy options presented in section VIII.A.5 and their economic effect.

11. FinCEN utilized a threshold of less than $200 million in total reserve assets to define a small payment stablecoin issuer. How appropriate is this threshold? Similarly, is five percent of total reserve assets a good estimation of these firms' revenue?

12. The RIA in this NPRM does not include a forecasted population of potential future SQPSIs due to limitations in data availability. Please provide data, studies, or anecdotal evidence that would enable analysis of the potential effects of the proposed requirements on SQPSIs, generally, and small SQPSIs in particular.

13. The FDIC, Board, NCUA, and OCC invite comments on all aspects of the supporting information provided in sections VIII.C.2–5, particularly related to any significant effects on small entities that the agency has not identified.

14. The economic expectation that the proposed rule may have a significant economic impact on a substantial number of certain types of potentially affected small entities is sensitive to key assumptions about how potentially affected financial institutions would respond to the proposed requirements. FinCEN and the Agencies request comment on whether it would instead be more reasonable to certify that the proposed rule would not have a significant economic impact on a substantial number of small entities.

15. FinCEN and the Agencies do not anticipate that the proposed rule would result in novel incremental aggregate expenditures by State, local, or Tribal governments, or by the private sector of $193 million or more in any one year. Is this assumption reasonable? If not, what studies, data, or anecdotal evidence should be taken into consideration that would update this expectation?

16. Would PPSIs incur ongoing recordkeeping burdens associated with the proposed customer notification requirement? Or is the recordkeeping burden largely incurred when the notification is initially drafted? If it is an ongoing burden, what is the average amount of time spent on the recordkeeping activity per year?

J. NCUA Analysis on Executive Order 13132 on Federalism

Executive Order 13132 encourages certain regulatory agencies to consider the impact of their actions on state and local interests. The NCUA, an agency as defined in 44 U.S.C. 3502(5), complies with the executive order to adhere to fundamental federalism principles. This proposed rule would apply to PPSIs. This scope is set by statute. The NCUA works cooperatively with state regulatory agencies on all supervisory matters, including AML/CFT matters, and will continue to do so. The NCUA expects that any effect on states or on the distribution of power and responsibilities among the various levels of government will be minor. The NCUA welcomes comments on ways to eliminate, or at least minimize, any potential impact in this area.

K. NCUA Assessment of Federal Regulations and Policies on Families

The NCUA has determined that this proposed rule would not affect family well-being within the meaning of section 654 of the Treasury and General Government Appropriations Act,

1999.[224] The proposed rule relates to PPSIs, and any effect on family well-being is expected to be indirect.

List of Subjects in 31 CFR Part 1033

Administrative practice and procedure, Banks, banking, Business and industry, Electronic filing, Foreign persons, Investigations, Law enforcement, Reporting and recordkeeping requirements, Terrorism.

For the reason set forth in the preamble, FinCEN and the OCC, Board, FDIC, and NCUA propose that FinCEN amend 31 CFR part 1033, as proposed to be added at 91 FR 18582 (April 10, 2026), as follows:

PART 1033—RULES FOR PERMITTED PAYMENT STABLECOIN ISSUERS

■ 1. The authority citation for part 1033 continues to read as follows:

Authority: 12 U.S.C. 1829b, 1951–1959, and 5901–5916; 31 U.S.C. 5311–5314 and 5316–5336; title III, sec. 314, Pub. L. 107–56, 115 Stat. 307; sec. 701, Pub. L. 114–74, 129 Stat. 599.

■ 2. In § 1033.100, add paragraphs (a) through (c) to read as follows:

§ 1033.100 Definitions.

* * * * *

(a) *Account.* For the purposes of § 1033.220:

(1) *Account* means a formal relationship between a customer and a permitted payment stablecoin issuer established to provide or engage in services, dealings, or other financial transactions including but not limited to—

(i) Issuing or redeeming a payment stablecoin;

(ii) Managing related reserves, including purchasing, selling, and holding reserve assets or providing custodial services for reserve assets;

(iii) Providing custodial or safekeeping services for payment stablecoins, required reserves, or private keys of payment stablecoins;

(iv) Other activities that directly support activities in paragraphs (a)(1)(i) through (iii) of this section; or

(v) Providing services of a digital asset service provider.

(2) *Account* does not include:

(i) A product or service where a formal relationship is not established with a person, such as payment stablecoin activity that does not directly involve the permitted payment stablecoin issuer as a party to the transaction other than via a smart contract;

(ii) An account that the permitted payment stablecoin issuer acquires through an acquisition, merger, purchase of assets, or assumption of liabilities from a financial institution regulated by a Federal functional regulator or a bank regulated by a State bank regulator;

(iii) An account opened for the purpose of participating in an employee benefit plan established under the Employee Retirement Income Security Act of 1974; or

(iv) Ownership or control of a permitted payment stablecoin issuer's payment stablecoins alone, without other indicators of a formal relationship.

(b) *Customer.* For the purposes of § 1033.220:

(1) *Customer* means:

(i) A person that opens a new account; and

(ii) An individual who opens a new account for:

(A) An individual who lacks legal capacity, such as a minor; or

(B) An entity that is not a legal person, such as a civic club.

(2) *Customer* does not include:

(i) A financial institution regulated by a Federal functional regulator or a bank regulated by a State bank regulator;

(ii) A person described in 31 CFR 1020.315(b)(2) through (4);

(iii) A person that has an existing account with the permitted payment stablecoin issuer, provided the permitted payment stablecoin issuer has a reasonable belief that it knows the true identity of the person; or

(iv) A person acquiring or redeeming a payment stablecoin from a means other than directly from or directly to the permitted payment stablecoin issuer.

(c) *Digital asset service provider.* For the purposes of § 1033.220:

(1) *Digital asset service provider* means an individual, partnership, company, corporation, association, trust, estate, cooperative organization, or other business entity, incorporated or unincorporated that, for compensation or profit, engages in business in the United States (including on behalf of customers or users in the United States) of:

(i) Exchanging digital assets for monetary value, meaning a national currency or deposit denominated in a national currency;

(ii) Exchanging digital assets for other digital assets;

(iii) Transferring digital assets to a third party;

(iv) Acting as a digital asset custodian; or

(v) Participating in financial services relating to digital asset issuance.

(2) *Digital asset service provider* does not include:

(i) A distributed ledger protocol,

(ii) Developing, operating, or engaging in the business of developing distributed ledger protocols or self-custodial software interfaces;

(iii) An immutable and self-custodial software interface;

(iv) Developing, operating, or engaging in the business of validating transactions or operating a distributed ledger; or

(v) Participating in a liquidity pool or other similar mechanism for the provisioning of liquidity for peer-to-peer transactions.

(3) For purposes of this paragraph (c), the term *distributed ledger protocol* means a publicly available and accessible executable software deployed to a distributed ledger, including smart contracts or networks of smart contracts.

■ 3. Add § 1033.220 to read as follows:

§ 1033.220 Customer identification programs for permitted payment stablecoin issuers.

(a) *Customer identification program: minimum requirements*—(1) *In general.* A permitted payment stablecoin issuer must establish and maintain a written Customer Identification Program (CIP) appropriate for its size and business that, at a minimum, includes each of the requirements of paragraphs (a)(1) through (5) of this section. The CIP must be a part of the permitted payment stablecoin issuer's anti-money laundering (AML)/countering the financing of terrorism (CFT) program.

(2) *Identity verification procedures.* The CIP must include risk-based procedures for verifying the identity of each customer to the extent reasonable and practicable. The procedures must enable the permitted payment stablecoin issuer to form a reasonable belief that it knows the true identity of each customer. The procedures must be based on the permitted payment stablecoin issuer's assessment of the relevant risks, including those presented by the various types of accounts maintained by the permitted payment stablecoin issuer, the various methods of opening accounts provided by the permitted payment stablecoin issuer, the various types of identifying information available and the permitted payment stablecoin issuer's size, location, and customer base. At a minimum, these procedures must contain the elements described in this paragraph (a)(2).

(i) *Customer information required*—(A) *In general.* The CIP must contain procedures for opening an account that specify the identifying information that

[224] Public Law 105–277, section 654, 112 Stat. 2681, 2681–528 (1998).

will be obtained with respect to each customer. Except as permitted by paragraph (a)(2)(i)(B) of this section, the permitted payment stablecoin issuer must obtain, at a minimum, the following information from the customer prior to opening an account:

(*1*) Name;

(*2*) Date of birth, for an individual; or date of formation, for a person that is not an individual;

(*3*) Address, which shall be:

(*i*) For an individual, a residential or business street address;

(*ii*) For an individual who does not have a residential or business street address, an Army Post Office (APO) or Fleet Post Office (FPO) box number, of the residential or business street address of a next of kin or of another contact individual; or

(*iii*) For a person other than an individual (such as a corporation, partnership, or trust), a principal place of business, local office, or other physical location; and

(*4*) Identification number, which shall be:

(*i*) For a U.S. person, a taxpayer identification number; or

(*ii*) For a non-U.S. person, one or more of the following: a taxpayer identification number; passport number and country of issuance; alien identification card number; or number and country of issuance of any other government-issued document evidencing nationality or residence and bearing a photograph or similar safeguard; or

(*iii*) For a non-U.S. person that is not an individual and that does not have an identification number, the permitted payment stablecoin issuer must request alternative government-issued documentation certifying the existence of the person.

(B) *Exception for persons applying for a taxpayer identification number.* Instead of obtaining a taxpayer identification number from a customer prior to opening an account, the CIP may include procedures for opening an account for a person that has applied for, but has not received, a taxpayer identification number. In this case, the CIP must include procedures to confirm that the application was filed before the person opens the account and to obtain the taxpayer identification number within a reasonable period of time after the account is opened.

(ii) *Customer verification.* The CIP must contain procedures for verifying the identity of each customer, using information obtained in accordance with paragraph (a)(2)(i) of this section, within a reasonable time before or after the customer's account is opened. The procedures must describe when the permitted payment stablecoin issuer will use documents, non-documentary methods, or a combination of both methods, as described in this paragraph (a)(2)(ii).

(A) *Verification through documents.* For a permitted payment stablecoin issuer relying on documents, the CIP must contain procedures that set forth the documents the permitted payment stablecoin issuer will use. These documents may include:

(*1*) For an individual, an unexpired government-issued identification evidencing nationality or residence and bearing a photograph or similar safeguard, such as a driver's license or passport; and

(*2*) For a person other than an individual (such as a corporation, partnership, or trust), documents and any amendments thereto showing the existence of the entity, such as certified articles of incorporation, a government-issued business license, a partnership agreement, or a trust instrument.

(B) *Verification through non-documentary methods.* For a permitted payment stablecoin issuer relying on non-documentary methods, the CIP must contain procedures that set forth the non-documentary methods the permitted payment stablecoin issuer will use.

(*1*) These methods may include contacting a customer; independently verifying the customer's identity through the comparison of information provided with respect to the customer with information obtained from a consumer reporting agency, public database, or other source; checking references with other financial institutions; or obtaining a financial statement.

(*2*) The permitted payment stablecoin issuer's non-documentary procedures must address situations where an individual is unable to present an unexpired government-issued identification document that bears a photograph or similar safeguard; the permitted payment stablecoin issuer is not familiar with the documents presented; the account is opened without obtaining documents; the customer opens the account without meeting in person; and the permitted payment stablecoin issuer is otherwise presented with circumstances that increase the risk that the permitted payment stablecoin issuer will be unable to verify the true identity of a customer through documents.

(C) *Additional verification for certain customers.* The CIP must address situations where, based on the permitted payment stablecoin issuer's risk assessment of a new account opened by a customer that is not an individual, the permitted payment stablecoin issuer will obtain information about individuals with authority or control over such account in order to verify the customer's identity. This verification method applies only when the permitted payment stablecoin issuer cannot verify the true identity of a customer that is not an individual using the verification methods described in paragraphs (a)(2)(ii)(A) and (B) of this section.

(iii) *Lack of verification.* The CIP must include procedures for responding to circumstances in which the permitted payment stablecoin issuer cannot form a reasonable belief that it knows the true identity of a customer. These procedures should describe:

(A) When the permitted payment stablecoin issuer should not open an account;

(B) The terms under which a customer may use an account while the permitted payment stablecoin issuer attempts to verify the customer's identity;

(C) When the permitted payment stablecoin issuer should close an account after attempts to verify a customer's identity fail; and

(D) When the permitted payment stablecoin issuer should file a Suspicious Activity Report in accordance with applicable law and regulation.

(3) *Recordkeeping.* The CIP must include procedures for making and maintaining a record of all information obtained under procedures implementing this paragraph (a).

(i) *Required records.* At a minimum, the record must include:

(A) All identifying information about a customer obtained under paragraph (a)(2)(i) of this section;

(B) A description of any document that was relied on under paragraph (a)(2)(ii)(A) of this section, noting the type of document, any identification number contained in the document, the place of issuance, and if any, the date of issuance and expiration date;

(C) A description of the methods and results of any measures undertaken to verify the identity of a customer under paragraphs (a)(2)(ii)(B) and (C) of this section; and

(D) A description of the resolution of each substantive discrepancy discovered when verifying the identifying information obtained.

(ii) *Retention of records.* The permitted payment stablecoin issuer must retain the records made under paragraph (a)(3)(i)(A) of this section for five years after the date the account is closed and the records made under

paragraphs (a)(3)(i)(B) through (D) of this section for five years after the record is made.

(4) *Comparison with Government lists.* The CIP must include reasonable procedures for determining whether a customer appears on any list of known or suspected terrorists or terrorist organizations issued by any Federal Government agency and designated as such by Treasury in consultation with the primary Federal payment stablecoin regulators. The procedures must require the permitted payment stablecoin issuer to make such a determination within a reasonable period of time after the account is opened, or earlier if required by another Federal law or regulation or Federal directive issued in connection with the applicable list. The procedures must also require the permitted payment stablecoin issuer to follow all Federal directives issued in connection with such lists.

(5) *Notice*—(i) *Customer notice.* The CIP must include procedures for providing customers with adequate notice that the permitted payment stablecoin issuer is requesting information to verify their identities.

(ii) *Adequate notice.* Notice is adequate if the permitted payment stablecoin issuer generally describes the identification requirements of this section and provides such notice in a manner reasonably designed to ensure that a prospective customer is able to view the notice, or is otherwise given notice, before opening an account. For example, depending upon the manner in which the account is opened, a permitted payment stablecoin issuer may post a notice on its website, include the notice in its account applications, or use any other form of oral or written notice.

(iii) *Sample notice.* If appropriate, a permitted payment stablecoin issuer may use the following sample language to provide notice to its customers:

IMPORTANT INFORMATION ABOUT PROCEDURES FOR OPENING A NEW ACCOUNT

To help the government fight the funding of terrorism and money laundering activities, Federal law requires all financial institutions to obtain, verify, and record information that identifies each natural or legal person who opens an account, which may be an individual or a person other than an individual (such as a corporation, partnership, or trust).

What this means for you: When you open an account, we will ask for the name, address, date of birth or formation, tax identification number, and other information pertaining to the accountholder. This information will help us verify the identity of the accountholder. We may also ask to see identifying documents pertaining to the accountholder, such as a driver's license (if you are an individual) or a business license, articles of incorporation, or trust instrument (if the accountholder is not an individual).

(6) *Reliance on another financial institution.* The CIP may include procedures specifying when the permitted payment stablecoin issuer will rely on the performance by another financial institution (including an affiliate) of any procedures of the permitted payment stablecoin issuer's CIP, with respect to any customer of the permitted payment stablecoin issuer that is opening, or has opened, an account or has established an account or similar business relationship with the other financial institution to provide or engage in services, dealings, or other financial transactions, provided that:

(i) Such reliance is reasonable under the circumstances;

(ii) The other financial institution is subject to a rule implementing 31 U.S.C. 5318(h) or 12 U.S.C. 5903(a)(5)(A) and is regulated by a Federal functional regulator; and

(iii) The other financial institution enters into a contract with the permitted payment stablecoin issuer requiring it to certify annually to the permitted payment stablecoin issuer that it has implemented its AML/CFT program, and that it will perform (or its agent will perform) specified requirements of the permitted payment stablecoin issuer's CIP.

(b) *Exemptions.* The appropriate Federal functional regulator, with the concurrence of the Secretary, may, by order or regulation, exempt any permitted payment stablecoin issuer or any type of account from the requirements of this section. The Secretary, with the concurrence of the Federal functional regulator, may exempt any permitted payment stablecoin issuer or any type of account from the requirements of this section. In issuing such exemptions, the Federal functional regulator and the Secretary shall consider whether the exemption is consistent with the purposes of the Bank Secrecy Act and with safety and soundness, in the public interest, and may consider other necessary and appropriate factors.

(c) *Other requirements unaffected.* Nothing in this section relieves a permitted payment stablecoin issuer of its obligation to comply with any other provision of this chapter, including provisions concerning information that must be obtained, verified, or maintained in connection with any account or transaction, or its obligations with respect to complying with the terms of any lawful order as set forth in this chapter.

Andrea M. Gacki,

Director, Financial Crimes Enforcement Network.

Jointly issued by:

Office of the Comptroller of the Currency.

Jonathan V. Gould,

Comptroller of the Currency.

By order of the Board of Governors of the Federal Reserve System.

Benjamin McDonough,

Secretary of the Board.

Federal Deposit Insurance Corporation.

By order of the Board of Directors.

Dated at Washington, DC, on May 13, 2026.

Jennifer M. Jones,

Deputy Executive Secretary.

By the National Credit Union Administration Board, this 12th day of May 2026.

Melane Conyers-Ausbrooks,

Secretary of the Board.

[FR Doc. 2026–12460 Filed 6–18–26; 8:45 am]

BILLING CODE 4810–02–P

FEDERAL REGISTER

Vol. 91 Monday,
No. 118 June 22, 2026

Part III

Environmental Protection Agency

40 CFR Part 63
Congressional Review Act Revocation of 2024 Amendments to the National Emission Standards for Hazardous Air Pollutants: Rubber Tire Manufacturing; Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[EPA–HQ–OAR–2023–0392; FRL–5949.2–03–OAR]

RIN 2060–AW74

Congressional Review Act Revocation of 2024 Amendments to the National Emission Standards for Hazardous Air Pollutants: Rubber Tire Manufacturing

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; CRA revocation.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is amending the Code of Federal Regulations (CFR) to remove the provisions finalized by the EPA in a 2024 final rule titled ''National Emission Standards for Hazardous Air Pollutants: Rubber Tire Manufacturing'' (''2024 Rubber Tire Rule''). Under the Congressional Review Act (CRA), Congress passed, and the President signed, a joint resolution of disapproval of the 2024 Rubber Tire Rule. The 2024 Rubber Tire Rule promulgated first-time air emissions standards for the rubber processing subcategory of the rubber tire manufacturing source category. Under the joint resolution and by operation of the CRA, the 2024 Rubber Tire Rule has no legal force or effect, and the EPA thus is taking this final action to remove the provisions finalized in that rule.

DATES: This final rule is effective November 29, 2024.

ADDRESSES: The EPA established a docket for this action under Docket ID No. EPA–HQ–OAR–2019–0392. All documents in the docket are listed at *https://www.regulations.gov.* Although listed, some information is not publicly available, *e.g.,* Confidential Business Information (CBI) or other information whose disclosure statute restricts. The EPA does not place certain other material, such as copyrighted material, on the internet; this material is publicly available only as portable document format (PDF) versions accessible only on EPA computers in the docket office reading room. The public cannot download certain databases and physical items from the docket but may request these items by contacting the docket office at (202) 566–1744. The docket office has 10 business days to respond to such requests. With the exception of such material, publicly available docket materials are available electronically at *https://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: For information about this final rule, contact U.S. EPA, Attn: Mr. Korbin Smith, Natural Resources Division, Mail Drop: D243–04, 109 T.W. Alexander Drive, P.O. Box 12055, Research Triangle Park, North Carolina 27711; telephone number: (919) 541–2416; and email address: *smith.korbin@epa.gov.*

SUPPLEMENTARY INFORMATION:

Preamble acronyms and abbreviations. Throughout this document, the use of ''we,'' ''us,'' or ''our'' refers to the EPA. The EPA uses multiple acronyms and terms in this preamble. While this list may not be exhaustive, to ease the reading of this preamble and for reference purposes, the EPA defines the following terms and acronyms here:

APA Administrative Procedure Act
CAA Clean Air Act
CBI Confidential Business Information
CFR Code of Federal Regulations
CRA Congressional Review Act
EPA Environmental Protection Agency
FR Federal Register
NAICS North American Industry Classification System
NESHAP national emission standards for hazardous air pollutants
OMB Office of Management and Budget
PRA Paperwork Reduction Act
RFA Regulatory Flexibility Act
UMRA Unfunded Mandates Reform Act

Table of Contents

I. Does this action apply to me?
II. Background and Rationale for This Final Action
III. Final Action
IV. Statutory and Executive Order Reviews
A. Executive Order 12866: Regulatory Planning and Review
B. Executive Order 14192: Unleashing Prosperity Through Deregulation
C. Paperwork Reduction Act (PRA)
D. Regulatory Flexibility Act (RFA)
E. Unfunded Mandates Reform Act (UMRA)
F. Executive Order 13132: Federalism
G. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments
H. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks
I. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use
J. National Technology Transfer and Advancement Act (NTTAA) and 1 CFR Part 51
K. Congressional Review Act (CRA)
L. Judicial Review

I. Does this action apply to me?

Regulated entities. Table 1 of this preamble presents categories and entities that this action potentially affects.

TABLE 1—NESHAP[1] AND INDUSTRIAL SOURCE CATEGORIES AFFECTED BY THIS FINAL ACTION

NESHAP and source category	NAICS[2] code
Rubber Tire Manufacturing (40 CFR part 63, subpart XXXX)	326211, 326212, 314992

[1] National Emission Standards for Hazardous Air Pollutants (NESHAP).
[2] North American Industry Classification System (NAICS).

The EPA does not intend table 1 of this preamble to be exhaustive. The NAICS codes outline the types of entities this final action likely will affect. To determine whether this action affects your facility, you should examine the applicability criteria in the national emission standards for hazardous air pollutants (NESHAP). If you have any questions regarding the applicability of any aspect of this action, please contact the appropriate person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section of this preamble.

II. Background and Rationale for This Final Action

On November 16, 2023, the EPA proposed revisions pursuant to Clean Air Act (CAA) section 112 to the Rubber Tire Manufacturing NESHAP, specifically to establish standards for the rubber processing subcategory of the rubber tire manufacturing source category.[1] The EPA finalized the 2024 Rubber Tire Rule on November 29, 2024.[2]

On March 5, 2025, the United States House of Representatives passed a joint resolution, H.J. Res. 61, disapproving the 2024 Rubber Tire Rule under the CRA (5 U.S.C. 801 *et seq.*). The United States Senate passed H.J. Res. 61 on May 6, 2025, and President Donald J. Trump signed it into law as Public Law 119–14

[1] 42 U.S.C. 7412; 88 FR 78692 (Nov. 16, 2023).
[2] 89 FR 94886 (Nov. 29, 2024).

on May 23, 2025. Under the joint resolution and by operation of the CRA, the 2024 Rubber Tire Rule has no legal force or effect.

III. Final Action

This final action revises the CFR to remove the now nullified amendments codified pursuant to the 2024 Rubber Tire Rule. This action removes the 2024 Rubber Tire Rule's changes to 40 CFR part 63, subpart XXXX, and reverts to the regulatory text in effect immediately prior to the effective date of the 2024 Rubber Tire Rule, *i.e.,* the regulatory text in effect pursuant to the 2020 final rule titled ''National Emission Standards for Hazardous Air Pollutants: Rubber Tire Manufacturing Residual Risk and Technology Review'' (''2020 Rubber Tire Rule'').[3]

The EPA is taking this ministerial action as a final rule without providing an opportunity for public comment or a public hearing because the EPA finds that the Administrative Procedure Act's (APA) ''good cause'' exemption to notice-and-comment rulemaking applies here.[4] The EPA has determined that good cause exists to take this final action because the correction of the CFR is a ministerial act to effectuate H.J. Res. 61 and the operation of the CRA. The CRA joint resolution became law on May 23, 2025, at which point the 2024 Rubber Tire Rule ceased to have any legal force or effect. As such, public notice and comment is unnecessary and would serve no useful purpose.

For these reasons, the EPA finds good cause to issue a final rulemaking without undergoing public notice and comment, in conformance with 5 U.S.C. 553(b)(B).

IV. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders is available at *https://www.epa.gov/laws-regulations/laws-and-executive-orders.*

A. Executive Order 12866: Regulatory Planning and Review

This action is not a significant regulatory action and was therefore not submitted to the Office of Management and Budget (OMB) for review.

B. Executive Order 14192: Unleashing Prosperity Through Deregulation

This action is considered an Executive Order 14192 deregulatory action, as this would essentially return the requirements back to the 2020 Rubber Tire Rule. For regulatory accounting purposes, the estimated present value and annualized value of the cost savings of this rule are $163 million and $11 million, respectively (7% discount rate, 2024$, 2024 present value year, perpetuity time horizon). Details on the estimated cost savings of this final rule are in the Information Collection Request Supporting Statement as part of the 2024 Rubber Tire Rule.[5]

C. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA. This final action is ministerial in nature and does not contain any information collection activities.

D. Regulatory Flexibility Act (RFA)

This action is not subject to the RFA. The RFA applies only to rules subject to notice and comment rulemaking requirements under the APA, 5 U.S.C. 553, or any other statute. This rule is not subject to notice and comment requirements because the Agency has invoked the APA ''good cause'' exemption under 5 U.S.C. 553(b)(B).

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538 and does not significantly or uniquely affect small governments. The action imposes no enforceable duty on any State, local, or Tribal governments.

F. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government.

G. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have Tribal implications as specified in Executive Order 13175. This action is ministerial in nature. Thus, Executive Order 13175 does not apply to this action.

H. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of ''covered regulatory action'' in section 2–202 of the Executive Order.

Therefore, this action is not subject to Executive Order 13045 because it does not concern an environmental health risk or safety risk. Since this action does not concern human health, the EPA's Policy on Children's Health also does not apply.

I. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211 because it is not a significant regulatory action under Executive Order 12866.

J. National Technology Transfer and Advancement Act (NTTAA) and 1 CFR Part 51

This rulemaking does not involve new or updated technical standards.

ANSI/ASME PTC 19.10–1981 is removed from tables 5 and 17 to 40 CFR part 63, subpart XXXX. ASTM D6784–16 is removed from table 17 to 40 CFR part 63, subpart XXXX. EPA–454/R–98–015 is removed from § 63.6012 of 40 CFR part 63, subpart XXXX.

K. Congressional Review Act (CRA)

As discussed earlier in this document, this action reflects the effect of the joint resolution to disapprove the 2024 Rubber Tire Rule under the CRA.

L. Judicial Review

Under CAA section 307(b)(1), any petition for review of this final rule must be filed in the U.S. Court of Appeals for the District of Columbia Circuit by August 21, 2026.

List of Subjects in 40 CFR Part 63

Environmental protection, Administrative practice and procedures, Air pollution control, Hazardous substances, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements.

Lee Zeldin,

Administrator.

Under the authority of the Congressional Review Act and Public Law 119–14, 139 Stat. 64, the Environmental Protection Agency amends part 63 of title 40, chapter I, of the Code of Federal Regulations as follows:

[3] 85 FR 44752 (July 24, 2020).

[4] *See* 5 U.S.C. 553(b)(B).

[5] *See* Document ID No. EPA–HQ–OAR–2019–0392–0015, available in the docket for this rulemaking.

PART 63—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES

■ 1. The authority citation for part 63 continues to read as follows:

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

Subpart A—General Provisions

■ 2. Amend § 63.14 by revising paragraphs (f)(1), (i)(105), and (o)(4) to read as follows:

§ 63.14 Incorporations by reference.

* * * * *

(f) * * *

(1) ANSI/ASME PTC 19.10–1981, Flue and Exhaust Gas Analyses [Part 10, Instruments and Apparatus], issued August 31, 1981; §§ 63.116(c) and (h); 63.128(a); 63.145(i); 63.309(k); 63.365(b); 63.457(k); 63.490(g); 63.772(e) and (h); 63.865(b); 63.997(e); 63.1282(d) and (g); 63.1426(c); 63.1450(a), (b), (d), (e), (f), and (g); 63.1625(b); table 5 to subpart EEEE; §§ 63.3166(a); 63.3360(e); 63.3545(a); 63.3555(a); 63.4166(a); 63.4362(a); 63.4766(a); 63.4965(a); 63.5160(d); table 4 to subpart UUUU; table 3 to subpart YYYY; table 5 to subpart AAAAA; § 63.7322(b); table 5 to subpart DDDDD; §§ 63.7822(b); 63.7824(e); 63.7825(b); 63.8000(d); table 4 to subpart JJJJJ; table 4 to subpart KKKKK; §§ 63.9307(c); 63.9323(a); 63.9621(b) and (c); table 4 to subpart SSSSS; table 5 of subpart UUUUU; table 1 to subpart ZZZZZ; §§ 63.11148(e); 63.11155(e); 63.11162(f); 63.11163(g); table 4 to subpart JJJJJJ; §§ 63.11410(j); 63.11551(c); 63.11646(a); 63.11945(d).

* * * * *

(i) * * *

(105) ASTM D6784–16, Standard Test Method for Elemental, Oxidized, Particle-Bound and Total Mercury in Flue Gas Generated from Coal-Fired Stationary Sources (Ontario Hydro Method), Approved March 1, 2016; IBR approved for §§ 63.1450(d); table 5 to subpart AAAAA; 63.7322(c); 63.9621(d); table 5 to subpart UUUUU; appendix A to subpart UUUUU.

* * * * *

(o) * * *

(4) EPA–454/R–98–015, Fabric Filter Bag Leak Detection Guidance, September 1997; IBR approved for §§ 63.548(e); 63.864(e); 63.7525(j); 63.8450(e); 63.8600(e); 63.9632(a); 63.9804(f); 63.11224(f); 63.11423(e). (Available at: *https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockey=2000D5T6.pdf.*)

* * * * *

■ 3. Reinstate subpart XXXX to read as follows:

Subpart XXXX—National Emissions Standards for Hazardous Air Pollutants: Rubber Tire Manufacturing

Sec.

What This Subpart Covers

63.5980 What is the purpose of this subpart?
63.5981 a.m. I subject to this subpart?
63.5982 What parts of my facility does this subpart cover?
63.5983 When do I have to comply with this subpart?

Emission Limits for Tire Production Affected Sources

63.5984 What emission limits must I meet for tire production affected sources?
63.5985 What are my alternatives for meeting the emission limits for tire production affected sources?

Emission Limits for Tire Cord Production Affected Sources

63.5986 What emission limits must I meet for tire cord production affected sources?
63.5987 What are my alternatives for meeting the emission limits for tire cord production affected sources?

Emission Limitations for Puncture Sealant Application Affected Sources

63.5988 What emission limitations must I meet for puncture sealant application affected sources?
63.5989 What are my alternatives for meeting the emission limitations for puncture sealant application affected sources?

General Compliance Requirements

63.5990 What are my general requirements for complying with this subpart?

General Testing and Initial Compliance Requirements

63.5991 By what date must I conduct an initial compliance demonstration or performance test?
63.5992 When must I conduct subsequent performance tests?
63.5993 What performance tests and other procedures must I use?

Testing and Initial Compliance Requirements for Tire Production Affected Sources

63.5994 How do I conduct tests and procedures for tire production affected sources?
63.5995 What are my monitoring installation, operation, and maintenance requirements?
63.5996 How do I demonstrate initial compliance with the emission limits for tire production affected sources?

Testing and Initial Compliance Requirements for Tire Cord Production Affected Sources

63.5997 How do I conduct tests and procedures for tire cord production affected sources?
63.5998 What are my monitoring installation, operation, and maintenance requirements?
63.5999 How do I demonstrate initial compliance with the emission limits for tire cord production affected sources?

Testing and Initial Compliance Requirements for Puncture Sealant Application Affected Sources

63.6000 How do I conduct tests and procedures for puncture sealant application affected sources?
63.6001 What are my monitoring installation, operation, and maintenance requirements?
63.6002 How do I demonstrate initial compliance with the emission limits for puncture sealant application affected sources?

Continuous Compliance Requirements for Tire Production Affected Sources

63.6003 How do I monitor and collect data to demonstrate continuous compliance with the emission limits for tire production affected sources?
63.6004 How do I demonstrate continuous compliance with the emission limits for tire production affected sources?

Continuous Compliance Requirements for Tire Cord Production Affected Sources

63.6005 How do I monitor and collect data to demonstrate continuous compliance with the emission limits for tire cord production affected sources?
63.6006 How do I demonstrate continuous compliance with the emission limits for tire cord production affected sources?

Continuous Compliance Requirements for Puncture Sealant Application Affected Sources

63.6007 How do I monitor and collect data to demonstrate continuous compliance with the emission limitations for puncture sealant application affected sources?
63.6008 How do I demonstrate continuous compliance with the emission limitations for puncture sealant application affected sources?

Notifications, Reports, and Records

63.6009 What notifications must I submit and when?
63.6010 What reports must I submit and when?
63.6011 What records must I keep?
63.6012 In what form and how long must I keep my records?

Other Requirements and Information

63.6013 What parts of the General Provisions apply to me?
63.6014 Who implements and enforces this subpart?
63.6015 What definitions apply to this subpart?
Table 1 to Subpart XXXX of Part 63—Emission Limits for Tire Production Affected Sources
Table 2 to Subpart XXXX of Part 63—Emission Limits for Tire Cord Production Affected Sources
Table 3 to Subpart XXXX of Part 63—Emission Limits for Puncture Sealant Application Affected Sources

Table 4 to Subpart XXXX of Part 63—Operating Limits for Puncture Sealant Application Control Devices
Table 5 to Subpart XXXX of Part 63—Requirements for Performance Tests
Table 6 to Subpart XXXX of Part 63—Initial Compliance With the Emission Limits for Tire Production Affected Sources
Table 7 to Subpart XXXX of Part 63—Initial Compliance With the Emission Limits for Tire Cord Production Affected Sources
Table 8 to Subpart XXXX of Part 63—Initial Compliance With the Emission
Table 9 to Subpart XXXX of Part 63—Minimum Data for Continuous Compliance With the Emission Limits for Tire Production Affected Sources
Table 10 to Subpart XXXX of Part 63—Continuous Compliance With the Emission Limits for Tire Production Affected Sources
Table 11 to Subpart XXXX of Part 63—Minimum Data for Continuous Compliance With the Emission Limits for Tire Cord Production Affected Sources
Table 12 to Subpart XXXX of Part 63—Continuous Compliance With the Emission Limits for Tire Cord Production Affected Sources
Table 13 to Subpart XXXX of Part 63—Minimum Data for Continuous Compliance With the Emission Limitations for Puncture Sealant Application Affected Sources
Table 14 to Subpart XXXX of Part 63—Continuous Compliance With the Emission Limitations for Puncture Sealant Application Affected Sources
Table 15 to Subpart XXXX of Part 63—Requirements for Reports
Table 16 to Subpart XXXX of Part 63—Selected Hazardous Air Pollutants
Table 17 to Subpart XXXX of Part 63—Applicability of General Provisions to This Subpart XXXX
Subpart XXXX—National Emissions Standards for Hazardous Air Pollutants: Rubber Tire Manufacturing

What This Subpart Covers

63.5980 What is the purpose of this subpart?

This subpart establishes national emission standards for hazardous air pollutants (NESHAP) for rubber tire manufacturing. This subpart also establishes requirements to demonstrate initial and continuous compliance with the emission limitations.

63.5981 Am I subject to this subpart?

(a) You are subject to this subpart if you own or operate a rubber tire manufacturing facility that is located at, or is a part of, a major source of hazardous air pollutant (HAP) emissions.

(1) Rubber tire manufacturing includes the production of rubber tires and/or the production of components integral to rubber tires, the production of tire cord, and the application of puncture sealant. Components of rubber tires include, but are not limited to, rubber compounds, sidewalls, tread, tire beads, tire cord and liners. Other components often associated with rubber tires but not integral to the tire, such as wheels, inner tubes, tire bladders, and valve stems, are not components of rubber tires or tire cord and are not subject to this subpart.

(2) A major source of HAP emissions is any stationary source or group of stationary sources within a contiguous area and under common control that emits or has the potential to emit considering controls, in the aggregate, any single HAP at a rate of 9.07 megagrams (10 tons) or more per year or any combination of HAP at a rate of 22.68 megagrams (25 tons) or more per year.

(b) You are not subject to this subpart if the affected source at your rubber tire manufacturing facility meets either of the conditions described in paragraph (b)(1) or (2) of this section.

(1) You own or operate a tire cord production affected source, but the primary product produced at the affected source is determined to be subject to another subpart under this part as of the effective date of that subpart (publication date of the final rule) or startup of the source, whichever is later. In this case, you must determine which subpart applies to your source and you must be in compliance with the applicable subpart by the compliance date of that subpart. The primary product is the product that is produced for the greatest operating time over a 5-year period, based on expected utilization for the 5 years following the compliance date or following initial startup of the source, whichever is later.

(2) Your rubber tire manufacturing affected source is a research and development facility whose primary purpose is to conduct research and development into new processes and products, where such source is operated under the close supervision of technically trained personnel and is not engaged in the manufacture of products for commercial sale in commerce, except in a de minimis manner.

63.5982 What parts of my facility does this subpart cover?

(a) This subpart applies to each existing, new, or reconstructed affected source at facilities engaged in the manufacture of rubber tires or their components.

(b) The affected sources are defined in paragraph (b)(1) of this section (tire production), paragraph (b)(2) of this section (tire cord production), paragraph (b)(3) of this section (puncture sealant application), and paragraph (b)(4) of this section (rubber processing).

(1) The tire production affected source is the collection of all processes that use or process cements and solvents as defined in § 63.6015, located at any rubber tire manufacturing facility. It includes, but is not limited to: Storage and mixing vessels and the transfer equipment containing cements and/or solvents; wastewater handling and treatment operations; tread and cement operations; tire painting operations; ink and finish operations; undertread cement operations; process equipment cleaning materials; bead cementing operations; tire building operations; green tire spray operations; extruding, to the extent cements and solvents are used; cement house operations; marking operations; calendar operations, to the extent solvents are used; tire striping operations; tire repair operations; slab dip operations; other tire building operations, to the extent that cements and solvents are used; and balance pad operations.

(2) The tire cord production affected source is the collection of all processes engaged in the production of tire cord. It includes, but is not limited to: dipping operations, drying ovens, heat-set ovens, bulk storage tanks, mixing facilities, general facility vents, air pollution control devices, and warehouse storage vents.

(3) The puncture sealant application affected source is the puncture sealant application booth operation used to apply puncture sealant to finished tires.

(4) The rubber processing affected source is the collection of all rubber mixing processes (*e.g.,* banburys and associated drop mills) that either mix compounds or warm rubber compound before the compound is processed into components of rubber tires. The mixed rubber compound itself is also included in the rubber processing affected source. There are no emission limitations or other requirements for the rubber processing affected source.

(c) An affected source is a new affected source if construction of the affected source commenced after October 18, 2000, and it met the applicability criteria of § 63.5981 at the time construction commenced.

(d) An affected source is reconstructed if it meets the criteria as defined in § 63.2.

(e) An affected source is existing if it is not new or reconstructed.

§ 63.5983 When do I have to comply with this subpart?

(a) If you have a new or reconstructed affected source, except as provided in §§ 63.5982(b)(4) and 63.5981(b)(1), you

must comply with the emission limitations for new and reconstructed sources in this subpart upon startup.

(b) If you have an existing affected source, you must comply with the emission limitations for existing sources no later than July 11, 2005.

(c) If you have an area source that increases its emissions or its potential to emit such that it becomes a major source of HAP, the affected source(s) must be in compliance with existing source emission limitations no later than 3 years after the date on which the area source became a major source.

(d) You must meet the notification requirements in § 63.6009 according to the schedule in § 63.6009 and in subpart A of this part. Some of the notifications must be submitted before the date you are required to comply with the emission limitations in this subpart.

Emission Limits for Tire Production Affected Sources

§ 63.5984 What emission limits must I meet for tire production affected sources?

You must meet each emission limit in either option 1 or option 2 of table 1 to this subpart that applies to you.

§ 63.5985 What are my alternatives for meeting the emission limits for tire production affected sources?

You must use one of the compliance alternatives in paragraphs (a) through (c) of this section to meet either of the emission limits in § 63.5984.

(a) *Purchase alternative.* Use only cements and solvents that, as purchased, contain no more HAP than allowed by the emission limits in table 1 to this subpart, option 1 (HAP constituent option).

(b) *Monthly average alternative, without using an add-on control device.* Use cements and solvents in such a way that the monthly average HAP emissions do not exceed the emission limits in table 1 to this subpart, option 1 or option 2.

(c) *Monthly average alternative, using an add-on control device.* Use a control device to reduce HAP emissions so that the monthly average HAP emissions do not exceed the emission limits in table 1 to this subpart, option 1 or option 2.

Emission Limits for Tire Cord Production Affected Sources

§ 63.5986 What emission limits must I meet for tire cord production affected sources?

You must meet each emission limit in either option 1 or option 2 of table 2 to this subpart that applies to you.

§ 63.5987 What are my alternatives for meeting the emission limits for tire cord production affected sources?

You must use one of the compliance alternatives in paragraph (a) or (b) of this section to meet the emission limits in § 63.5986.

(a) *Monthly average alternative, without using an add-on control device.* Use coatings in such a way that the monthly average HAP emissions do not exceed the emission limits in table 2 to this subpart.

(b) *Monthly average alternative, using an add-on control device.* Use a control device to reduce HAP emissions so that the monthly average HAP emissions do not exceed the emission limits in table 2 to this subpart.

Emission Limitations for Puncture Sealant Application Affected Sources

§ 63.5988 What emission limitations must I meet for puncture sealant application affected sources?

(a) You must meet each emission limit in either option 1 or option 2 of table 3 to this subpart that applies to you.

(b) If you use an add-on control device to meet the emission limits in table 3 to this subpart, you must also meet each operating limit in table 4 to this subpart that applies to you.

§ 63.5989 What are my alternatives for meeting the emission limitations for puncture sealant application affected sources?

You must use one of the compliance alternatives in paragraphs (a) through (d) of this section to meet the emission limitations in § 63.5988.

(a) *Overall control efficiency alternative.* Use an emissions capture system and control device and demonstrate that the application booth emissions meet the emission limits in table 3 to this subpart, option 1a or 1b, and the control device and capture system meet the operating limits in table 4 to this subpart.

(b) *Permanent total enclosure and control device efficiency alternative.* Use a permanent total enclosure that satisfies the Method 204 criteria in 40 CFR part 51, appendix M. Demonstrate that the control device meets the emission limits in table 3 to this subpart, option 1a or 1b. You must also show that the control device and capture system meet the operating limits in table 4 to this subpart.

(c) *Monthly average alternative, without using an add-on control device.* Use puncture sealants in such a way that the monthly average HAP emissions do not exceed the emission limits in table 3 to this subpart, option 2.

(d) *Monthly average alternative, using an add-on control device.* Use a control device to reduce HAP emissions so that monthly average HAP emissions do not exceed the emission limits in table 3 to this subpart, option 2.

General Compliance Requirements

§ 63.5990 What are my general requirements for complying with this subpart?

(a) Before January 21, 2021, you must be in compliance with the applicable emission limitations specified in tables 1 through 4 to this subpart at all times, except during periods of startup, shutdown, and malfunction if you are using a control device to comply with an emission limit. After January 20, 2021, you must be in compliance with the applicable emission limitations specified in tables 1 through 4 to this subpart at all times.

(b) Before January 21, 2021, except as provided in § 63.5982(b)(4), you must always operate and maintain your affected source, including air pollution control and monitoring equipment, according to the provisions in § 63.6(e)(1)(i). After January 20, 2021, you must always operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. The general duty to minimize emissions does not require you to make any further efforts to reduce emissions if levels required by the applicable standard have been achieved. Determination of whether a source is operating in compliance with operation and maintenance requirements will be based on information available to the Administrator which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source.

(c) During the period between the compliance date specified for your source in § 63.5983 and the date upon which continuous compliance monitoring systems (CMS) have been installed and validated and any applicable operating limits have been set, you must maintain a log detailing the operation and maintenance of the process and emission control equipment.

(d) Before January 21, 2021, for each affected source that complies with the emission limits in tables 1 through 3 to this subpart using a control device, you must develop a written startup, shutdown, and malfunction plan according to the provisions in § 63.6(e)(3). After January 20, 2021, a

startup, shutdown, and malfunction plan is not required.

(e) For each monitoring system required in this section, you must develop and submit for approval a site-specific monitoring plan that addresses the requirements in paragraphs (e)(1) through (3) of this section as follows:

(1) Installation of the CMS sampling probe or other interface at a measurement location relative to each affected process unit so that the measurement is representative of control of the exhaust emissions (*e.g.,* on or downstream of the last control device);

(2) Performance and equipment specifications for the sample interface, the pollutant concentration or parametric signal analyzer, and the data collection and reduction system; and

(3) Performance evaluation procedures and acceptance criteria (*e.g.,* calibrations).

(f) Before January 21, 2021, in your site-specific monitoring plan, you must also address the ongoing procedures specified in paragraphs (f)(1) through (3) of this section as follows. After January 20, 2021, in your site-specific monitoring plan, you must also address the ongoing procedures specified in paragraphs (f)(1) through (4) of this section as follows.

(1) Ongoing operation and maintenance procedures in accordance with the general requirements of § 63.8(c)(1), (c)(3), (c)(4)(ii), and (c)(7) and (8), and this section;

(2) Before January 21, 2021, ongoing data quality assurance procedures in accordance with the general requirements of § 63.8(d). After January 20, 2021, ongoing data quality assurance procedures in accordance with the general requirements of § 63.8(d)(1) and (2).

(3) Before January 21, 2021, ongoing recordkeeping and reporting procedures in accordance with the general requirements of § 63.10(c), (e)(1), and (e)(2)(i). After January 20, 2021, the owner or operator shall keep these written procedures on record for the life of the affected source or until the affected source is no longer subject to the provisions of this part, to be made available for inspection, upon request, by the Administrator. If the performance evaluation plan is revised, the owner or operator shall keep previous (*i.e.,* superseded) versions of the performance evaluation plan on record to be made available for inspection, upon request, by the Administrator, for a period of 5 years after each revision to the plan. The program of corrective action should be included in the plan required under § 63.8(d)(2); and

(4) After January 20, 2021, ongoing recordkeeping and reporting procedures in accordance with the general requirements of § 63.10(c), (e)(1), and (e)(2)(i).

General Testing and Initial Compliance Requirements

§ 63.5991 By what date must I conduct an initial compliance demonstration or performance test?

(a) If you have a new or reconstructed affected source, you must conduct each required initial compliance demonstration or performance test within 180 calendar days after the compliance date that is specified for your new or reconstructed affected source in § 63.5983(a). If you are required to conduct a performance test, you must do so according to the provisions of § 63.7(a)(2).

(b) If you have an existing affected source, you must conduct each required initial compliance demonstration or performance test no later than the compliance date that is specified for your existing affected source in § 63.5983(b). If you are required to conduct a performance test, you must do so according to the provisions of § 63.7(a)(2).

(c) If you commenced construction or reconstruction between October 18, 2000 and July 9, 2002, you must demonstrate initial compliance with either the proposed emission limitations or the promulgated emission limitations no later than January 6, 2003, or within 180 calendar days after startup of the source, whichever is later, according to § 63.7(a)(2)(ix).

(d) If you commenced construction or reconstruction between October 18, 2000 and July 9, 2002, and you chose to comply with the proposed emission limitation when demonstrating initial compliance, you must conduct a second compliance demonstration for the promulgated emission limitation no later than January 5, 2006, or after startup of the source, whichever is later, according to § 63.7(a)(2)(ix).

§ 63.5992 When must I conduct subsequent performance tests?

If you use a control system (add-on control device and capture system) to meet the emission limitations, you must also conduct a performance test at least once every 5 years following your initial compliance demonstration to verify control system performance and reestablish operating parameters or operating limits for control systems used to comply with the emissions limits.

§ 63.5993 What performance tests and other procedures must I use?

(a) If you use a control system to meet the emission limitations, you must conduct each performance test in table 5 to this subpart that applies to you.

(b) Each performance test must be conducted according to the requirements in § 63.7(e)(1) and under the specific conditions specified in table 5 to this subpart.

(c) Before January 21, 2021, you may not conduct performance tests during periods startup, shutdown, or malfunction, as specified in § 63.7(e)(1). After January 20, 2021, performance tests shall be conducted under such conditions as the Administrator specifies to the owner or operator based on representative performance of the affected source for the period being tested. Representative conditions exclude periods of startup and shutdown unless specified by the Administrator or an applicable subpart. The owner or operator may not conduct performance tests during periods of malfunction. The owner or operator must record the process information that is necessary to document operating conditions during the test and include in such record an explanation to support that such conditions represent normal operation. Upon request, the owner or operator shall make available to the Administrator such records as may be necessary to determine the conditions of performance tests.

(d) Before January 21, 2021, you must conduct three separate test runs for each performance test required in this section, as specified in § 63.7(e)(1) unless otherwise specified in the test method. Each test run must last at least 1 hour. After January 20, 2021, you must conduct three separate test runs for each performance test required in this section, as specified in § 63.5993(c) above, unless otherwise specified in the test method. Each test run must last at least 1 hour.

(e) If you are complying with the emission limitations using a control system, you must also conduct performance tests according to the requirements in paragraphs (e)(1) through (3) of this section as they apply to you.

(1) *Determining capture efficiency of permanent or temporary total enclosure.* Determine the capture efficiency of a capture system by using one of the procedures in table 5 to this subpart.

(2) *Determining capture efficiency of an alternative method.* As an alternative to constructing a permanent or temporary total enclosure, you may determine the capture efficiency using any capture efficiency protocol and test

methods if the data satisfy the criteria of either the Data Quality Objective or the Lower Confidence Limit approach in appendix A to subpart KK of this part.

(3) *Determining efficiency of an add-on control device.* Use table 5 to this subpart to select the test methods for determining the efficiency of an add-on control device.

Testing and Initial Compliance Requirements for Tire Production Affected Sources

§ 63.5994 How do I conduct tests and procedures for tire production affected sources?

(a) *Methods to determine the mass percent of HAP in cements and solvents.* To determine the HAP content in the cements and solvents used at your tire production affected source, use EPA Method 311 of appendix A of this part, an approved alternative method, or any other reasonable means for determining the HAP content of your cements and solvents. Other reasonable means include, but are not limited to: a material safety data sheet (MSDS), provided it contains appropriate information; a certified product data sheet (CPDS); or a manufacturer's hazardous air pollutant data sheet. You are not required to test the materials that you use, but the Administrator may require a test using EPA Method 311 (or an approved alternative method) to confirm the reported HAP content. If the results of an analysis by EPA Method 311 are different from the HAP content determined by another means, the EPA Method 311 results will govern compliance determinations.

(b) *Methods to demonstrate compliance with the HAP constituent emission limits in table 1 to this subpart (option 1).* Use the method in paragraph (b)(1) of this section to demonstrate initial and continuous compliance with the applicable emission limits for tire production affected sources using the compliance alternative described in § 63.5985(a), purchase alternative. Use the equations in paragraphs (b)(2) and (3) of this section to demonstrate initial and continuous compliance with the emission limits for tire production affected sources using the monthly average compliance alternatives described in § 63.5985(b) and (c).

(1) Determine the mass percent of each HAP in each cement and solvent according to the procedures in paragraph (a) of this section.

(2) Use equation 1 to this section to calculate the HAP emission rate for each monthly operating period when complying by using cements and solvents without using an add-on control device so that the monthly average HAP emissions do not exceed the HAP constituent emission limits in table 1 to this subpart, option 1. Equation 1 follows:

$$E_{month} = \frac{\left(\sum_{i=1}^{n}(HAP_i)(TMASS_i)\right)(10^6)}{\sum_{i=1}^{n} TMASS_i} \qquad \text{(Eq. 1)}$$

Where:

E_{month} = mass of the specific HAP emitted per total mass cements and solvents from all cements and solvents used in tire production per month, grams per megagram.

HAP_i = mass percent, expressed as a decimal, of the specific HAP in cement and solvent i, as purchased, determined in accordance with paragraph (a) of this section.

$TMASS_i$ = total mass of cement and solvent i used in the month, grams.

n = number of cements and solvents used in the month.

(3) Use equation 2 to this section to calculate the HAP emission rate for each monthly period when complying by using a control device to reduce HAP emissions so that the monthly average HAP emissions do not exceed the HAP constituent emission limits in table 1 to this subpart (option 1). Equation 2 follows:

$$E_{month} = \frac{\left\{\sum_{i=1}^{n}(HAP_i)(TMASS_i) + \sum_{j=1}^{m}(HAP_j)(TMASS_j)\left(1 - \frac{EFF}{100}\right) + \sum_{k=1}^{p}(HAP_k)(TMASS_k)\right\}(10^6)}{\sum_{i=1}^{n} TMASS_i + \sum_{j=1}^{m} TMASS_j + \sum_{k=1}^{p} TMASS_k} \qquad \text{(Eq. 2)}$$

Where:

E_{month} = mass of the specific HAP emitted per total mass cements and solvents from all cements and solvents used in tire production per month, grams per megagram.

HAP_i = mass percent, expressed as a decimal, of the specific HAP in cement and solvent i, as purchased, determined in accordance with paragraph (a) of this section for cements and solvents used in the month in processes that are not routed to a control device.

$TMASS_i$ = total mass of cement and solvent i used in the month in processes that are not routed to a control device, grams.

n = number of cements and solvents used in the month in processes that are not routed to a control device.

HAP_j = mass percent, expressed as a decimal, of the specific HAP in cement and solvent j, as purchased, determined in accordance with paragraph (a) of this section, for cements and solvents used in the month in processes that are routed to a control device during operating days, which are defined as days when the control system is operating within the operating range established during the performance test and when monitoring data are collected.

$TMASS_j$ = total mass of cement and solvent j used in the month in processes that are routed to a control device during all operating days, grams.

EFF = efficiency of the control system determined during the performance test (capture system efficiency multiplied by the control device efficiency), percent.

m = number of cements and solvents used in the month that are routed to a control device during all operating days.

HAP_k = mass percent, expressed as a decimal, of the specific HAP in cement and solvent k, as purchased, for cements and solvents used in the month in processes that are routed to a control device during non-control operating days, which are defined as days when either the control system is not operating within the operating range established during the performance test or when monitoring data are not collected.

$TMASS_k$ = total mass of cement and solvent k used in the month in processes that are routed to a control device during all non-control operating days, grams.

p = number of cements and solvents used in the month that are routed to a control device during all non-control operating days.

(4) Each monthly calculation is a compliance demonstration for the purpose of this subpart.

(c) *Methods to demonstrate compliance with the production-based emission limits in table 1 to this subpart, option 2.* Use the methods and equations in paragraphs (c)(1) through (6) of this section to demonstrate initial and continuous compliance with the production-based emission limits for tire production affected sources using the compliance alternatives described in § 63.5985(b) and (c).

(1) *Methods to determine the mass percent of each HAP in cements and solvents.* Determine the mass percent of all HAP in cements and solvents using the applicable methods specified in paragraph (a) of this section.

(2) *Quantity of rubber used.* Determine your quantity of rubber used (megagrams) by accounting for the total mass of mixed rubber compound that is delivered to the tire production operation.

(3) *Compliance without use of an add-on control device.* If you do not use an add-on control device to meet the emission limits, use equation 3 to this section to calculate the monthly HAP emission rate in grams of HAP emitted per megagram of rubber used, using the quantity of rubber used per month (megagrams), as determined in paragraph (c)(2) of this section so that the monthly average HAP emission does not exceed the HAP emission limit in table 1 to this subpart, option 2. Equation 3 follows:

$$E_{month} = \frac{\sum_{i=1}^{n}(HAP_i)(TMASS_i)}{RMASS} \quad \text{(Eq. 3.)}$$

Where:

E_{month} = mass of all HAP emitted per total mass of rubber used month, grams per megagram.

HAP_i = mass percent, expressed as a decimal, of all HAP in cement and solvent i, as purchased, determined in accordance with paragraph (a) of this section.

$TMASS_i$ = total mass of cement and solvent i used in the month, grams.

n = number of cements and solvents used in the month.

RMASS = total mass of rubber used per month, megagrams.

(4) *Compliance with use of an add-on control device.* If you use a control device to meet the emission limits, use equation 4 to this section to calculate the monthly HAP emission rate in grams of HAP emitted per megagram of rubber used, using the quantity of rubber used per month (megagrams), as determined in paragraph (c)(2) of this section so that the monthly average HAP emission does not exceed the HAP emission limit in table 1 to this subpart, option 2. Equation 4 follows:

$$E_{month} = \frac{\sum_{i=1}^{n}(HAP_i)(TMASS_i) + \sum_{j=1}^{m}(HAP_j)(TMASS_j)\left(1 - \frac{EFF}{100}\right) + \sum_{k=1}^{p}(HAP_k)(TMASS_k)}{RMASS} \quad \text{(Eq. 4)}$$

Where:

E_{month} = mass of all HAP emitted per total mass rubber used per month, grams per megagram.

HAP_i = mass percent, expressed as a decimal, of all HAP in cement and solvent i, as purchased, determined in accordance with paragraph (a) of this section for cements and solvents used in the month in processes that are not routed to a control device.

$TMASS_i$ = total mass of cement and solvent i used in the month in processes that are not routed to a control device, grams.

n = number of cements and solvents used in the month in processes that are not routed to a control device.

HAP_j = mass percent, expressed as a decimal, of all HAP in cement and solvent j, as purchased, determined in accordance with paragraph (a) of this section, for cements and solvents used in the month in processes that are routed to a control device during operating days, which are defined as days when the control system is operating within the operating range established during the performance test and when monitoring data are collected.

$TMASS_j$ = total mass of cement and solvent j used in the month in processes that are routed to a control device during all operating days.

EFF = efficiency of the control system determined during the performance test (capture system efficiency multiplied by the control device efficiency), percent.

m = number of cements and solvents used in the month that are routed to a control device during all operating days.

HAP_k = mass percent, expressed as a decimal, of all HAP in cement and solvent k, as purchased, for cements and solvents used in the month in processes that are routed to a control device during non-control operating days, which are defined as days when either the control system is not operating within the operating range established during the performance test or when monitoring data are not collected.

$TMASS_k$ = total mass of cement and solvent k used in the month in processes that are routed to a control device during all non-control operating days, grams.

p = number of cements and solvents used in the month that are routed to a control device during all non-control operating days.

RMASS = total mass of rubber used per month, megagrams.

(5) Each monthly calculation is a compliance demonstration for the purpose of this subpart.

(d) *Specific compliance demonstration requirements for tire production affected sources.* (1) Conduct any required compliance demonstration according to the requirements in § 63.5993.

(2) If you are demonstrating compliance with the HAP constituent option in table 1 to this subpart, option 1, conduct the compliance demonstration using cements and solvents that are representative of cements and solvents typically used at your tire production affected source.

(3) Establish an operating range that corresponds to the control efficiency as described in table 5 to this subpart.

(e) *How to take credit for HAP emissions reductions from add-on control devices.* If you want to take credit in equations 2 and 4 to this section for HAP emissions reduced using a control system, you must meet the requirements in paragraphs (e)(1) and (2) of this section.

(1) Monitor the established operating parameters as appropriate.

(i) If you use a thermal oxidizer, monitor the firebox secondary chamber temperature.

(ii) If you use a carbon adsorber, monitor the total regeneration stream mass or volumetric flow for each regeneration cycle, and the carbon bed temperature after each regeneration, and within 15 minutes of completing any cooling cycle.

(iii) If you use a control device other than a thermal oxidizer or a regenerative carbon adsorber, install and operate a continuous parameter monitoring system according to your site-specific performance test plan submitted according to § 63.7(c)(2)(i).

(iv) If you use a permanent total enclosure, monitor the face velocity across the natural draft openings (NDO) in the enclosure. Also, if you use an enclosure, monitor to ensure that the sizes of the NDO have not changed, that there are no new NDO, and that a HAP emission source has not been moved closer to an NDO since the last compliance demonstration was conducted.

(v) If you use other capture systems, monitor the parameters identified in your monitoring plan.

(2) Maintain the operating parameters within the operating range established during the compliance demonstration.

(f) *How to take credit for HAP emissions reductions when streams are combined.* When performing material balances to demonstrate compliance, if the storage of materials, exhaust, or the wastewater from more than one affected source are combined at the point where control systems are applied, any credit for emissions reductions needs to be prorated among the affected sources based on the ratio of their contribution to the uncontrolled emissions.

§ 63.5995 What are my monitoring installation, operation, and maintenance requirements?

(a) For each operating parameter that you are required by § 63.5994(e)(1) to monitor, you must install, operate, and maintain a continuous parameter monitoring system (CPMS) according to the requirements in § 63.5990(e) and (f) and in paragraphs (a)(1) through (6) of this section.

(1) You must always operate your CPMS while the process is operating.

(2) You must collect data from at least four equally spaced periods each hour.

(3) For at least 75 percent of the hours in an operating day, you must have valid data (as defined in your site-specific monitoring plan) for at least four equally spaced periods each hour.

(4) For each hour that you have valid data from at least four equally spaced periods, you must calculate the hourly average value using all valid data.

(5) You must calculate the daily average using all the hourly averages calculated according to paragraph (a)(3) of this section for the 24-hour period.

(6) You must record the results for each inspection, calibration, and validation check as specified in your site-specific monitoring plan.

(b) For each temperature monitoring device, you must meet the requirements in paragraphs (a) and (b)(1) through (8) of this section.

(1) Locate the temperature sensor in a position that provides a representative temperature.

(2) For a non-cryogenic temperature range, use a temperature sensor with a minimum measurement sensitivity of 2.2 degrees centigrade or 0.75 percent of the temperature value, whichever is larger.

(3) For a cryogenic temperature range, use a temperature sensor with a minimum measurement sensitivity of 2.2 degrees centigrade or 2 percent of the temperature value, whichever is larger.

(4) Shield the temperature sensor system from electromagnetic interference and chemical contaminants.

(5) If a chart recorder is used, it must have a sensitivity in the minor division of at least 20 degrees Fahrenheit.

(6) Perform an electronic calibration at least semiannually according to the procedures in the manufacturer's owners manual. Following the electronic calibration, you must conduct a temperature sensor validation check in which a second or redundant temperature sensor placed near the process temperature sensor must yield a reading within 16.7 degrees centigrade of the process temperature sensor's reading.

(7) Conduct calibration and validation checks any time the sensor exceeds the manufacturer's specified maximum operating temperature range or install a new temperature sensor.

(8) At least monthly, inspect all components for integrity and all electrical connections for continuity, oxidation, and galvanic corrosion.

(c) For each integrating regeneration stream flow monitoring device associated with a carbon adsorber, you must meet the requirements in paragraphs (a) and (c)(1) and (2) of this section.

(1) Use a device that has an accuracy of ±10 percent or better.

(2) Use a device that can record the total regeneration stream mass or volumetric flow for each regeneration cycle.

(d) For any other control device, or for other capture systems, ensure that the CPMS is operated according to a monitoring plan submitted to the Administrator with the Notification of Compliance Status report required by § 63.9(h). The monitoring plan must meet the requirements in paragraphs (a) and (d)(1) through (3) of this section. Conduct monitoring in accordance with the plan submitted to the Administrator unless comments received from the Administrator require an alternate monitoring scheme.

(e) For each pressure differential monitoring device, you must meet the requirements in paragraphs (a) and (e)(1) and (2) of this section.

(1) Conduct a quarterly EPA Method 2 procedure (found in 40 CFR part 60, appendix A–1) on the applicable NDOs and use the results to calibrate the pressure monitor if the difference in results are greater than 10 percent.

(2) Inspect the NDO monthly to ensure that their size has not changed, that there are no new NDO, and that no HAP sources have been moved closer to the NDO than when the last performance test was conducted.

§ 63.5996 How do I demonstrate initial compliance with the emission limits for tire production affected sources?

(a) You must demonstrate initial compliance with each emission limit that applies to you according to table 6 to this subpart.

(b) You must submit the Notification of Compliance Status containing the

results of the initial compliance demonstration according to the requirements in § 63.6009(e).

Testing and Initial Compliance Requirements for Tire Cord Production Affected Sources

§ 63.5997 How do I conduct tests and procedures for tire cord production affected sources?

(a) *Methods to determine the mass percent of each HAP in coatings.* (1) To determine the HAP content in the coating used at your tire cord production affected source, use EPA Method 311 of appendix A to this part, an approved alternative method, or any other reasonable means for determining the HAP content of your coatings. Other reasonable means include, but are not limited to: an MSDS, provided it contains appropriate information; a CPDS; or a manufacturer's HAP data sheet. You are not required to test the materials that you use, but the Administrator may require a test using EPA Method 311 (or an approved alternative method) to confirm the reported HAP content. If the results of an analysis by EPA Method 311 are different from the HAP content determined by another means, the EPA Method 311 results will govern compliance determinations.

(2) Unless you demonstrate otherwise, the HAP content analysis must be based on coatings prior to any cross-linking reactions, *i.e.,* curing. However, you may account for differences in HAP emissions resulting from chemical reactions based on the conversion rates of the individual coating formulations, chemistry demonstrations, or other demonstrations that are verifiable to the approving agency. Use the revised value in your compliance demonstration in the relevant equations in paragraph (b) of this section.

(b) *Methods to determine compliance with the emission limits in table 2 to this subpart, option 1.* Use the equations in this paragraph (b) to demonstrate initial and continuous compliance with the emission limits for tire cord production sources using the compliance alternatives described in § 63.5987(a) and (b).

(1) *Determine mass percent of HAP.* Determine the mass percent of all HAP in each coating according to the procedures in paragraph (a) of this section.

(2) *Compliance without use of an add-on control device.* If you do not use an add-on control device to meet the emission limits, use equation 1 to this section to calculate the monthly HAP emission rate in grams of HAP emitted per megagram of fabric processed at the tire cord production source to show that the monthly average HAP emissions do not exceed the emission limits in table 2 to this subpart, option 1. Equation 1 follows:

$$E_{month} = \frac{\sum_{i=1}^{n} (HAP_i)(TCOAT_i)}{TFAB} \quad \text{(Eq. 1)}$$

Where:

E_{month} = mass of all HAP emitted per total mass of fabric processed in the month, grams per megagram.

HAP_i = mass percent, expressed as a decimal, of all HAP in the coating i, prior to curing and including any application station dilution, determined in accordance with paragraph (a) of this section.

$TCOAT_i$ = total mass of coating i made and used for application to fabric at the facility in the month, grams.

n = number of coatings used in the month.

TFAB = total mass of fabric processed in the month, megagrams.

(3) *Compliance with use of an add-on control device.* If you use a control device to meet the emission limits, use equation 2 to this section to calculate the monthly HAP emission rate in grams of HAP emitted per megagram of fabric processed to show that the monthly average HAP emissions do not exceed the HAP emission limit in table 2 to this subpart, option 1. Equation 2 follows:

$$E_{month} = \frac{\sum_{i=1}^{n} (HAP_i)(TCOAT_i) + \sum_{j=1}^{m} (HAP_j)(TCOAT_j)\left(1 - \frac{EFF}{100}\right) + \sum_{k=1}^{p} (HAP_k)(TCOAT_k)}{TFAB} \quad \text{(Eq. 2)}$$

Where:

E_{month} = mass of all HAP emitted per total mass of fabric processed in the month, grams per megagram.

HAP_i = mass percent, expressed as a decimal, of all HAP in coating i, prior to curing and including any application stations dilution, determined in accordance with paragraph (a) of this section, for coatings used in the month in processes that are not routed to a control device.

$TCOAT_i$ = total mass of coating i made and used for application to fabric at the facility in the month in processes that are not routed to a control device, grams.

n = number of coatings used in the month in processes that are not routed to a control device.

HAP_j = mass percent, expressed as a decimal, of all HAP in coating j, prior to curing and including any application station dilution, determined in accordance with paragraph (a) of this section, for coatings used in the month in processes that are routed to a control device during operating days, which are defined as days when the control system is operating within the operating range established during the performance test and when monitoring data are collected.

$TCOAT_j$ = total mass of coating j made and used for application to fabric at the facility in the month in processes that are routed to a control device during all operating days, grams.

EFF = efficiency of the control system determined during the performance test (capture system efficiency multiplied by the control device efficiency), percent.

m = number of coatings used in the month that are routed to a control device during all operating days.

HAP_k = mass percent, expressed as a decimal, of all HAP in coating k, prior to curing and including any application station dilution, for coatings used in the month in processes that are routed to a control device during non-control operating days, which are defined as

days when either the control system is not operating within the operating range established during the performance test or when monitoring data are not collected.

$TCOAT_k$ = total mass of coating k made and used for application to fabric at the facility in the month in processes that are routed to a control device during all non-control operating days, grams.

p = number of coatings used in the month that are routed to a control device during all non-control operating days.

TFAB = total mass of fabric processed in the month, megagrams.

(4) Each monthly calculation is a compliance demonstration for the purpose of this subpart.

(c) *Methods to determine compliance with the emission limits in table 2 of this subpart, option 2.* Use the equations in this paragraph (c) to demonstrate initial and continuous compliance with the emission limits for tire cord production sources using the compliance alternatives described in § 63.5987(a) and (b).

(1) Determine the mass percent of each HAP in each coating according to the procedures in paragraph (a) of this section.

(2) Use equation 3 to this section to calculate the monthly average HAP emission rate when complying by using coatings without using an add-on control device to show that the monthly average HAP emissions do not exceed the emission limits in table 2 to this subpart, option 2. Equation 3 follows:

$$E_{month} = \frac{\left(\sum_{i=1}^{n}(HAP_i)(TCOAT_i)\right)(10^6)}{\sum_{i=1}^{n} TCOAT_i} \quad \text{(Eq. 3)}$$

Where:

E_{month} = mass of the specific HAP emitted per total mass of coatings from all coatings made and used in tire cord fabric production per month, grams per megagram.

HAP_i = mass percent, expressed as a decimal, of the specific HAP in the coating i, prior to curing and including any application station dilution, determined in accordance with paragraph (a) of this section.

$TCOAT_i$ = total mass of coating i made and used for application to fabric at the facility in the month, grams.

n = number of coatings used in the month.

(3) Use equation 4 to this section to calculate the monthly average HAP emission rate when complying by using an add-on control device to show that the monthly average HAP emissions do not exceed the emission limits in table 2 to this subpart, option 2. Equation 4 follows:

$$E_{month} = \frac{\left\{\sum_{i=1}^{n}(HAP_i)(TCOAT_i) + \sum_{j=1}^{m}(HAP_j)(TCOAT_j)\left(1-\frac{EFF}{100}\right) + \sum_{k=1}^{p}(HAP_k)(TMASS_k)\right\}(10^6)}{\sum_{i=1}^{n} TCOAT_i + \sum_{j=1}^{m} TCOAT_j + \sum_{k=1}^{p} TCOAT_k} \quad \text{(Eq. 4)}$$

Where:

E_{month} = mass of the specific HAP emitted per total mass of coatings from all coatings made and used in tire cord fabric production per month, grams per megagram.

HAP_i = mass percent, expressed as a decimal, of the specific HAP in coating i, prior to curing and including any application station dilution, determined in accordance with paragraph (a) of this section, for coatings used in the month in processes that are not routed to a control device.

$TCOAT_i$ = total mass of coating i made and used for application to fabric at the facility in the month in processes that are not routed to a control device, grams.

n = number of coatings used in the month in processes that are not routed to a control device.

HAP_j = mass percent, expressed as a decimal, of the specific HAP in coating j, prior to curing and including any application station dilution, determined in accordance with paragraph (a) of this section, for coatings used in the month in processes that are routed to a control device during operating days, which are defined as days when the control system is operating within the operating range established during the performance test and when monitoring data are collected.

$TCOAT_j$ = total mass of coating i made and used for application to fabric at the facility in the month in processes that are routed to a control device during all operating days, grams.

EFF = efficiency of the control system determined during the performance test (capture system efficiency multiplied by the control device efficiency), percent.

m = number of coatings used in the month that are routed to a control device during all operating days.

HAP_k = mass percent, expressed as a decimal, of the specific HAP in coating k, prior to curing and including any application station dilution, for coatings used in the month in processes that are routed to a control device during non-control operating days, which are defined as days when either the control system is not operating within the operating range established during the performance test or when monitoring data are not collected.

$TCOAT_k$ = total mass of coating i made and used for application to fabric at the facility in the month in processes that are routed to a control device during all non-control operating days, grams.

p = number of coatings used in the month that are routed to a control device during all non-control operating days.

(4) Each monthly calculation is a compliance demonstration for the purpose of this subpart.

(d) *Specific compliance demonstration requirements for tire cord production affected sources.* (1) Conduct any required compliance demonstrations according to the requirements in § 63.5993.

(2) Conduct the compliance demonstration using coatings with average mass percent HAP content that are representative of the coatings typically used at your tire cord production affected source.

(3) Establish an operating range that corresponds to the control efficiency as described in table 5 to this subpart.

(e) *How to take credit for HAP emissions reductions from add-on control devices.* If you want to take credit in equations 2 and 4 to this section for HAP emissions reduced using a control system, you must meet the requirements in paragraphs (e)(1) and (2) of this section.

(1) Monitor the established operating parameters as appropriate.

(i) If you use a thermal oxidizer, continuously monitor the firebox secondary chamber temperature.

(ii) If you use a carbon adsorber, monitor the total regeneration stream mass or volumetric flow for each regeneration cycle and the carbon bed temperature after each regeneration and within 15 minutes of completing any cooling cycle.

(iii) If you use a control device other than a thermal oxidizer or a regenerative carbon adsorber, install and operate a continuous parameter monitoring system according to your site-specific performance test plan submitted according to § 63.7(c)(2)(i).

(iv) If you use a permanent total enclosure, monitor the face velocity across the NDO in the enclosure. Also, if you use an enclosure, monitor to ensure that the sizes of the NDO have not changed, that there are no new NDO, and that a HAP emission source has not been moved closer to an NDO since the last performance test was conducted.

(v) If you use other capture systems, monitor the parameters identified in your monitoring plan.

(2) Maintain the operating parameter within the operating range established during the compliance demonstration.

(f) *How to take credit for HAP emissions reductions when streams are combined.* When performing material balances to demonstrate compliance, if the storage of materials, exhaust, or the wastewater from more than one affected source are combined at the point where control systems are applied, any credit for emissions reductions needs to be prorated among the affected sources based on the ratio of their contribution to the uncontrolled emissions.

§ 63.5998 What are my monitoring installation, operation, and maintenance requirements?

For each operating parameter that you are required by § 63.5997(e)(1) to monitor, you must install, operate, and maintain a continuous parameter monitoring system according to the provisions in § 63.5995(a) through (e).

§ 63.5999 How do I demonstrate initial compliance with the emission limits for tire cord production affected sources?

(a) You must demonstrate initial compliance with each emission limit that applies to you according to table 7 to this subpart.

(b) You must submit the Notification of Compliance Status containing the results of the initial compliance demonstration according to the requirements in § 63.6009(e).

Testing and Initial Compliance Requirements for Puncture Sealant Application Affected Sources

§ 63.6000 How do I conduct tests and procedures for puncture sealant application affected sources?

(a) *Methods to determine compliance with the puncture sealant application emission limitations in table 3 to this subpart.* Use the methods and equations in paragraph (b) of this section to demonstrate initial and continuous compliance with the overall control efficiency compliance alternatives described in § 63.5989(a) and (b). Use the methods and equations in paragraphs (c) through (g) of this section to demonstrate initial and continuous compliance with the HAP constituent compliance alternative described in § 63.5989(c) and (d).

(b) *Methods to determine compliance with the emission limits in table 3 to this subpart, option 1.* Follow the test procedures described in § 63.5993 to determine the overall control efficiency of your system.

(1) You must also meet the requirements in paragraphs (b)(1)(i) and (ii) of this section.

(i) Conduct the performance test using a puncture sealant with an average mass percent HAP content that is representative of the puncture sealants typically used at your puncture sealant application affected source.

(ii) Establish all applicable operating limit ranges that correspond to the control system efficiency as described in table 5 to this subpart.

(2) Use equation 1 to this section to calculate the overall efficiency of the control system. If you have a permanent total enclosure that satisfies EPA Method 204 (found in 40 CFR part 51, appendix M) criteria, assume 100 percent capture efficiency for variable F. Equation 1 follows:

$$R = \frac{(F)(E)}{100} \qquad \text{(Eq. 1)}$$

Where:

R = overall control system efficiency, percent.

F = capture efficiency of the capture system on add-on control device, percent, determined during the performance test.

E = control efficiency of add-on control device k, percent, determined during the performance test.

(3) Monitor the established operating limits as appropriate.

(i) If you use a thermal oxidizer, monitor the firebox secondary chamber temperature.

(ii) If you use a carbon adsorber, monitor the total regeneration stream mass or volumetric flow for each regeneration cycle, and the carbon bed temperature after each regeneration, and within 15 minutes of completing any cooling cycle.

(iii) For each control device used other than a thermal oxidizer or a regenerative carbon adsorber, install and operate a continuous parameter monitoring system according to your site-specific performance test plan submitted according to § 63.7(c)(2)(i).

(iv) If you use a permanent total enclosure, monitor the face velocity across the NDO in the enclosure. Also, if you use an enclosure, monitor to ensure that the sizes of the NDO have not changed, that there are no new NDO, and that a HAP emission source has not been moved closer to an NDO since the last performance test was conducted.

(v) If you use other capture systems, monitor the parameters identified in your monitoring plan.

(vi) Maintain the operating parameter within the operating range established during the performance test.

(c) *Methods to determine the mass percent of each HAP in puncture sealants.* To determine the HAP content in the puncture sealant used at your puncture sealant application affected source, use EPA Method 311 of appendix A to this part, an approved alternative method, or any other reasonable means for determining the HAP content of your puncture sealants. Other reasonable means include, but are not limited to: an MSDS, provided it contains appropriate information; a CPDS; or a manufacturer's hazardous air pollutant data sheet. You are not required to test the materials that you use, but the Administrator may require a test using EPA Method 311 (or an approved alternative method) to confirm the reported HAP content. If the results

of an analysis by EPA Method 311 are different from the HAP content determined by another means, the EPA Method 311 results will govern compliance determinations.

(d) *Methods to determine compliance with the emission limits in table 3 to this subpart, option 2.* Use the equations in this paragraph (d) to demonstrate initial and continuous compliance with the HAP constituent emission limits for puncture sealant application affected sources using the compliance alternatives described in § 63.5989(c) and (d).

(1) Use equation 2 to this section to calculate the monthly average HAP emission rate when complying by using puncture sealants without using an add-on control device to show that the monthly average HAP emissions do not exceed the emission limits in table 3 to this subpart, option 2. Equation 2 follows:

$$E_{month} = \frac{\left(\sum_{i=1}^{n}(HAP_i)(TPSEAL_i)\right)(10^6)}{\sum_{i=1}^{n} TPSEAL_i} \quad \text{(Eq. 2)}$$

Where:

E_{month} = mass of the specific HAP emitted per total mass of puncture sealants from all puncture sealants used at the puncture sealant affected source per month, grams per megagram.

HAP_i = mass percent, expressed as a decimal, of the specific HAP in puncture sealant i, including any application booth dilution, determined in accordance with paragraph (c) of this section for puncture sealants used in the month in processes that are not routed to a control device.

$TPSEAL_i$ = total mass of puncture sealant i used in the month in processes that are not routed to a control device, gram.

n = number of puncture sealants used in the month in processes that are not routed to a control device.

HAP_j = mass percent, expressed as a decimal, of the specific HAP, in puncture sealant j, including any application booth dilution, determined in accordance with paragraph (c) of this section, for puncture sealants used in the month in processes that are routed to a control device during operating days, which are defined as days when the control system is operating within the operating range established during the performance test and when monitoring data are collected.

$TPSEAL_j$ = total mass of puncture sealant j used in the month in processes that are routed to a control device during all operating days, grams.

EFF = efficiency of the control system determined during the performance test (capture system efficiency multiplied by the control device efficiency), percent.

m = number of puncture sealants used in the month that are routed to a control device during all operating days.

HAP_k = mass percent, expressed as a decimal, of the specific HAP, in puncture sealant k, including any application booth dilution, for puncture sealants used in the month in processes that are routed to a control device during non-control operating days, which are defined as days when either the control system is not operating within the operating range established during the performance test or when monitoring data are not collected.

$TPSEAL_k$ = total mass of total mass of puncture sealant k used in the month in processes that are routed to a control device during all non-control operating days, grams.

(2) Use equation 3 to this section to calculate the monthly average HAP emission rate when complying by using puncture sealants by using an add-on control device to show that the monthly average HAP emissions do not exceed the emission limits in table 3 to this subpart, option 2. Equation 3 follows:

$$E_{month} = \frac{\left\{\sum_{i=1}^{n}(HAP_i)(TPSEAL_i) + \sum_{j=1}^{m}(HAP_j)(TPSEAL_j)\left(1 - \frac{EFF}{100}\right) + \sum_{k=1}^{p}(HAP_k)(TPSEAL_k)\right\}(10^6)}{\sum_{i=1}^{n} TPSEAL_i + \sum_{j=1}^{m} TPSEAL_j + \sum_{k=1}^{p} TPSEAL_k} \quad \text{(Eq. 3)}$$

Where:

E_{month} = mass of the specific HAP emitted per total mass of puncture sealants used at the puncture sealant affected source per month, grams per megagram.

HAP_i = mass percent, expressed as a decimal, of the specific HAP in puncture sealant i, including any application booth dilution, determined in accordance with paragraph (c) of this section for puncture sealants used in the month in processes that are not routed to a control device.

$TPSEAL_i$ = total mass of puncture sealant i used in the month in processes that are not routed to a control device, gram.

n = number of puncture sealants used in the month in processes that are not routed to a control device.

HAP_j = mass percent, expressed as a decimal, of the specific HAP, in puncture sealant j, including any application booth dilution, determined in accordance with paragraph (c) of this section, for puncture sealants used in the month in processes that are routed to a control device during operating days, which are defined as days when the control system is operating within the operating range established during the performance test and when monitoring data are collected.

$TPSEAL_j$ = total mass of puncture sealant j used in the month in processes that are routed to a control device during all operating days, grams.

EFF = efficiency of the control system determined during the performance test (capture system efficiency multiplied by the control device efficiency), percent.

m = number of puncture sealants used in the month that are routed to a control device during all operating days.

HAP_k = mass percent, expressed as a decimal, of the specific HAP, in puncture sealant k, including any application booth dilution, for puncture sealants used in the month in processes that are routed to a control device during non-control operating days, which are defined as days when either the control system is not operating within the operating range established during the performance test or when monitoring data are not collected.

$TPSEAL_k$ = total mass of total mass of puncture sealant k used in the month in processes that are routed to a control device during all non-control operating days, grams.

p = number of puncture sealants used in the month that are routed to a control device during all non-control operating days.

(3) Each monthly calculation is a compliance demonstration for the purpose of this subpart.

(e) *Specific compliance demonstration requirements for puncture sealant application affected sources.* (1) Conduct any required compliance demonstrations according to the requirements in § 63.5993.

(2) Conduct the compliance demonstration using a puncture sealant with average mass percent HAP content that is representative of the puncture sealants typically used at your puncture sealant application affected source.

(3) Establish an operating range that corresponds to the appropriate control efficiency described in table 5 to this subpart.

(f) *How to take credit for HAP emissions reductions from add-on control devices.* If you want to take credit in equation 3 to this section for HAP emissions reduced using a control

system, you must monitor the established operating parameters as appropriate and meet the requirements in paragraph (b)(3) of this section.

(g) *How to take credit for HAP emissions reductions when streams are combined.* When performing material balances to demonstrate compliance, if the storage of materials, exhaust, or the wastewater from more than one affected source are combined at the point where control systems are applied, any credit for emissions reductions needs to be prorated among the affected sources based on the ratio of their contribution to the uncontrolled emissions.

63.6001 What are my monitoring installation, operation, and maintenance requirements?

For each operating limit that you are required by § 63.6000(b)(3) to monitor or each operating parameter that you are required by § 63.6000(f) to monitor, you must install, operate, and maintain a continuous parameter monitoring system according to the provisions in § 63.5995(a) through (e).

63.6002 How do I demonstrate initial compliance with the emission limits for puncture sealant application affected sources?

(a) You must demonstrate initial compliance with each emission limit that applies to you according to table 8 to this subpart.

(b) You must submit the Notification of Compliance Status containing the results of the initial compliance demonstration according to the requirements in § 63.6009(e).

Continuous Compliance Requirements for Tire Production Affected Sources

63.6003 How do I monitor and collect data to demonstrate continuous compliance with the emission limits for tire production affected sources?

(a) You must monitor and collect data as specified in table 9 to this subpart.

(b) Except for periods of monitoring malfunctions, associated repairs, and required quality assurance or control activities (including, as applicable, calibration checks and required zero and span adjustments), you must monitor continuously (or collect data at all required intervals) while the affected source is operating. This includes periods of startup, shutdown, and malfunction when the affected source is operating.

(c) In data average calculations and calculations used to report emission or operating levels, you may not use data recorded during periods of monitoring malfunctions or associated repairs, or recorded during required quality assurance or control activities. Such data may not be used in fulfilling any applicable minimum data availability requirement. You must use all the data collected during all other periods in assessing the operation of the control device and associated control system.

§ 63.6004 How do I demonstrate continuous compliance with the emission limits for tire production affected sources?

(a) You must demonstrate continuous compliance with each applicable limit in table 1 to this subpart using the methods specified in table 10 to this subpart.

(b) You must report each instance in which you did not meet an emission limit in table 1 to this subpart. You must also report each instance in which you did not meet the applicable requirements in table 10 to this subpart. These instances are deviations from the emission limits in this subpart. The deviations must be reported in accordance with the requirements in § 63.6010(e).

(c) You also must meet the following requirements if you are complying with the purchase alternative for tire production sources described in § 63.5985(a):

(1) If, after you submit the Notification of Compliance Status, you use a cement or solvent for which you have not previously verified percent HAP mass using the methods in § 63.5994(a), you must verify that each cement and solvent used in the affected source meets the emission limit, using any of the methods in § 63.5994(a).

(2) You must update the list of all the cements and solvents used at the affected source.

(3) With the compliance report for the reporting period during which you used the new cement or solvent, you must submit the updated list of all cements and solvents and a statement certifying that, as purchased, each cement and solvent used at the affected source during the reporting period met the emission limits in table 1 to this subpart.

Continuous Compliance Requirements for Tire Cord Production Affected Sources

§ 63.6005 How do I monitor and collect data to demonstrate continuous compliance with the emission limits for tire cord production affected sources?

(a) You must monitor and collect data to demonstrate continuous compliance with the emission limits for tire cord production affected sources as specified in table 11 to this subpart.

(b) You must monitor and collect data according to the requirements in § 63.6003(b) and (c).

§ 63.6006 How do I demonstrate continuous compliance with the emission limits for tire cord production affected sources?

(a) You must demonstrate continuous compliance with each applicable emission limit in table 2 to this subpart using the methods specified in table 12 to this subpart.

(b) You must report each instance in which you did not meet an applicable emission limit in table 2 to this subpart. You must also report each instance in which you did not meet the applicable requirements in table 12 to this subpart. These instances are deviations from the emission limits in this subpart. The deviations must be reported in accordance with the requirements in § 63.6010(e).

Continuous Compliance Requirements for Puncture Sealant Application Affected Sources

§ 63.6007 How do I monitor and collect data to demonstrate continuous compliance with the emission limitations for puncture sealant application affected sources?

(a) You must monitor and collect data to demonstrate continuous compliance with the emission limitations for puncture sealant application affected sources as specified in table 13 to this subpart.

(b) You must monitor and collect data according to the requirements in § 63.6003(b) and (c).

§ 63.6008 How do I demonstrate continuous compliance with the emission limitations for puncture sealant application affected sources?

(a) You must demonstrate continuous compliance with each applicable emission limitation in tables 3 and 4 to this subpart using the methods specified in table 14 to this subpart.

(b) You must report each instance in which you did not meet an applicable emission limit in table 3 to this subpart. You must also report each instance in which you did not meet the applicable requirements in table 14 to this subpart. These instances are deviations from the emission limits in this subpart. The deviations must be reported in accordance with the requirements in § 63.6010(e).

Notifications, Reports, and Records

§ 63.6009 What notifications must I submit and when?

(a) You must submit all the notifications in §§ 63.7 (b) and (c), 63.8(f) (4) and (6), and 63.9 (b) through (e) and (h) that apply to you by the dates specified.

(b) As specified in § 63.9(b)(2), if you startup your affected source before July

9, 2002, you must submit an Initial Notification not later than November 6, 2002, or no later than 120 days after the source becomes subject to this subpart, whichever is later.

(c) As specified in § 63.9(b)(3), if you startup your new or reconstructed affected source on or after July 9, 2002, you must submit an Initial Notification not later than 120 calendar days after you become subject to this subpart.

(d) If you are required to conduct a performance test, you must submit a notification of intent to conduct a performance test at least 60 calendar days before the performance test is scheduled to begin as required in § 63.7(b)(1).

(e) If you are required to conduct a performance test, design evaluation, or other initial compliance demonstration as specified in tables 5 through 8 to this subpart, you must submit a Notification of Compliance Status according to § 63.9(h)(2)(ii). The Notification must contain the information listed in table 15 to this subpart for compliance reports. The Notification of Compliance Status must be submitted according to the following schedules, as appropriate:

(1) For each initial compliance demonstration required in tables 6 through 8 to this subpart that does not include a performance test, you must submit the Notification of Compliance Status before the close of business on the 30th calendar day following the completion of the initial compliance demonstration.

(2) Before January 21, 2021, for each initial compliance demonstration required in tables 6 through 8 to this subpart that includes a performance test conducted according to the requirements in table 5 to this subpart, you must submit the Notification of Compliance Status, including the performance test results, before the close of business on the 60th calendar day following the completion of the performance test according to § 63.10(d)(2). After January 20, 2021, for each initial compliance demonstration required in tables 6 through 8 to this subpart that includes a performance test conducted according to the requirements in table 5 to this subpart, you must submit the Notification of Compliance Status, including the performance test results, before the close of business on the 60th calendar day following the completion of the performance test according to §§ 63.10(d)(2) and 63.6010(h)(1) through (3).

(f) For each tire production affected source, the Notification of Compliance Status must also identify the emission limit option in § 63.5984 and the compliance alternative in § 63.5985 that you have chosen to meet.

(g) For each tire production affected source complying with the purchase compliance alternative in § 63.5985(a), the Notification of Compliance Status must also include the information listed in paragraphs (g)(1) and (2) of this section.

(1) A list of each cement and solvent, as purchased, that is used at the affected source and the manufacturer or supplier of each.

(2) The individual HAP content (percent by mass) of each cement and solvent that is used.

(h) For each tire production or tire cord production affected source using a control device, the Notification of Compliance Status must also include the information in paragraphs (h)(1) and (2) of this section for each operating parameter in §§ 63.5994(e)(1) and 63.5997(e)(1) that applies to you.

(1) The operating parameter value averaged over the full period of the performance test (*e.g.,* average secondary chamber firebox temperature over the period of the performance test was 1,500 degrees Fahrenheit).

(2) The operating parameter range within which HAP emissions are reduced to the level corresponding to meeting the applicable emission limits in tables 1 and 2 to this subpart.

(i) For each puncture sealant application affected source using a control device, the Notification of Compliance Status must include the information in paragraphs (i)(1) and (2) of this section for each operating limit in § 63.6000(b)(3) and each operating parameter in § 63.6000(f).

(1) The operating limit or operating parameter value averaged over the full period of the performance test.

(2) The operating limit or operating parameter range within which HAP emissions are reduced to the levels corresponding to meeting the applicable emission limitations in table 3 to this subpart.

(j) For each tire cord production affected source required to assess the predominant use for coating web substrates as required by § 63.5981(b), you must submit a notice of the results of the reassessment within 30 days of completing the reassessment. The notice shall specify whether this subpart is still the applicable subpart and, if it is not, which subpart of this part is applicable.

(k) You must submit to the Administrator notification reports of the following recorded information. Beginning on January 21, 2021 or once the reporting form has been available on the Compliance and Emissions Data Reporting Interface (CEDRI) website for 1-year, whichever date is later, you must submit all subsequent notification of compliance status reports required in §§ 63.9(h) and 63.6009(d) through (i) to the EPA via the CEDRI. The CEDRI interface can be accessed through the EPA's Central Data Exchange (CDX) (*https://cdx.epa.gov*). You must use the appropriate electronic report form (*i.e.,* template) on the CEDRI website (*https://www.epa.gov/electronic-reporting-air-emissions/cedri*) for this subpart. The date on which the report form becomes available will be listed on the CEDRI website. If the reporting form for the notification of compliance status report specific to this subpart is not available in CEDRI at the time that the report is due, you must submit the report to the Administrator at the appropriate addresses listed in § 63.13. Once the form has been available in CEDRI for 1 year, you must begin submitting all subsequent notification of compliance status reports via CEDRI. The applicable notification must be submitted by the deadline specified in this subpart, regardless of the method in which the report is submitted. The EPA will make all the information submitted through CEDRI available to the public without further notice to you. Do not use CEDRI to submit information you claim as confidential business information (CBI). Anything submitted using CEDRI cannot later be claimed to be CBI. Although we do not expect persons to assert a claim of CBI, if persons wish to assert a CBI, if you claim that some of the information required to be submitted via CEDRI is CBI, submit a complete report, including information claimed to be CBI, to the EPA. The report must be generated using the appropriate electronic reporting form found on the CEDRI website. Submit the file on a compact disc, flash drive, or other commonly used electronic storage medium and clearly mark the medium as CBI. Mail the electronic medium to U.S. EPA/OAQPS/CORE CBI Office, Attention: Group Leader, Measurement Policy Group, MD C404–02, 4930 Old Page Rd., Durham, NC 27703. The same file with the CBI omitted shall be submitted to the EPA via the EPA's CDX CEDRI as described earlier in this paragraph. All CBI claims must be asserted at the time of submission. Furthermore, under CAA section 114(c) emissions data is not entitled to confidential treatment and requires EPA to make emissions data available to the public. Thus, emissions data will not be protected as CBI and will be made publicly available. Where applicable, you may assert a claim of the EPA system outage, in accordance with

§ 63.6010(i), or force majeure, in accordance with § 63.6010(j), for failure to timely comply with this requirement.

§ 63.6010 What reports must I submit and when?

(a) You must submit each applicable report in table 15 to this subpart.

(b) Unless the Administrator has approved a different schedule for submission of reports under § 63.10(a), you must submit each report by the date in table 15 to this subpart and according to the requirements in paragraphs (b)(1) through (5) of this section.

(1) The first compliance report must cover the period beginning on the compliance date that is specified for your affected source in § 63.5983 and ending on June 30 or December 31, whichever date is the first date following the end of the first calendar half after the compliance date that is specified for your source in § 63.5983.

(2) Before January 21, 2021, the first semiannual compliance report must be postmarked or delivered no later than July 31 or January 31, whichever date follows the end of the first calendar half after the compliance date that is specified for your affected source in § 63.5983. After January 20, 2021, the first semiannual compliance report must be submitted electronically via CEDRI no later than July 31 or January 31, whichever date follows the end of the first calendar half after the compliance date that is specified for your affected source in § 63.5983.

(3) Each subsequent compliance report must cover the semiannual reporting period from January 1 through June 30 or the semiannual reporting period from July 1 through December 31.

(4) Before January 21, 2021, each subsequent semiannual compliance report must be postmarked or delivered no later than July 31 or January 31, whichever date is the first date following the end of the semiannual reporting period. After January 20, 2021, each subsequent semiannual compliance report must be submitted electronically via CEDRI no later than July 31 or January 31, whichever date is the first date following the end of the semiannual reporting period.

(5) For each affected source that is subject to permitting subparts pursuant to 40 CFR part 70 or 71, and if the permitting authority has established dates for submitting semiannual reports pursuant to 40 CFR 70.6(a)(3)(iii)(A) or 71.6(a)(3)(iii)(A), you may submit the first and subsequent compliance reports according to the dates the permitting authority has established instead of according to the dates in paragraphs (b)(1) through (4) of this section.

(c) The compliance report must contain information specified in paragraphs (c)(1) through (10) of this section.

(1) Company name and address.

(2) Statement by a responsible official, with that official's name, title, and signature, certifying the accuracy of the content of the report.

(3) Date of report and beginning and ending dates of the reporting period.

(4) Before January 21, 2021, if you had a startup, shutdown and malfunction during the reporting period and you took actions consistent with your startup, shutdown, and malfunction plan, the compliance report must include the information in § 63.10(d)(5)(i). After January 20, 2021, a startup, shutdown, and malfunction plan is not required.

(5) If there are no deviations from any emission limitations (emission limit or operating limit) that applies to you, a statement that there were no deviations from the emission limitations during the reporting period.

(6) If there were no periods during which the operating parameter monitoring systems were out-of-control as specified in § 63.8(c)(7), a statement that there were no periods during which the operating parameter monitoring systems or CPMS were out-of-control during the reporting period.

(7) Before January 21, 2021, for each tire production affected source, the emission limit option in § 63.5984 and the compliance alternative in § 63.5985 that you have chosen to meet. After January 20, 2021, for each tire production affected source, the emission limit option in § 63.5984 and the compliance alternative in § 63.5985 that you have chosen to meet. If you have chosen the same emission limit option and compliance alternative for every tire production affected source at your facility, then you may report the emission limit option and compliance alternative for the facility rather than for each tire production affected source.

(8) For each tire production affected source complying with the purchase compliance alternative in § 63.5985(a), and for each annual reporting period during which you use a cement and solvent that, as purchased, was not included in the list submitted with the Notification of Compliance Status in § 63.6009(g), an updated list of all cements and solvents used, as purchased, at the affected source. You must also include a statement certifying that each cement and solvent, as purchased, that was used at the affected source during the reporting period met the HAP constituent limits (option 1) in table 1 to this subpart.

(9) For each tire cord production affected source, the emission limit option in § 63.5986 and the compliance alternative in § 63.5987 that you have chosen to meet.

(10) For each puncture sealant application affected source, the emission limit option in § 63.5988 and the compliance alternative in § 63.5989 that you have chosen to meet.

(d) Before January 21, 2021, for each deviation from an emission limitation (emission limit or operating limit) that occurs at an affected source where you are not using a CPMS to comply with the emission limitations in this subpart, the compliance report must contain the information in paragraphs (c)(1) through (4) and paragraphs (d)(1) and (2) of this section. This includes periods of startup, shutdown, and malfunction when the affected source is operating. After January 20, 2021, for each deviation from an emission limitation (emission limit or operating limit) that occurs at an affected source where you are not using a CPMS to comply with the emission limitations in this subpart, the compliance report must contain the information in paragraphs (c)(1) through (3) and (d)(1) through (3) of this section. This includes periods of startup, shutdown, and malfunction when the affected source is operating.

(1) Before January 20, 2021 the total operating time of each affected source during the reporting period. After January 20, 2021, if an affected unit fails to meet an applicable standard, record the number of failures. For each failure record the date, time and duration of each failure.

(2) Before January 20, 2021 information on the number, duration, and cause of deviations (including unknown cause, if applicable) and the corrective action taken. After January 20, 2021, for each failure to meet an applicable standard, record and retain a list of the cause of deviations (including unknown cause, if applicable), affected sources or equipment, an estimate of the quantity of each regulated pollutant emitted over any emission limit and a description of the method used to estimate the emissions.

(3) After January 20, 2021, record actions taken to minimize emissions in accordance with § 63.5990, and any corrective actions taken to return the affected unit to its normal or usual manner of operation.

(e) Each affected source that has obtained a title V operating permit pursuant to 40 CFR part 70 or 71 must report all deviations as defined in this subpart in the semiannual monitoring

report required by 40 CFR 70.6(a)(3)(iii)(A) or 71.6(a)(3)(iii)(A). If an affected source submits a compliance report (pursuant to table 10 to this subpart along with, or as part of, the semiannual monitoring report required by 40 CFR 70.6(a)(3)(iii)(A) or 71.6(a)(3)(iii)(A) which includes all required information concerning deviations from any emission limitation (including any operating limit) or work practice requirement in this subpart, submission of the compliance report shall be deemed to satisfy any obligation to report the same deviations in the semiannual monitoring report. However, submission of a compliance report shall not otherwise affect any obligation the affected source may have to report deviations from permit requirements to the permit authority.

(f) Upon notification to the Administrator that a tire production affected source has eliminated or reformulated cement and solvent so that the source can demonstrate compliance using the purchase alternative in § 63.5985(a), future compliance reports for this affected source may be submitted annually.

(g) Before July 24, 2021, or once the reporting form has been available on the CEDRI website for 1-year, whichever date is later, if acceptable to both the Administrator and you, you may submit reports and notifications electronically. Beginning on July 24, 2021, or once the reporting form has been available on the CEDRI website for 1-year, whichever date is later, you must submit compliance reports required in § 63.6010(c)(1) through (10), as applicable, to the EPA via the CEDRI. The CEDRI interface can be accessed through the EPA's CDX (*https://cdx.epa.gov*). You must use the appropriate electronic report form on the CEDRI website (*https://www.epa.gov/electronic-reporting-air-emissions/cedri*) for this subpart. The date on which the report form becomes available will be listed on the CEDRI website. If the reporting form for the compliance report specific to this subpart is not available in CEDRI at the time that the report is due, you must submit the report to the Administrator at the appropriate addresses listed in § 63.13. Once the form has been available in CEDRI for 1-year, you must begin submitting all subsequent reports via CEDRI. The reports must be submitted by the deadlines specified in this subpart, regardless of the method in which the reports are submitted. The EPA will make all the information submitted through CEDRI available to the public without further notice to you. Do not use CEDRI to submit information you claim as CBI. Anything submitted using CEDRI cannot later be claimed to be CBI. Although we do not expect persons to assert a claim of CBI, if persons wish to assert a CBI, if you claim that some of the information required to be submitted via CEDRI is CBI, submit a complete report, including information claimed to be CBI, to the EPA. The report must be generated using the appropriate electronic reporting form found on the CEDRI website. Submit the file on a compact disc, flash drive, or other commonly used electronic storage medium and clearly mark the medium as CBI. Mail the electronic medium to U.S. EPA/OAQPS/CORE CBI Office, Attention: Group Leader, Measurement Policy Group, MD C404–02, 4930 Old Page Rd., Durham, NC 27703. The same file with the CBI omitted shall be submitted to the EPA via the EPA's CDX CEDRI as described earlier in this paragraph. All CBI claims must be asserted at the time of submission. Furthermore, under CAA section 114(c) emissions data is not entitled to confidential treatment and requires EPA to make emissions data available to the public. Thus, emissions data will not be protected as CBI and will be made publicly available.

(h) After January 20, 2021, if you use a control system (add-on control device and capture system) to meet the emission limitations, you must also conduct a performance test at least once every 5 years following your initial compliance demonstration to verify control system performance and reestablish operating parameters or operating limits for control systems used to comply with the emissions limits. Within 60 days after the date of completing each performance test required by this subpart, you must submit the results of the performance test following the procedures specified in paragraphs (h)(1) through (3) of this section.

(1) Data collected using test methods supported by the EPA's Electronic Reporting Tool (ERT) as listed on the EPA's ERT website (*https://www.epa.gov/electronic-reporting-air-emissions/electronic-reporting-tool-ert*) at the time of the test. Submit the results of the performance test to the EPA via the CEDRI, which can be accessed through the EPA's CDX (*https://cdx.epa.gov/*). The data must be submitted in a file format generated using the EPA's ERT. Alternatively, you may submit an electronic file consistent with the extensible markup language (XML) schema listed on the EPA's ERT website.

(2) Data collected using test methods that are not supported by the EPA's ERT as listed on the EPA's ERT website at the time of the test. The results of the performance test must be included as an attachment in the ERT or an alternate electronic file consistent with the XML schema listed on the EPA's ERT website. Submit the ERT generated package or alternative file to the EPA via CEDRI.

(3) CBI. If you claim some of the information submitted under paragraph (h) of this section is CBI, you must submit a complete file, including information claimed to be CBI, to the EPA. The file must be generated using the EPA's ERT or an alternate electronic file consistent with the XML schema listed on the EPA's ERT website. Submit the file on a compact disc, flash drive, or other commonly used electronic storage medium and clearly mark the medium as CBI. Mail the electronic medium to U.S. EPA/OAQPS/CORE CBI Office, Attention: Group Leader, Measurement Policy Group, MD C404–02, 4930 Old Page Rd., Durham, NC 27703. The same file with the CBI omitted must be submitted to the EPA via the EPA's CDX as described in paragraph (h) of this section. All CBI claims must be asserted at the time of submission. Furthermore, under CAA section 114(c) emissions data is not entitled to confidential treatment and requires EPA to make emissions data available to the public. Thus, emissions data will not be protected as CBI and will be made publicly available.

(i) After January 20, 2021 if you are required to electronically submit a report or notification (*i.e.,* Notification of Compliance Status Report) through CEDRI in the EPA's CDX, you may assert a claim of the EPA system outage for failure to timely comply with the reporting requirement. To assert a claim of the EPA system outage, you must meet the requirements outlined in paragraphs (i)(1) through (7) of this section.

(1) You must have been or will be precluded from accessing CEDRI and submitting a required report or notification within the time prescribed due to an outage of either the EPA's CEDRI or CDX systems.

(2) The outage must have occurred within the period of time beginning 5 business days prior to the date that the submission is due.

(3) The outage may be planned or unplanned.

(4) You must submit notification to the Administrator in writing as soon as possible following the date you first knew, or through due diligence should

have known, that the event may cause or has caused a delay in reporting.

(5) You must provide to the Administrator a written description identifying:

(i) The date(s) and time(s) when CDX or CEDRI was accessed and the system was unavailable;

(ii) A rationale for attributing the delay in reporting beyond the regulatory deadline to the EPA system outage;

(iii) Measures taken or to be taken to minimize the delay in reporting; and

(iv) The date by which you propose to report, or if you have already met the reporting requirement at the time of the notification, the date you reported.

(6) The decision to accept the claim of the EPA system outage and allow an extension to the reporting deadline is solely within the discretion of the Administrator.

(7) In any circumstance, the report or notification must be submitted electronically as soon as possible after the outage is resolved.

(j) After January 20, 2021 if you are required to electronically submit a report or notification (*i.e.,* Notification of Compliance Status Report) through CEDRI in the EPA's CDX, you may assert a claim of force majeure for failure to timely comply with the reporting requirement. To assert a claim of force majeure, you must meet the requirements outlined in paragraphs (j)(1) through (5) of this section.

(1) You may submit a claim if a force majeure event is about to occur, occurs, or has occurred or there are lingering effects from such an event within the period of time beginning five business days prior to the date the submission is due. For the purposes of this section, a force majeure event is defined as an event that will be or has been caused by circumstances beyond the control of the affected facility, its contractors, or any entity controlled by the affected facility that prevents you from complying with the requirement to submit a report electronically within the time prescribed. Examples of such events are acts of nature (*e.g.,* hurricanes, earthquakes, or floods), acts of war or terrorism, or equipment failure or safety hazard beyond the control of the affected facility (*e.g.,* large scale power outage).

(2) You must submit notification to the Administrator in writing as soon as possible following the date you first knew, or through due diligence should have known, that the event may cause or has caused a delay in reporting.

(3) You must provide to the Administrator:

(i) A written description of the force majeure event;

(ii) A rationale for attributing the delay in reporting beyond the regulatory deadline to the force majeure event;

(iii) Measures taken or to be taken to minimize the delay in reporting; and

(iv) The date by which you propose to report, or if you have already met the reporting requirement at the time of the notification, the date you reported.

(4) The decision to accept the claim of force majeure and allow an extension to the reporting deadline is solely within the discretion of the Administrator.

(5) In any circumstance, the reporting must occur as soon as possible after the force majeure event occurs.

§ 63.6011 What records must I keep?

(a) You must keep the records specified in paragraphs (a)(1) through (3) of this section.

(1) A copy of each notification and report that you submitted to comply with this subpart, including all documentation supporting any Initial Notification or Notification of Compliance Status that you submitted, according to the requirements in § 63.10(b)(2)(xiv).

(2) Records of performance tests as required in § 63.10(b)(2)(viii).

(3) Before January 21, 2021, the records in § 63.6(e)(3)(iii) through (v) related to startup, shutdown, and malfunction. After January 20, 2021, it is not required to keep records in § 63.6(e)(3)(iii) through (v) related to startup, shutdown, and malfunction.

(b) For each tire production affected source, you must keep the records specified in table 9 to this subpart to show continuous compliance with each emission limit that applies to you.

(c) For each tire cord production affected source, you must keep the records specified in table 11 to this subpart to show continuous compliance with each emission limit that applies to you.

(d) For each puncture sealant application affected source, you must keep the records specified in table 13 to this subpart to show continuous compliance with each emission limit that applies to you.

(e) After January 20, 2021 any records required to be maintained by this subpart that are submitted electronically via the EPA's CEDRI may be maintained in electronic format. This ability to maintain electronic copies does not affect the requirement for facilities to make records, data, and reports available upon request to a delegated air agency or the EPA as part of an on-site compliance evaluation.

§ 63.6012 In what form and how long must I keep my records?

(a) Your records must be in a form suitable and readily available for expeditious review, according to § 63.10(b)(1).

(b) As specified in § 63.10(b)(1), you must keep each record for 5 years following the date of each occurrence, measurement, maintenance, corrective action, report, or record.

(c) You must keep each record on site for at least 2 years after the date of each occurrence, measurement, maintenance, corrective action, report, or record, according to § 63.10(b)(1). You can keep the records offsite for the remaining 3 years.

Other Requirements and Information

§ 63.6013 What parts of the General Provisions apply to me?

Table 17 to this subpart shows which parts of the General Provisions in §§ 63.1 through 63.15 apply to you.

§ 63.6014 Who implements and enforces this subpart?

(a) This subpart can be implemented and enforced by us, the United States Environmental Protection Agency, or a delegated authority such as your State, local, or Tribal agency. If the U.S. EPA has delegated authority to your State, local, or Tribal agency, then that agency, in addition to the U.S. EPA, has the authority to implement and enforce this subpart. You should contact your U.S. EPA Regional Office to find out if implementation and enforcement of this subpart is delegated to your State, local, or Tribal agency.

(b) In delegating implementation and enforcement authority of this subpart to a State, local, or Tribal agency under subpart E of this part, the authorities contained in paragraph (c) of this section are retained by the Administrator of the U.S. EPA and are not transferred to the State, local, or Tribal agency.

(c) The authorities that cannot be delegated to State, local, or Tribal agencies are listed in paragraphs (c)(1) through (4) of this section.

(1) Approval of alternatives to the requirements in §§ 63.5981 through 63.5984, 63.5986, and 63.5988.

(2) Approval of major changes to test methods under § 63.7(e)(2)(ii) and (f) and as defined in § 63.90.

(3) Approval of major changes to monitoring under § 63.8(f) and as defined in § 63.90.

(4) Approval of major changes to recordkeeping and reporting under § 63.10(f) and as defined in § 63.90.

§ 63.6015 What definitions apply to this subpart?

Terms used in this subpart are defined in the Clean Air Act and in § 63.2, the General Provisions. The following are additional definitions of terms used in this subpart:

As purchased means the condition of a cement and solvent as delivered to the facility, prior to any mixing, blending, or dilution.

Capture system means a hood, enclosed room, or other means of collecting organic HAP emissions into a closed-vent system that conveys these emissions to a control device.

Cements and solvents means the collection of all organic chemicals, mixtures of chemicals, and compounds used in the production of rubber tires, including cements, solvents, and mixtures used as process aids. Cements and solvents include, but are not limited to, tread end cements, undertread cements, bead cements, tire building cements and solvents, green tire spray, blemish repair paints, side wall protective paints, marking inks, materials used to clean process equipment, and slab dip mixtures. Cements and solvents do not include coatings or process aids used in tire cord production, puncture sealant application, rubber processing, or materials used to construct, repair, or maintain process equipment, or chemicals and compounds that are not used in the tire production process such as materials used in routine janitorial or facility grounds maintenance, office supplies (*e.g.,* dry-erase markers, correction fluid), architectural paint, or any substance to the extent it is used for personal, family, or household purposes, or is present in the same form and concentration as a product packaged for distribution to and use by the general public.

Coating means a compound or mixture of compounds that is applied to a fabric substrate in the tire cord production operation that allows the fabric to be prepared (*e.g.,* by heating, setting, curing) for incorporation into a rubber tire.

Components of rubber tires means any piece or part used in the manufacture of rubber tires that becomes an integral portion of the rubber tire when manufacture is complete and includes mixed rubber compounds, sidewalls, tread, tire beads, and liners. Other components often associated with rubber tires such as wheels, valve stems, tire bladders and inner tubes are not considered components of rubber tires for the purposes of these standards. Tire cord and puncture sealant, although components of rubber tires, are considered as separate affected sources in these standards and are defined separately.

Control device means a combustion device, recovery device, recapture device, or any combination of these devices used for recovering or oxidizing organic hazardous air pollutant vapors. Such equipment includes, but is not limited to, absorbers, carbon adsorbers, condensers, incinerators (oxidizers), flares, boilers, and process heaters.

Control system efficiency means the percent of total volatile organic compound emissions, as measured by EPA Method 25 or 25A (40 CFR part 60, appendix A–7), recovered or destroyed by a control device multiplied by the percent of total volatile organic compound emissions, as measured by Method 25 or 25A, that are captured and conveyed to the control device.

Deviation means any instance in which an affected source, subject to this subpart, or an owner or operator of such a source:

(1) Fails to meet any requirement or obligation established by this subpart including, but not limited to, any emission limitation (including any operating limit) or work practice standard;

(2) Fails to meet any term or condition that is adopted to implement an applicable requirement in this subpart and that is included in the operating permit for any affected source required to obtain such a permit; or

(3) Before January 21, 2021, fails to meet any emission limitation (including any operating limit) or work practice standard in this subpart during startup, shutdown, and malfunction, regardless of whether such failure is permitted by this subpart. On and after January 21, 2021, this paragraph no longer applies.

Emission limitation means any emission limit, opacity limit, operating limit, or visible emission limit.

Fabric processed means the amount of fabric coated and finished for use in subsequent product manufacturing.

Mixed rubber compound means the material, commonly referred to as rubber, from which rubber tires and components of rubber tires are manufactured. For the purposes of this definition, mixed rubber compound refers to the compound that leaves the rubber mixing process (*e.g.,* banburys) and is then processed into components from which rubber tires are manufactured.

Monthly operating period means the period in the Notification of Compliance Status report comprised of the number of operating days in the month.

Operating day means the period defined in the Notification of Compliance Status report. It may be from midnight to midnight or a portion of a 24-hour period.

Process aid means a solvent, mixture, or cement used to facilitate or assist in tire component identification; component storage; tire building; tire curing; and tire repair, finishing, and identification.

Puncture sealant means a mixture that may include, but is not limited to, solvent constituents, mixed rubber compound, and process oil that is applied to the inner liner of a finished tire for the purpose of sealing any future hole which might occur in the tread when an object penetrates the tire.

Responsible official means responsible official as defined in 40 CFR 70.2.

Rubber means the sum of the materials (for example, natural rubber, synthetic rubber, carbon black, oils, sulfur) that are combined in specific formulations for the sole purpose of making rubber tires or components of rubber tires.

Rubber mixing means the physical process of combining materials for use in rubber tire manufacturing to make mixed rubber compound using the collection of banburys and associated drop mills.

Rubber tire means a continuous solid or pneumatic cushion typically encircling a wheel and usually consisting, when pneumatic, of an external rubber covering.

Rubber used means the total mass of mixed rubber compound delivered to the tire production operations in a tire manufacturing facility (*e.g.,* the collection of warm-up mills, extruders, calendars, tire building, or other tire component and tire manufacturing equipment).

Tire cord means any fabric (*e.g.,* polyester, cotton) that is treated with a coating mixture that allows the fabric to more readily accept impregnation with rubber to become an integral part of a rubber tire.

Table 1 to Subpart XXXX of Part 63—Emission Limits for Tire Production Affected Sources

As stated in § 63.5984, you must comply with the emission limits for each new, reconstructed, or existing tire production affected source in the following table:

For each . . .	You must meet the following emission limits.
1. Option 1—HAP constituent option	a. Emissions of each HAP in table 16 to this subpart must not exceed 1,000 grams HAP per megagram (2 pounds per ton) of total cements and solvents used at the tire production affected source, and b. Emissions of each HAP not in table 16 to this subpart must not exceed 10,000 grams HAP per megagram (20 pounds per ton) of total cements and solvents used at the tire production affected source.
2. Option 2—production-based option	Emissions of HAP must not exceed 0.024 grams per megagram (0.00005 pounds per ton) of rubber used at the tire production affected source.

Table 2 to Subpart XXXX of Part 63—Emission Limits for Tire Cord Production Affected Sources

As stated in § 63.5986, you must comply with the emission limits for tire cord production affected sources in the following table:

For each . . .	You must meet the following emission limits.
1. Option 1.a (production-based option)—Existing tire cord production affected source.	Emissions must not exceed 280 grams HAP per megagram (0.56 pounds per ton) of fabric processed at the tire cord production affected source.
2. Option 1.b (production-based option)—New or reconstructed tire cord production affected source.	Emissions must not exceed 220 grams HAP per megagram (0.43 pounds per ton) of fabric processed at the tire cord production affected source.
3. Option 2 (HAP constituent option)—Existing, new or reconstructed tire cord production affected source.	a. Emissions of each HAP in table 16 to this subpart must not exceed 1,000 grams HAP per megagram (2 pounds per ton) of total coatings used at the tire cord production affected source, and b. Emissions of each HAP not in table 16 to this subpart must not exceed 10,000 grams HAP per megagram (20 pounds per ton) of total coatings used at the tire cord production affected source.

Table 3 to Subpart XXXX of Part 63—Emission Limits for Puncture Sealant Application Affected Sources

As stated in § 63.5988(a), you must comply with the emission limits for puncture sealant application affected sources in the following table:

For each . . .	You must meet the following emission limit.
1. Option 1.a (percent reduction option)—Existing puncture sealant application spray booth.	Reduce spray booth HAP (measured as volatile organic compounds (VOC)) emissions by at least 86 percent by weight.
2. Option 1.b (percent reduction option)—New or reconstructed puncture sealant application spray booth.	Reduce spray booth HAP (measured as VOC) emissions by at least 95 percent by weight.
3. Option 2 (HAP constituent option) Existing, new or reconstructed puncture sealant application spray booth.	a. Emissions of each HAP in table 16 to this subpart must not exceed 1,000 grams HAP per megagram (2 pounds per ton) of total puncture sealants used at the puncture sealant affected source, and b. Emissions of each HAP not in table 16 to this subpart must not exceed 10,000 grams HAP per megagram (20 pounds per ton) of total puncture sealants used at the puncture sealant affected source.

Table 4 to Subpart XXXX of Part 63—Operating Limits for Puncture Sealant Application Control Devices

As stated in § 63.5988(b), you must comply with the operating limits for puncture sealant application affected sources in the following table unless you are meeting option 2 (HAP constituent option) limits in table 3 to this subpart:

For each . . .	You must . . .
1. Thermal oxidizer to which puncture sealant application spray booth emissions are ducted.	Maintain the daily average firebox secondary chamber temperature within the operating range established during the performance test.
2. Carbon adsorber (regenerative) to which puncture sealant application spray booth emissions are ducted.	a. Maintain the total regeneration mass, volumetric flow, and carbon bed temperature at the operating range established during the performance test. b. Reestablish the carbon bed temperature to the levels established during the performance test within 15 minutes of each cooling cycle.

For each . . .	You must . . .
3. Other type of control device to which puncture sealant application spray booth emissions are ducted.	Maintain your operating parameter(s) within the range(s) established during the performance test and according to your monitoring plan.
4. Permanent total enclosure capture system	a. Maintain the face velocity across any NDO at least at the levels established during the performance test. b. Maintain the size of NDO, the number of NDO, and their proximity to HAP emission sources consistent with the parameters established during the performance test.
5. Other capture system	Maintain the operating parameters within the range(s) established during the performance test and according to your monitoring plan.

Table 5 to Subpart XXXX of Part 63—Requirements for Performance Tests

As stated in § 63.5993, you must comply with the requirements for performance tests in the following table:

If you are using . . .	You must . . .	Using . . .	According to the following requirements . . .
1. A thermal oxidizer	a. Measure total HAP emissions, determine destruction efficiency of the control device, and establish a site-specific firebox secondary chamber temperature limit at which the emission limit that applies to the affected source is achieved.	i. Method 25 or 25A performance test and data from the temperature monitoring system.	(1). Measure total HAP emissions and determine the destruction efficiency of the control device using Method 25 (40 CFR part 60, appendix A–7). You may use Method 25A (40 CFR part 60, appendix A–7) if: an exhaust gas volatile organic matter concentration of 50 parts per million (ppmv) or less is required to comply with the standard; the volatile organic matter concentration at the inlet to the control system and the required level of control are such that exhaust volatile organic matter concentrations are 50 ppmv or less; or because of the high efficiency of the control device exhaust, is 50 ppmv or less, regardless of the inlet concentration. (2). Collect firebox secondary chamber temperature data every 15 minutes during the entire period of the initial 3-hour performance test, and determine the average firebox temperature over the 3-hour performance test by computing the average of all of the 15-minute reading.
2. A carbon adsorber (regenerative).	a. Measure total organic HAP emissions, establish the total regeneration mass or volumetric flow, and establish the temperature of the carbon bed within 15 minutes of completing any cooling cycles. The total regeneration mass, volumetric flow, and carbon bed temperature must be those at which the emission limit that applies to the affected source is achieved.	i. Method 25 or Method 25A performance test and data from the carbon bed temperature monitoring device.	(1). Measure total HAP emissions using Method 25. You may use Method 25A, if an exhaust gas volatile organic matter concentration of 50 ppmv or less; or because of the high efficiency of the control device, exhaust is 50 ppmv or less is required to comply with the standard; the volatile organic matter concentration (VOMC) at the inlet to the control system and the required level of control are such that exhaust VOMCs are 50 ppmv or less; or because of the high efficiency of the control device, exhaust is 50 ppmv or less, regardless of the inlet concentration. (2). Collect carbon bed total regeneration mass or volumetric flow for each carbon bed regeneration cycle during the performance test. (3). Record the maximum carbon bed temperature data for each carbon bed regeneration cycle during the performance test. (4). Record the carbon bed temperature within 15 minutes of each cooling cycle during the performance test. (5). Determine the average total regeneration mass or the volumetric flow over the 3-hour performance test by computing the average of all of the readings. (6). Determine the average maximum carbon bed temperature over the 3-hour performance test by computing the average of all of the readings. (7). Determine the average carbon bed temperature within 15 minutes of the cooling cycle over the 3-hour performance test.

If you are using . . .	You must . . .	Using . . .	According to the following requirements . . .
3. Any control device other than a thermal oxidizer or carbon adsorber.	Determine control device efficiency and establish operating parameter limits with which you will demonstrate continuous compliance with the emission limit that applies to the affected source.	EPA-approved methods and data from the continuous parameter monitoring system.	Conduct the performance test according to the site-specific plan submitted according to § 63.7(c)(2)(i).
4. All control devices	a. Select sampling ports' location and the number of traverse ports.	Method 1 or 1A of 40 CFR part 60, appendix A–1.	Locate sampling sites at the inlet and outlet of the control device and prior to any releases to the atmosphere.
	b. Determine velocity and volumetric flow rate.	Method 2, 2A, 2C, 2D, 2F, or 2G of 40 CFR part 60, appendix A–1 or A–2.	
	c. Conduct gas analysis	Method 3, 3A, or 3B of 40 CFR part 60 appendix A–2.	
	d. Measure moisture content of the stack gas.	Method 4 of 40 CFR part 60, appendix A–3.	
5. A permanent total enclosure (PTE).	Measure the face velocity across natural draft openings and document the design features of the enclosure.	Method 204 of CFR part 51, appendix M.	Capture efficiency is assumed to be 100 percent if the criteria are met.
6. Temporary total enclosure (TTE).	Construct a temporarily installed enclosure that allows you to determine the efficiency of your capture system and establish operating parameter limits.	Method 204 and the appropriate combination of Methods 204A–204F of 40 CFR part 51, appendix M.	

Table 6 to Subpart XXXX of Part 63—Initial Compliance With the Emission Limits for Tire Production Affected Sources

As stated in § 63.5996, you must show initial compliance with the emission limits for tire production affected sources according to the following table:

For . . .	For the following emission limit . . .	You have demonstrated initial compliance if . . .
1. Sources complying with the purchase compliance alternative in § 63.5985(a).	The HAP constituent option in table 1 to this subpart, option 1.	You demonstrate for each monthly period that no cements and solvents were purchased and used at the affected source containing HAP in amounts above the composition limits in table 1 to this subpart, option 1, determined according to the procedures in § 63.5994(a) and (b)(1).
2. Sources complying with the monthly average compliance alternative without using a control device in § 63.5985(b).	The HAP constituent option in table 1 to this subpart, option 1.	You demonstrate that the monthly average HAP emissions for each monthly operating period do not exceed the emission limits in table 1 to this subpart, option 1, determined according to the applicable procedures in § 63.5994(a) and (b)(2).
3. Sources complying with the monthly average compliance alternative using a control device in § 63.5985(c).	The HAP constituent option in table 1 to this subpart, option 1.	You demonstrate that the monthly average HAP emissions for each monthly operating period do not exceed the emission limits in table 1 to this subpart, option 1, determined according to the applicable procedures in § 63.5994(a), (b)(3) and (4), and (d) through (f).
4. Sources complying with the monthly average compliance alternative without use of a control device in § 63.5985(b).	The production-based option in table 1 to this subpart, option 2.	You demonstrate that the monthly average HAP emissions for each monthly operating period do not exceed the emission limits in table 1 to this subpart, option 2, determined according to the applicable procedures in § 63.5994(c)(1) through (3).
5. Sources complying with the monthly average compliance alternative using a control device in § 63.5985(c).	The production-based option in table 1 to this subpart, option 2.	You demonstrate that the monthly average HAP emissions for each monthly operating period do not exceed the emission limits in table 1 to this subpart, option 2, determined according to the applicable procedures in § 63.5994(c)(1) and (2), (4) and (5), and (d) through (f).

Table 7 to Subpart XXXX of Part 63—Initial Compliance With the Emission Limits for Tire Cord Production Affected Sources

As stated in § 63.5999, you must show initial compliance with the emission limits for tire cord production affected sources according to the following table:

For . . .	For the following emission limit . . .	You have demonstrated initial compliance if . . .
1. Sources complying with the monthly average alternative without using an add-on control device according to § 63.5987(a).	The production-based option in table 2 to this subpart, option 1.	You demonstrate that the monthly average HAP emissions for each monthly operating period do not exceed the emission limits in table 2 to this subpart, option 1, determined according to the procedures in § 63.5997(a), (b)(1) and (2).
2. Sources complying with the monthly average alternative using an add-on control device according to § 63.5987(b).	The production-based option in table 2 to this subpart, option 1.	You demonstrate that the monthly average HAP emissions for each monthly operating period do not exceed the emission limits in table 2 to this subpart, option 1, determined according to the procedures in § 63.5997(a), (b)(1) and (3) through (4), and (d) through (f).
3. Sources complying with the monthly average alternative without using an add-on control device according to § 63.5987(a).	The HAP constituent option in table 2 to this subpart, option 2.	You demonstrate that the monthly average HAP emissions for each monthly operating period do not exceed the HAP constituent emission limits in table 2 to this subpart, option 2, determined according to the applicable procedures in § 63.5997(a) and (c)(1) and (2).
4. Sources complying with the monthly average alternative using an add-on control device according to § 63.5987(b).	The HAP constituent option in table 2 to this subpart, option 2.	You demonstrate that the monthly average HAP emissions for each monthly operating period do not exceed the HAP constituent emission limits in table 2 to this subpart, option 2, determined according to the applicable procedures in § 63.5997(c)(1) and (3) through (4), and (d) through (f).

Table 8 to Subpart XXXX of Part 63—Initial Compliance With the Emission

As stated in § 63.6002, you must show initial compliance with the emission limits for puncture sealant application affected sources according to the following table:

For . . .	For the following emission limit . . .	You have demonstrated initial compliance if . . .
1. Sources complying with the overall control efficiency alternative in § 63.5989(a).	The percent reduction option in table 3 to this subpart, option 1.	You demonstrate that you conducted the performance tests, determined the overall efficiency of your control system, demonstrated that the applicable limits in table 3 to this subpart, option 1, have been achieved, and established the operating limits in table 4 of this subpart for your equipment according to the applicable procedures in § 63.6000(b).
2. Sources complying with the permanent total enclosure and control device efficiency alternative in § 63.5989(b).	The percent reduction option in table 3 to this subpart, option 1.	You demonstrate that you conducted the performance tests, determined the individual efficiencies of your capture and control systems, demonstrated that the applicable limits in table 3 to this subpart, option 1, have been achieved, and established the operating limits in table 4 of this subpart for your equipment according to the applicable procedures in § 63.6000(b).
3. Sources complying with the monthly average alternative in § 63.5989(c) without using an add-on control device.	The HAP constituent option in table 3 to this subpart, option 2.	You demonstrate that the monthly average HAP emissions for each monthly operating period do not exceed the HAP constituent emission limits in table 3 to this subpart, option 2, determined according to the applicable procedures in § 63.6000(c) and (d)(1).
4. Sources complying with the HAP constituent alternative in § 63.5989(d) by using an add-on control device.	The HAP constituent option in table 3 to this subpart, option 2.	You demonstrate that the monthly average HAP emissions for each monthly operating period do not exceed the HAP constituent emission limits in table 3 to this subpart, option 2, determined according to the applicable procedures in § 63.6000(c), (d)(2) and (3), and (e) through (f).

Table 9 to Subpart XXXX of Part 63—Minimum Data for Continuous Compliance With the Emission Limits for Tire Production Affected Sources

As stated in § 63.6003, you must maintain minimum data to show continuous compliance with the emission limits for tire production affected sources according to the following table:

For . . .	You must maintain . . .
1. Sources complying with purchase compliance alternative in § 63.5985(a) that are meeting the HAP constituent emission limit (option 1) in table 1 to this subpart.	a. A list of each cement and solvent as purchased and the manufacturer or supplier of each. b. A record of Method 311 (appendix A to this part), or approved alternative method, test results indicating the mass percent of each HAP for each cement and solvent as purchased.
2. Sources complying with the monthly average compliance alternative without using a control device according to § 63.5985(b) that are meeting emission limits in table 1 to this subpart.	a. A record of Method 311, or approved alternative method, test results, indicating the mass percent of each HAP for each cement and solvent, as purchased. b. The mass of each cement and solvent used each monthly operating period. c. The total mass of rubber used each monthly operating period (if complying with the production-based emission limit, option 2, in table 1 to this subpart). d. All data and calculations used to determine the monthly average mass percent for each HAP for each monthly operating period. e. Monthly averages of emissions in the appropriate emission limit format.
3. Sources complying with the monthly average compliance alternative using a control device according to § 63.5985(c) that are meeting emission limits in table 1 to this subpart.	a. The same information as sources complying with the monthly average alternative without using a control device. b. Records of operating parameter values for each operating parameter that applies to you.

Table 10 to Subpart XXXX of Part 63—Continuous Compliance With the Emission Limits for Tire Production Affected Sources

As stated in § 63.6004, you must show continuous compliance with the emission limits for tire production affected sources according to the following table:

For . . .	For the following emission limit . . .	You must demonstrate continuous compliance by . . .
1. Sources complying with purchase compliance alternative in § 63.5985(a).	The HAP constituent option in table 1 to this subpart, option 1.	Demonstrating for each monthly period that no cements and solvents were purchased and used at the affected source containing HAP in amounts above the composition limits in table 1 to this subpart, option 1, determined according to the procedures in § 63.5994(a) and (b)(1).
2. Sources complying with the monthly average compliance alternative without using a control device according to § 63.5985(b).	The HAP constituent option in table 1 to this subpart, option 1.	Demonstrating that the monthly average HAP emissions for each monthly operating period do not exceed the emission limits in table 1 to this subpart, option 1, determined according to the applicable procedures in § 63.5994(a) and (b)(2).
3. Sources complying with the monthly average compliance alternative using a control device according to § 63.5985(c).	The HAP constituent option in table 1 to this subpart, option 1.	Demonstrating that the monthly average HAP emissions for each monthly operating period do not exceed the emission limits in table 1 to this subpart, option 1, determined according to the applicable procedures in § 63.5994(a), (b)(3) and (4), and (d) through (f).
4. Sources complying with the monthly average compliance alternative without using a control device according to § 63.5985(b).	The production-based option in table 1 to this subpart, option 2.	Demonstrating that the monthly average HAP emissions for each monthly operating period do not exceed the emission limits in table 1 to this subpart, option 2, determined according to the applicable procedures in § 63.5994(c)(1) through (3).
5. Sources complying with the monthly average compliance alternative using a control device according to § 63.5985(c).	The production-based option in table 1 to this subpart, option 2.	Demonstrating that the monthly average HAP emissions for each monthly operating period do not exceed the emission limits in table 1 to this subpart, option 2, determined according to the applicable procedures in § 63.5994(c)(1) and (2), (4) and (5), and (d) through (f).

Table 11 to Subpart XXXX of Part 63—Minimum Data for Continuous Compliance With the Emission Limits for Tire Cord Production Affected Sources

As stated in § 63.6005, you must maintain minimum data to show continuous compliance with the emission limits for tire cord production affected sources according to the following table:

For . . .	You must maintain . . .
1. Sources complying with the monthly average alternative without using an add-on control device according to § 63.5987(a) that are meeting emission limits in table 2 to this subpart.	a. A record of Method 311 (appendix A to this part), or approved alternative method, test results, indicating the mass percent of each HAP for coating used. b. The mass of each coating used each monthly operating period. c. The total mass of fabric processed each monthly operating period (if complying with the production-based option in table 2 to this subpart, option 1). d. All data and calculations used to determine the monthly average mass percent for each HAP for each monthly operating period. e. Monthly averages of emissions in the appropriate emission limit format.
2. Sources complying with the monthly average alternative using an add-on control device according to § 63.5987(b) that are meeting emission limits in table 2 to this subpart.	a. The same information as sources complying with the monthly average alternative without using a control device. b. Records of operating parameter values for each operating parameter that applies to you.

Table 12 to Subpart XXXX of Part 63—Continuous Compliance With the Emission Limits for Tire Cord Production Affected Sources

As stated in § 63.6006, you must show continuous compliance with the emission limits for tire cord production affected sources according to the following table:

For . . .	For the following emission limit . . .	You must demonstrate continuous compliance by . . .
1. Sources complying with the monthly average compliance alternative without using an add-on control device according to § 63.5987(a).	In table 2 to this subpart	a. Demonstrating that the monthly average HAP emissions for each monthly operating period do not exceed the emission limits in table 2 to this subpart, option 1, determined according to the applicable procedures in § 63.5997(a) and (b)(1) and (2). b. Demonstrating that the monthly average HAP emissions for each monthly operating period do not exceed the HAP constituent emission limits in table 2 to this subpart, option 2, determined according to the applicable procedures in § 63.5997(a) and (c)(1) and (2).
2. Sources complying with the monthly average compliance alternative using an add-on control device according to § 63.5987(b).	In table 2 to this subpart	a. Demonstrating that the monthly average HAP emissions for each monthly operating period do not exceed the emission limits in table 2 to this subpart, option 1, determined according to the applicable procedures in § 63.5997(a), (b)(1) and (3) through (4), and (d) through (f). b. Demonstrating that the monthly HAP emissions for each monthly operating period do not exceed the HAP constituent emission limits in table 2 to this subpart, option 2, determined according to the applicable procedures in § 63.5997(c)(1) and (3) through (4), and (d) through (f).

Table 13 to Subpart XXXX of Part 63—Minimum Data for Continuous Compliance With the Emission Limitations for Puncture Sealant Application Affected Sources

As stated in § 63.6007, you must maintain minimum data to show continuous compliance with the emission limitations for puncture sealant application affected sources according to the following table:

For . . .	You must maintain . . .
1. Sources complying with the control efficiency alternatives in § 63.5989(a) or (b) that are meeting the percent reduction emission limits in table 3 to this subpart, option 1, using a thermal oxidizer to reduce HAP emissions so that they do not exceed the operating limits in table 4 to this subpart.	Records of the secondary chamber firebox temperature for 100 percent of the hours during which the process was operated.
2. Sources complying with the control efficiency alternatives in § 63.5989(a) or (b) that are meeting the percent reduction emission limits in table 3 to this subpart, option 1, using a carbon adsorber to reduce HAP emissions so that they do not exceed the operating limits in table 4 to this subpart.	Records of the total regeneration stream mass or volumetric flow for each regeneration cycle for 100 percent of the hours during which the process was operated, and a record of the carbon bed temperature after each regeneration, and within 15 minutes of completing any cooling cycle for 100 percent of the hours during which the process was operated.

For . . .	You must maintain . . .
3. Sources complying with the control efficiency alternatives in § 63.5989(a) or (b) that are meeting the percent reduction emission limits in table 3 to this subpart, option 1, using any other type of control device to which puncture sealant application spray booth HAP emissions are ducted so that they do not exceed the operating limits in table 4 to this subpart.	Records of operating parameter values for each operating parameter that applies to you.
4. Sources complying with the permanent total enclosure compliance alternative in § 63.5989(b) that are meeting the percent reduction emission limits in table 3 to this subpart, option 1, using a permanent total enclosure capture system to capture HAP emissions so that they do not exceed the operating limits in table 4 to this subpart.	Records of the face velocity across any NDO, the size of NDO, the number of NDO, and their proximity to HAP emission sources.
5. Sources complying with the overall control efficiency alternative in § 63.5989(a) that are meeting the percent reduction emission limits in table 3 to this subpart, option 1, using any other capture system to capture HAP emissions so that they do not exceed the operating limits in table 4 to this subpart.	Records of operating parameter values for each operating parameter that applies to you.
6. Sources complying with the monthly average alternative without using an add-on control device according to § 63.5988(a) that are meeting the HAP constituent emission limits in table 3 to this subpart, option 2.	a. A record of Method 311 (appendix A to this part), or approved alternative method, test results, indicating the mass percent of each HAP for puncture sealant used. b. The mass of each puncture sealant used each monthly operating period. c. All data and calculations used to determine the monthly average mass percent for each HAP for each monthly operating period. d. Monthly averages of emissions in the appropriate emission limit format.
7. Sources complying with the monthly average alternative using an add-on control device according to § 63.5988(a) that are meeting the HAP constituent emission limits in table 3 to this subpart, option 2.	a. The same information as sources complying with the monthly average alternative that are not using a control device. b. Records of operating parameter values for each operating parameter that applies to you.

Table 14 to Subpart XXXX of Part 63—Continuous Compliance With the Emission Limitations for Puncture Sealant Application Affected Sources

As stated in § 63.6008, you must show continuous compliance with the emission limitations for puncture sealant application affected sources according to the following table:

For . . .	You must demonstrate continuous compliance by . . .
1. Each carbon adsorber used to comply with the operating limits in table 4 to this subpart.	a. Monitoring and recording every 15 minutes the total regeneration stream mass or volumetric flow, and the carbon bed temperature after each regeneration, and within 15 minutes of completing any cooling cycle, and b. Maintaining the total regeneration stream mass or volumetric flow, and the carbon bed temperature after each regeneration, and within 15 minutes of completing any cooling cycle within the operating levels established during your performance test.
2. Each thermal oxidizer used to comply with operating limits in table 4 to this subpart.	a. Continuously monitoring and recording the firebox temperature every 15 minutes, and b. Maintaining the daily average firebox temperature within the operating level established during your performance test.
3. Other ''add-on'' control or capture system hardware used to comply with the operating limits in table 4 to this subpart.	Continuously monitoring and recording specified parameters identified through compliance testing and identified in the Notification of Compliance Status report.
4. Sources complying with the monthly average compliance alternative without using an add-on control device according to § 63.5989(c) that are meeting the HAP constituent emission limits in table 3 to this subpart, option 2.	Demonstrating that the monthly average HAP emissions for each monthly operating period do not exceed the HAP constituent emission limits in table 3 to this subpart, option 2, determined according to the applicable procedures in § 63.6000(c) and (d)(1).
5. Sources complying with the monthly average compliance alternative by using an add-on control device according to § 63.5989(d) that are the HAP constituent emission limits in table 3 to this subpart, option 2.	Demonstrating that the monthly average HAP emissions for each monthly operating period do not exceed the HAP constituent emission limits in table 3 to this subpart, option 2, determined according to the applicable procedures in § 63.6000(c), (d)(2) and (3), and (e) through (g).

Table 15 to Subpart XXXX of Part 63—Requirements for Reports

As stated in § 63.6010, you must submit each report that applies to you according to the following table:

You must submit a(n)	The report must contain . . .	You must submit the report . . .
1. Compliance report	a. If there are no deviations from any emission limitations that apply to you, a statement that there were no deviations from the emission limitations during the reporting period. If there were no periods during which the CPMS was out-of-control as specified in § 63.8(c)(7), a statement that there were no periods during which the CPMS was out-of-control during the reporting period.	Semiannually according to the requirements in § 63.6010(b), unless you meet the requirements for annual reporting in § 63.6010(f).
	b. If you have a deviation from any emission limitation during the reporting period at an affected source where you are not using a CPMS, the report must contain the information in § 63.6010(d). If the deviation occurred at a source where you are using a CMPS or if there were periods during which the CPMS were out-of-control as specified in § 63.8(c)(7), the report must contain the information required by § 63.5990(f)(3).	Semiannually according to the requirements in § 63.6010(b), unless you meet the requirements for annual reporting in § 63.6010(f).
	c. Before January 21, 2021, If you had a start-up, shutdown, and malfunction during the reporting period and you took actions consistent with your startup, shutdown, and malfunction plan, the compliance report must include the information in § 63.10(d)(5)(i). After January 20, 2021, this information is no longer required.	Before January 21, 2021, semiannually according to the requirements in § 63.6010(b), unless you meet the requirements for annual reporting in § 63.6010(f). After January 20, 2021, this information is no longer required.
2. Before January 21, 2021, immediate startup, shutdown, and malfunction report if you had a startup, shutdown, and malfunction during the reporting period that is not consistent with your startup, shutdown, and malfunction plan. After January 20, 2021, this report is no longer required.	a. Before January 21, 2021, actions taken for the event. After January 20, 2021, this report is no longer required.	Before January 21, 2021, by fax or telephone within 2 working days after starting actions inconsistent with the plan. After January 20, 2021, this report is no longer required.
	b. Before January 21, 2021, the information in § 63.10(d)(5)(ii). After January 20, 2021, this report is no longer required.	Before January 21, 2021, by letter within 7 working days after the end of the event unless you have made alternative arrangements with the permitting authority (§ 63.10(d)(5)(ii)). After January 20, 2021, this report is no longer required.
3. Performance Test Report	If you use a control system (add-on control device and capture system) to meet the emission limitations.	Conduct a performance test at least once every 5 years following your initial compliance demonstration according to the requirements in § 63.5993.

Table 16 to Subpart XXXX of Part 63—Selected Hazardous Air Pollutants

You must use the information listed in the following table to determine which emission limit in the HAP constituent options in tables 1 through 3 to this subpart is applicable to you:

CAS No.	Selected hazardous air pollutants
50000	Formaldehyde.
51796	Ethyl carbamate (Urethane).
53963	2-Acetylaminofluorene.
56235	Carbon tetrachloride.
57147	1,1-Dimethyl hydrazine.
57578	beta-Propiolactone.
58899	Lindane (all isomers).
59892	N-Nitrosomorpholine.
60117	Dimethyl aminoazobenzene.
62759	N-Nitrosodimethylamine.
64675	Diethyl sulfate.
67663	Chloroform.

CAS No.	Selected hazardous air pollutants
67721	Hexachloroethane.
71432	Benzene (including benzene from gasoline).
75014	Vinyl chloride.
75070	Acetaldehyde.
75092	Methylene chloride (Dichloromethane).
75218	Ethylene oxide.
75558	1,2-Propylenimine (2-Methyl aziridine).
75569	Propylene oxide.
77781	Dimethyl sulfate.
79061	Acrylamide.
79447	Dimethyl carbamoyl chloride.
79469	2-Nitropropane.
88062	2,4,6-Trichlorophenol.
91941	3,3-Dichlorobenzidene.
92671	4-Aminobiphenyl.
92875	Benzidine.
95534	o-Toluidine.
95807	2,4-Toluene diamine.
96128	1,2-Dibromo-3-chloropropane.
96457	Ethylene thiourea.
98077	Benzotrichloride.
101144	4,4-Methylene bis(2-chloroaniline).
101779	4,4-Methylenedianiline.
106467	1,4-Dichlorobenzene(p).
106898	Epichlorohydrin (l-Chloro-2,3-epoxypropane).
106934	Ethylene dibromide (Dibromoethane).
106990	1,3-Butadiene.
107062	Ethylene dichloride (1,2-Dichloroethane).
107131	Acrylonitrile.
107302	Chloromethyl methyl ether.
117817	Bis(2-ethylhexyl)phthalate (DEHP).
118741	Hexachlorobenzene.
119904	3,3-Dimethoxybenzidine.
119937	3,3-Dimethyl benzidine.
122667	1,2-Diphenylhydrazine.
123911	1,4-Dioxane (1,4-Diethyleneoxide).
127184	Tetrachloroethylene (Perchloroethylene).
140885	Ethyl acrylate.
302012	Hydrazine.
542756	1,3-Dichloropropene.
542881	Bis(chloromethyl)ether.
680319	Hexamethylphosphoramide.
684935	N-Nitroso-N-methylurea.
1120714	1,3-Propane sultone.
1332214	Asbestos.
1336363	Polychlorinated biphenyls (Aroclors).
1746016	2,3,7,8-Tetrachlorodibenzo-p-dioxin.
8001352	Toxaphene (chlorinated camphene).
	Arsenic Compounds.
	Chromium Compounds.
	Coke Oven Emissions.

Table 17 to Subpart XXXX of Part 63—Applicability of General Provisions to This Subpart XXXX

Before January 21, 2021, as stated in § 63.6013, you must comply with the applicable General Provisions (GP) requirements according to the following table:

Citation	Subject	Brief description of applicable sections	Applicable to Subpart XXXX?	
			Using a control device	Not using a control device
§ 63.1	Applicability	Initial applicability determination; applicability after standard established; permit requirements; extensions; notifications.	Yes	Yes.
§ 63.2	Definitions	Definitions for part 63 standards	Yes	Yes.
§ 63.3	Units and Abbreviations	Units and abbreviations for part 63 standards	Yes	Yes.
§ 63.4	Prohibited Activities	Prohibited activities; compliance date; circumvention; severability.	Yes	Yes.
§ 63.5	Construction/Reconstruction	Applicability; applications; approvals	Yes	Yes.
§ 63.6(a)	Applicability	GP apply unless compliance extension; GP apply to area sources that become major.	Yes	Yes.

Citation	Subject	Brief description of applicable sections	Applicable to Subpart XXXX?	
			Using a control device	Not using a control device
§ 63.6(b)(1)–(4) ..	Compliance Dates for New and Reconstructed Sources.	Standards apply at effective date; 3 years after effective date; upon startup; 10 years after construction or reconstruction commences for CAA section 112(f).	Yes	Yes.
§ 63.6(b)(5)	Notification	Must notify if commenced construction or reconstruction after proposal.	Yes	Yes.
§ 63.6(b)(6)	[Reserved].			
§ 63.6(b)(7)	Compliance Dates for New and Reconstructed Area Sources that Become Major.		No	No.
§ 63.6(c)(1)–(2) ..	Compliance Dates for Existing Sources.	Comply according to date in subpart, which must be no later than 3 years after effective date; for CAA section 112(f) standards, comply within 90 days of effective date unless compliance extension.	Yes	Yes.
§ 63.6(c)(3)–(4) ..	[Reserved].			
§ 63.6(c)(5)	Compliance Dates for Existing Area Sources that Become Major.	Area sources that become major must comply with major source standards by date indicated in subpart or by equivalent time period (for example, 3 years).	Yes	Yes.
§ 63.6(d)	[Reserved].			
§ 63.6(e)(1)–(2) ..	Operation & Maintenance	Operate to minimize emissions at all times; correct malfunctions as soon as practicable; and operation and maintenance requirements independently enforceable; information Administrator will use to determine if operation and maintenance requirements were met.	Yes	Yes.
§ 63.6(e)(3)	Startup, Shutdown, and Malfunction Plan.		Yes	No.
§ 63.6(f)(1)	Compliance Except During Startup, Shutdown, and Malfunction.		No. *See* § 63.5990(a)	No.
§ 63.6(f)(2)–(3) ...	Methods for Determining Compliance.	Compliance based on performance test; operation and maintenance plans; records; inspection.	Yes	Yes.
§ 63.6(g)(1)–(3) ..	Alternative Standard	Procedures for getting an alternative standard	Yes	Yes.
§ 63.6(h)	Opacity/Visible Emission (VE) Standards.		No	No.
§ 63.6(i)	Compliance Extension	Procedures and criteria for Administrator to grant compliance extension.	Yes	Yes.
§ 63.6(j)	Presidential Compliance Exemption.	President may exempt source category from requirement to comply with rule.	Yes	Yes.
§ 63.7(a)(1)–(2) ..	Performance Test Dates		No	No.
§ 63.7(a)(3)	CAA section 114 Authority	Administrator may require a performance test under CAA section 114 at any time.	Yes	No.
§ 63.7(b)(1)	Notification of Performance Test ...	Must notify Administrator 60 days before the test	Yes	No.
§ 63.7(b)(2)	Notification of Rescheduling	If rescheduling a performance test is necessary, must notify Administrator 5 days before scheduled date of rescheduled date.	Yes	No.
§ 63.7(c)	Quality Assurance/Test Plan	Requirement to submit site-specific test plan 60 days before the test or on date Administrator agrees with: test plan approval procedures; performance audit requirements; and internal and external quality assurance procedures for testing.	Yes	No.
§ 63.7(d)	Testing Facilities	Requirements for testing facilities	Yes	No.
§ 63.7(e)(1)	Conditions for Conducting Performance Tests.	Performance tests must be conducted under representative conditions; cannot conduct performance tests during startup, shutdown, and malfunction; not a violation to exceed standard during startup, shutdown, and malfunction.	Yes	No.
§ 63.7(e)(2)	Conditions for Conducting Performance Tests.	Must conduct according to rule and the EPA test methods unless Administrator approves alternative.	Yes	No.
§ 63.7(e)(3)	Test Run Duration	Must have three test runs of at least 1 hour each; compliance is based on arithmetic mean of three runs; and conditions when data from an additional test run can be used.	Yes	No.
§ 63.7(f)	Alternative Test Method	Procedures by which Administrator can grant approval to use an alternative test method.	Yes	No.
§ 63.7(g)	Performance Test Data Analysis ...	Must include raw data in performance test report; must submit performance test data 60 days after end of test with the Notification of Compliance Status report; and keep data for 5 years.	Yes	No.
§ 63.7(h)	Waiver of Tests	Procedures for Administrator to waive performance test.	Yes	No.
§ 63.8(a)(1)	Applicability of Monitoring Requirements.	Subject to all monitoring requirements in standard ...	Yes	Yes.
§ 63.8(a)(2)	Performance Specifications	Performance Specifications in appendix B to 40 CFR part 60 apply.	Yes	No.
§ 63.8(a)(3)	[Reserved].			
§ 63.8(a)(4)	Monitoring with Flares		No	No.
§ 63.8(b)(1)	Monitoring	Must conduct monitoring according to standard unless Administrator approves alternative.	Yes	Yes.

Citation	Subject	Brief description of applicable sections	Applicable to Subpart XXXX?	
			Using a control device	Not using a control device
§ 63.8(b)(2)–(3) ..	Multiple Effluents and Multiple Monitoring Systems.	Specific requirements for installing monitoring systems; must install on each effluent before it is combined and before it is released to the atmosphere unless Administrator approves otherwise; if more than one monitoring system on an emission point, must report all monitoring system results, unless one monitoring system is a backup.	Yes	Yes.
§ 63.8(c)(1)	Monitoring System Operation and Maintenance.	Maintain monitoring system in a manner consistent with good air pollution control practices.	Applies as modified by § 63.5990(e) and (f).	No.
§ 63.8(c)(1)(i)	Routine and Predictable Startup, Shutdown, and Malfunction.		No	No.
§ 63.8(c)(1)(ii)	Startup, Shutdown, and Malfunction not in Startup, Shutdown, and Malfunction Plan.		No	No.
§ 63.8(c)(1)(iii)	Compliance with Operation and Maintenance Requirements.	How Administrator determines if source complying with operation and maintenance requirements; review of source operation and maintenance procedures, records, manufacturer's instructions, recommendations, and inspection of monitoring system.	Yes	Yes.
§ 63.8(c)(2)–(3) ..	Monitoring System Installation	Must install to get representative emission and parameter measurements; must verify operational status before or at performance test.	Yes	No.
§ 63.8(c)(4)	CMS Requirements		Applies as modified by § 63.5990(f)	No.
§ 63.8(c)(5)	Continuous Opacity Monitoring Systems Minimum Procedures.		No	No.
§ 63.8(c)(6)	CMS Requirements		Applies as modified by § 63.5990(e).	No.
§ 63.8(c)(7)–(8) ..	CMS Requirements	Out-of-control periods, including reporting	Yes	No.
§ 63.8(d)	CMS Quality Control		Applies as modified by § 63.5990(e) and (f).	No.
§ 63.8(e)	CMS Performance Evaluation		No	No.
§ 63.8(f)(1)–(5) ...	Alternative Monitoring Method	Procedures for Administrator to approve alternative monitoring.	Yes	Yes.
§ 63.8(f)(6)	Alternative to Relative Accuracy Test.		No	No.
§ 63.8(g)	Data Reduction		Applies as modified by § 63.5990(f)	No.
§ 63.9(a)	Notification Requirements	Applicability and State delegation	Yes	Yes.
§ 63.9(b)(1)–(5) ..	Initial Notifications	Submit notification 120 days after effective date; notification of intent to construct/reconstruct, notification of commencement of construct/reconstruct, notification of startup; and contents of each.	Yes	Yes.
§ 63.9(c)	Request for Compliance Extension	Can request if cannot comply by date or if installed best available control technology or lowest achievable emission rate.	Yes	Yes.
§ 63.9(d)	Notification of Special Compliance Requirements for New Source.	For sources that commence construction between proposal and promulgation and want to comply 3 years after effective date.	Yes	Yes.
§ 63.9(e)	Notification of Performance Test ...	Notify Administrator 60 days prior	Yes	No.
§ 63.9(f)	Notification of VE/Opacity Test	No	No	
§ 63.9(g)	Additional Notifications When Using CMS.	No	No	
§ 63.9(h)	Notification of Compliance Status ..	Contents; due 60 days after end of performance test or other compliance demonstration, except for opacity/VE, which are due 30 days after; when to submit to Federal vs. State authority.	Yes	Yes.
§ 63.9(i)	Adjustment of Submittal Deadlines	Procedures for Administrator to approve change in when notifications must be submitted.	Yes	Yes.
§ 63.9(j)	Change in Previous Information	Must submit within 15 days after the change	Yes	Yes.
§ 63.9(k)	Notification	Electronic reporting procedures.	Yes, as specified in §§ 63.9 (j).	Yes, as specified in §§ 63.9 (j).
§ 63.10(a)	Recordkeeping/Reporting	Applies to all, unless compliance extension; when to submit to Federal vs. State authority; procedures for owners of more than 1 source.	Yes	Yes.
§ 63.10(b)(1)	Recordkeeping/Reporting	General Requirements; keep all records readily available; and keep for 5 years..	Yes	Yes.
§ 63.10(b)(2)(i)–(iv).	Records related to Startup, Shutdown, and Malfunction.	Yes	No	
§ 63.10(b)(2)(vi) and (x)–(xi).	CMS Records	Malfunctions, inoperative, out-of-control; calibration checks; adjustments, maintenance.	Yes	No.
§ 63.10(b) ..... (2)(vii)–(ix)	Records	Measurements to demonstrate compliance with emission limitations; -performance test, performance evaluation, and VE observation results; and measurements to determine conditions of performance tests and performance evaluations.	Yes	Yes.
§ 63.10(b)(2)(xii)	Records	Records when under waiver	Yes	Yes.
§ 63.10(b)(2)(xiii)	Records		No	No.
§ 63.10(b)(2)(xiv)	Records	All documentation supporting Initial Notification and Notification of Compliance Status.	Yes	Yes.
§ 63.10(b)(3)	Records	Applicability determinations	Yes	Yes.

Citation	Subject	Brief description of applicable sections	Applicable to Subpart XXXX?	
			Using a control device	Not using a control device
§ 63.10(c)	Records		No	No.
§ 63.10(d)(1)	General Reporting Requirements	Requirement to report	Yes	Yes.
§ 63.10(d)(2)	Report of Performance Test Results.	When to submit to Federal or State authority	Yes	No.
§ 63.10(d)(3)	Reporting Opacity or VE Observations.		No	No.
§ 63.10(d)(4)	Progress Reports	Must submit progress reports on schedule if under compliance extension.	Yes	Yes.
§ 63.10(d)(5)	Startup, Shutdown, and Malfunction Reports.		Yes	No.
§ 63.10(e)	Additional CMS Reports		No	No.
§ 63.10(f)	Waiver for Recordkeeping/Reporting.	Procedures for Administrator to waive	Yes	Yes.
§ 63.11	Flares		No	No.
§ 63.12	Delegation	State authority to enforce standards	Yes	Yes.
§ 63.13	Addresses	Addresses where reports, notifications, and requests are sent.	Yes	Yes.
§ 63.14	Incorporation by Reference	Test methods incorporated by reference	Yes	Yes.
§ 63.15	Availability of Information	Public and confidential information	Yes	Yes.

After January 20, 2021, as stated in § 63.6013, you must comply with the applicable General Provisions (GP) requirements according to the following table:

Citation	Subject	Brief description of applicable sections	Applicable to Subpart XXXX?	
			Using a control device	Not using a control device
§ 63.1	Applicability	Initial applicability determination; applicability after standard established; permit requirements; extensions; notifications.	Yes	Yes.
§ 63.2	Definitions	Definitions for part 63 standards	Yes	Yes.
§ 63.3	Units and Abbreviations	Units and abbreviations for part 63 standards	Yes	Yes.
§ 63.4	Prohibited Activities	Prohibited activities; compliance date; circumvention; severability.	Yes	Yes.
§ 63.5	Construction/Reconstruction	Applicability; applications; approvals	Yes	Yes.
§ 63.6(a)	Applicability	GP apply unless compliance extension; GP apply to area sources that become major.	Yes	Yes.
§ 63.6(b) (1)–(4)	Compliance Dates for New and Reconstructed Sources.	Standards apply at effective date; 3 years after effective date; upon startup; 10 years after construction or reconstruction commences for CAA section 112(f).	Yes	Yes.
§ 63.6(b)(5)	Notification	Must notify if commenced construction or reconstruction after proposal.	Yes	Yes.
§ 63.6(b)(6)	[Reserved].			
§ 63.6(b)(7)	Compliance Dates for New and Reconstructed Area Sources that Become Major.		No	No.
§ 63.6(c) (1)–(2)	Compliance Dates for Existing Sources.	Comply according to date in subpart, which must be no later than 3 years after effective date; for CAA section 112(f) standards, comply within 90 days of effective date unless compliance extension.	Yes	Yes.
§ 63.6(c) (3)–(4)	[Reserved].			
§ 63.6(c)(5)	Compliance Dates for Existing Area Sources that Become Major.	Area sources that become major must comply with major source standards by date indicated in subpart or by equivalent time period (for example, 3 years).	Yes	Yes.
§ 63.6(d)	[Reserved].			
§ 63.6(e)(1) (i)–(ii)	Operations and Maintenance		No	No.
§ 63.6(e)(1) (iii)–(2)	Operation and Maintenance	Operate to minimize emissions at all times; correct malfunctions as soon as practicable; and operation and maintenance requirements independently enforceable; information Administrator will use to determine if operation and maintenance requirements were met.	Yes	Yes.
§ 63.6(e)(3)	Startup, Shutdown, and Malfunction Plan.		No	No.
§ 63.6(f)(1)	Startup, Shutdown, and Malfunction Exemption.		No. *See* § 63.5990(a)	No.
§ 63.6(f)(2)–(3)	Methods for Determining Compliance.	Compliance based on performance test; operation and maintenance plans; records; inspection.	Yes	Yes.
§ 63.6(g) (1)–(3)	Alternative Standard	Procedures for getting an alternative standard	Yes	Yes.
§ 63.6(h)	Opacity/Visible Emissions (VE) Standards.		No	No.

Citation	Subject	Brief description of applicable sections	Applicable to Subpart XXXX?	
			Using a control device	Not using a control device
§ 63.6(i)	Compliance Extension	Procedures and criteria for Administrator to grant compliance extension.	Yes	Yes.
§ 63.6(j)	Presidential Compliance Exemption.	President may exempt source category from requirement to comply with rule.	Yes	Yes.
§ 63.7(a) (1)–(2)	Performance Test Dates		No	No.
§ 63.7(a)(3)	CAA section 114 Authority	Administrator may require a performance test under CAA section 114 at any time.	Yes	No.
§ 63.7(b)(1)	Notification of Performance Test	Must notify Administrator 60 days before the test	Yes	No.
§ 63.7(b)(2)	Notification of Rescheduling	If rescheduling a performance test is necessary, must notify Administrator 5 days before scheduled date of rescheduled date.	Yes	No.
§ 63.7(c)	Quality Assurance/Test Plan	Requirement to submit site-specific test plan 60 days before the test or on date Administrator agrees with: test plan approval procedures; performance audit requirements; and internal and external quality assurance procedures for testing.	Yes	No.
§ 63.7(d)	Testing Facilities	Requirements for testing facilities	Yes	No.
§ 63.7(e)(1)	Conditions for Conducting Performance Tests.	Performance tests must be conducted under representative conditions; cannot conduct performance tests during startup, shutdown, and malfunction.	No	No.
§ 63.7(e)(2)	Conditions for Conducting Performance Tests.	Must conduct according to rule and the EPA test methods unless Administrator approves alternative.	Yes	No.
§ 63.7(e)(3)	Test Run Duration	Must have three test runs of at least 1 hour each; compliance is based on arithmetic mean of three runs; and conditions when data from an additional test run can be used.	Yes	No.
§ 63.7(f)	Alternative Test Method	Procedures by which Administrator can grant approval to use an alternative test method.	Yes	No.
§ 63.7(g)	Performance Test Data Analysis	Must include raw data in performance test report; must submit performance test data 60 days after end of test with the Notification of Compliance Status report; and keep data for 5 years.	Yes	No.
§ 63.7(h)	Waiver of Tests	Procedures for Administrator to waive performance test.	Yes	No.
§ 63.8(a)(1)	Applicability of Monitoring Requirements.	Subject to all monitoring requirements in standard	Yes	Yes.
§ 63.8(a)(2)	Performance Specifications	Performance Specifications in appendix B to 40 CFR part 60 apply.	Yes	No.
§ 63.8(a)(3)	[Reserved].			
§ 63.8(a)(4)	Monitoring with Flares		No	No.
§ 63.8(b)(1)	Monitoring	Must conduct monitoring according to standard unless Administrator approves alternative.	Yes	Yes.
§ 63.8(b) (2)–(3)	Multiple Effluents and Multiple Monitoring Systems.	Specific requirements for installing monitoring systems; must install on each effluent before it is combined and before it is released to the atmosphere unless Administrator approves otherwise; if more than one monitoring system on an emission point, must report all monitoring system results, unless one monitoring system is a backup.	Yes	Yes.
§ 63.8(c)(1)	Monitoring System Operation and Maintenance.	Maintain monitoring system in a manner consistent with good air pollution control practices.	Applies as modified by § 63.5990(e) and (f).	No.
§ 63.8(c) (1)(i)	Routine and Predictable Startup, Shutdown, and Malfunction.		No	No.
§ 63.8(c) (1)(ii)	Startup, Shutdown, and Malfunction not in Startup, Shutdown, and Malfunction Plan.		No	No.
§ 63.8(c) (1)(iii)	Compliance with Operation and Maintenance Requirements.	How the Administrator determines if source complying with operation and maintenance requirements; review of source operation and maintenance procedures, records, manufacturer's instructions, recommendations, and inspection of monitoring system.	No	No.
§ 63.8(c) (2)–(3)	Monitoring System Installation	Must install to get representative emission and parameter measurements; must verify operational status before or at performance test.	Yes	No.
§ 63.8(c)(4)	CMS Requirements		Applies as modified by § 63.5990(f)	No.
§ 63.8(c)(5)	Continuous Opacity Monitoring Systems Minimum Procedures.		No	No.
§ 63.8(c)(6)	CMS Requirements		Applies as modified by § 63.5990(e).	No.
§ 63.8(c) (7)–(8)	CMS Requirements	Out-of-control periods, including reporting	Yes	No.
§ 63.8(d)	CMS Quality Control		Applies as modified by § 63.5990(e) and (f).	No.
§ 63.8(d)(3)	Written Procedures for CMS		No	No.
§ 63.8(e)	CMS Performance Evaluation		No	No.
§ 63.8(f) (1)–(5)	Alternative Monitoring Method	Procedures for Administrator to approve alternative monitoring.	Yes	Yes.

Citation	Subject	Brief description of applicable sections	Applicable to Subpart XXXX?	
			Using a control device	Not using a control device
§ 63.8(f)(6)	Alternative to Relative Accuracy Test.		No	No.
§ 63.8(g)	Data Reduction		Applies as modified by § 63.5990(f)	No.
§ 63.9(a)	Notification Requirements	Applicability and state delegation	Yes	Yes.
§ 63.9(b) (1)–(5)	Initial Notifications	Submit notification 120 days after effective date; notification of intent to construct/reconstruct, notification of commencement of construct/reconstruct, notification of startup; and contents of each.	Yes	Yes.
§ 63.9(c)	Request for Compliance Extension	Can request if cannot comply by date or if installed best available control technology or lowest achievable emission rate.	Yes	Yes.
§ 63.9(d)	Notification of Special Compliance Requirements for New Source.	For sources that commence construction between proposal and promulgation and want to comply 3 years after effective date.	Yes	Yes.
§ 63.9(e)	Notification of Performance Test	Notify Administrator 60 days prior	Yes	No.
§ 63.9(f)	Notification of VE/Opacity Test		No	No.
§ 63.9(g)	Additional Notifications When Using CMS.		No	No.
§ 63.9(h)	Notification of Compliance Status	Contents; due 60 days after end of performance test or other compliance demonstration, except for opacity/VE, which are due 30 days after; when to submit to Federal vs. State authority.	Yes	Yes.
§ 63.9(i)	Adjustment of Submittal Deadlines	Procedures for Administrator to approve change in when notifications must be submitted.	Yes	Yes.
§ 63.9(j)	Change in Previous Information	Must submit within 15 days after the change	Yes	Yes.
§ 63.10(a)	Recordkeeping/Reporting	Applies to all, unless compliance extension; when to submit to Federal vs. State authority; procedures for owners of more than 1 source.	Yes	Yes.
§ 63.10(b) (1)	Recordkeeping/Reporting	General Requirements; keep all records readily available; and keep for 5 years.	Yes	Yes.
§ 63.10(b)(2)(i) and (iv–v).	Records related to Startup, Shutdown, and Malfunction.		No	No.
§ 63.10(b) (2)(ii)	Recordkeeping of failures to meet a standard.		No. *See* 63.6010 for recordkeeping of (1) date, time and duration; (2) listing of affected source or equipment, and an estimate of the quantity of each regulated pollutant emitted over the standard; and (3) actions to minimize emissions and correct the failure.	
§ 63.10(b)(2) (iii), (vi), and (x)–(xi).	CMS Records	Malfunctions, inoperative, out-of-control; calibration checks; adjustments, maintenance.	Yes	No.
§ 63.10(b)(2) (vii)–(ix)	Records	Measurements to demonstrate compliance with emission limitations; performance test, performance evaluation, and VE observation results; and measurements to determine conditions of performance tests and performance evaluations.	Yes	Yes.
§ 63.10(b) (2)(xii)	Records	Records when under waiver	Yes	Yes.
§ 63.10(b) (2)(xiii)	Records		No	No.
§ 63.10(b) (2)(xiv)	Records	All documentation supporting Initial Notification and Notification of Compliance Status.	Yes	Yes.
§ 63.10(b)(3)	Records	Applicability determinations	Yes	Yes.
§ 63.10(c)	Records		No	No.
§ 63.10(d)(1)	General Reporting Requirements	Requirement to report	Yes	Yes.
§ 63.10(d)(2)	Report of Performance Test Results.	When to submit to Federal or State authority	Yes	No.
§ 63.10(d)(3)	Reporting Opacity or VE Observations.		No	No.
§ 63.10(d)(4)	Progress Reports	Must submit progress reports on schedule if under compliance extension.	Yes	Yes.
§ 63.10(d)(5)	Startup, Shutdown, and Malfunction Reports.		No	No.
§ 63.10(e)	Additional CMS Reports		No	No.
§ 63.10(f)	Waiver for Recordkeeping/Reporting.	Procedures for Administrator to waive	Yes	Yes.
§ 63.11	Flares		No	No.
§ 63.12	Delegation	State authority to enforce standards	Yes	Yes.
§ 63.13	Addresses	Addresses where reports, notifications, and requests are sent.	Yes	Yes.
§ 63.14	Incorporation by Reference	Test methods incorporated by reference	Yes	Yes.
§ 63.15	Availability of Information	Public and confidential information	Yes	Yes.

[FR Doc. 2026–12424 Filed 6–18–26; 8:45 am]

BILLING CODE 6560–50–P

Reader Aids

Federal Register

Vol. 91, No. 118

Monday, June 22, 2026

CUSTOMER SERVICE AND INFORMATION

Federal Register/Code of Federal Regulations

General Information, indexes and other finding aids **202–741–6000**

Laws **741–6000**

Presidential Documents

Executive orders and proclamations **741–6000**

The United States Government Manual **741–6000**

Other Services

Electronic and on-line services (voice) **741–6020**

Privacy Act Compilation **741–6050**

ELECTRONIC RESEARCH

World Wide Web

Full text of the daily Federal Register, CFR and other publications is located at: **www.govinfo.gov.**

Federal Register information and research tools, including Public Inspection List and electronic text are located at: **www.federalregister.gov.**

E-mail

FEDREGTOC (Daily Federal Register Table of Contents Electronic Mailing List) is an open e-mail service that provides subscribers with a digital form of the Federal Register Table of Contents. The digital form of the Federal Register Table of Contents includes HTML and PDF links to the full text of each document.

To join or leave, go to **https://public.govdelivery.com/accounts/USGPOOFR/subscriber/new**, enter your email address, then follow the instructions to join, leave, or manage your subscription.

PENS (Public Law Electronic Notification Service) is an e-mail service that notifies subscribers of recently enacted laws.

To subscribe, go to **http://listserv.gsa.gov/archives/publaws-l.html and select** *Join or leave the list (or change settings);* then follow the instructions.

FEDREGTOC and **PENS** are mailing lists only. We cannot respond to specific inquiries.

Reference questions. Send questions and comments about the Federal Register system to: **fedreg.info@nara.gov**

The Federal Register staff cannot interpret specific documents or regulations.

FEDERAL REGISTER PAGES AND DATE, JUNE

32307–32874 1
32875–33068 2
33069–33578 3
33579–34142 4
34143–34568 5
34569–34724 8
34725–34892 9
34893–35368 10
35369–35620 11
35621–35872 12
35873–36070 15
36071–36510 16
36511–36746 17
36747–36962 18
36963–37306 22

CFR PARTS AFFECTED DURING JUNE

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
8031 (modified by Proc. 11035) 36741
8335 (modified by Proc. 11035) 36741
8337 (modified by Proc. 11035) 36741
9478 (modified by Proc. 11035) 36741
10918 (modified by Proc. 11035) 36741
11032.....34085
11033.....35365
11034.....36739
11035.....36741
11036.....36959
11037.....36961

Executive Orders:
11644 (rescinded by EO 14408).....33577
11989 (rescinded by EO 14408).....33577
13562 (amended by EO 14410).....34893
13957 (amended by EO 14410).....34893
14407.....33575
14408.....33577
14409.....34565
14410.....34893
14411.....35125

Administrative Orders:
Presidential Determinations:
No. 2026–15 of June 11, 2026.....36745

5 CFR

532.....33579
890.....32875, 33900

6 CFR

21.....36963

7 CFR

15.....36511
1400.....32880
1414.....32307, 35369

Proposed Rules:
330.....34788
340.....34788
987.....36769

8 CFR

1003.....35369
1103.....35369
1208.....35369
1240.....35369

Proposed Rules:
106.....34352
241.....34352
274a.....34352

9 CFR

201.....32314

10 CFR

2.....32323
13.....32323
15.....36470
50.....34143
54.....34143
72.....32324
170.....36470
171.....36470
205.....36970
800.....33069
810.....36071

Proposed Rules:
431.....35903

12 CFR

701.....34725, 34733
703.....36073
749.....36073
1002.....36518

Proposed Rules:
337.....33069
350.....34171

13 CFR

315.....35376

Proposed Rules:
124.....35433

14 CFR

25 .....32325, 36747, 36749
39 .....32326, 33584, 33587, 33590, 33593, 33595, 33600, 33602, 33604, 34740, 34743, 34746, 34750, 34752, 35873, 35876, 35879, 35881, 36077, 36080, 36083, 36086
71 .....34143, 34145, 34569, 35131, 35132, 35377, 35621, 35622, 35623, 35883, 36975
95.....35132
97 .....32332, 32333, 35378, 35380

Proposed Rules:
39 .....32364, 33127, 33674, 34178, 34583, 34788, 36771, 37068
71 .....34181, 35907, 35909, 35910, 35912, 36549, 37059, 37061, 37062

15 CFR

5.....35382
11.....35383
30.....35383

17 CFR

10.....34570

240.....32335
249.....32335
Proposed Rules:
1.....36774
3.....36774
4.....36774
23.....36774
30.....36774
36.....36774
37.....36774
38.....36774
39.....36774
40.....35806, 36774
41.....36774
43.....36774
45.....36774
48.....36774
49.....36774
50.....36774
165.....35914
210.....33296
229.....33296
230.....33296
232.....33296
239.....33296
240.....36656
242.....36656
249.....33296

20 CFR

498.....35136

21 CFR

5.....35884
520.....33071
558.....33071
864.....32336
866 .....35384, 35387, 36976
868.....32338, 32340
872.....32343
874.....32345, 35138
876 .....32347, 36520, 36980, 36982
880.....32349
888 .....34146, 34148, 34152
892.....36522
1300.....34754
1301.....34754
1306.....34754

22 CFR

22.....34768
Proposed Rules:
122.....35926
123.....35926
124.....35926
126.....35926
130.....35926

23 CFR

1300.....35391

24 CFR

51.....35624
Proposed Rules:
201.....35632
3280.....35632
3285.....35632
3286.....35632

26 CFR

54.....33900
Proposed Rules:
1 .....32366, 33129, 34182
300.....32909

29 CFR

402.....32556, 35397
403.....32556, 35397
408.....32556, 35397
2590.....33900
Proposed Rules:
1910.....33130, 33131
1915.....33131
1917.....33131
1918.....33131
1926.....33131
1928.....33131
4262.....36100

30 CFR

250.....35304
948.....36984

31 CFR

510.....35400
528.....35140
544.....35141
560.....35141
561.....35141
562.....35141
578.....35142
587.....35141
589.....35141
591.....35142, 35143
594.....35141
Proposed Rules:
1.....36550
1033.....37234

32 CFR

238.....34773

33 CFR

100 .....32352, 33072, 33607, 33608, 34154, 34155, 34158, 35400, 35401, 36524, 36529, 36531, 36533
110.....36534
117.....33073, 35626
165 .....32354, 32356, 33074, 33076, 33077, 33609, 34158, 34573, 34782, 35146, 35403, 35404, 35405, 35406, 35886, 36531, 36533, 36536, 36537, 36991, 36992, 36993, 36995
334.....35409
Proposed Rules:
100.....34791
110.....34585
117.....36105
165 .....32369, 32911, 34183

34 CFR

Ch. III.....36750
Proposed Rules:
Ch. II.....34186

36 CFR

805.....34159
Proposed Rules:
801.....34188

37 CFR

Proposed Rules:
201.....34795

38 CFR

26.....36044
64.....35413
Proposed Rules:
21.....33678

39 CFR

20.....36089
111.....33030, 36539
Proposed Rules:
111.....32915
3050.....33679

40 CFR

52 .....33610, 33618, 34574, 35414, 35416, 35418, 35628, 36995
63.....33484, 37274
70.....32357, 33617
71.....32357
81.....33610
98.....34161
180 .....35888, 35892, 36752
370.....37022
Proposed Rules:
51.....35369
52 .....34589, 35437, 35445
63.....37065
174 .....35649, 35936, 37066
180 .....35649, 35936, 37066
257.....34189, 35651
304.....33133
305.....33135
721.....34480, 35156

42 CFR

431.....33348
435.....33348
438.....32887, 33348
440.....32887
457.....32887, 33348
460.....32887
488.....36370
489.....36370
512.....32788
600.....33348
Proposed Rules:
423.....36236, 36776
429.....36236

44 CFR

7.....36963

45 CFR

80.....32887
84.....32887
92.....32887
96.....34783
147.....32887
149.....33900
155.....32887
156.....32887
211.....36542
212.....36542
1000.....34783
1080.....34783
1336.....36756
Proposed Rules:
156.....35938
301.....36779
302.....34798, 36779
303.....34798, 36779
304.....34798, 36779
305.....36779
307.....36779
308.....36779
309.....34798, 36779
310.....36779

46 CFR

327.....34162
355.....33635
356.....33640
506.....32888

47 CFR

1.....37043
64.....35897
73.....37043
90.....37043
95.....37043
Proposed Rules:
54.....34201
64.....36552
73.....36107

48 CFR

Proposed Rules:
539.....36559
552.....36559

49 CFR

21.....35424
107.....32889
171.....32889
173.....32889
190.....36760
383.....37047
384.....37047
395.....37050
396.....37053
571 .....33078, 33081, 33084, 33087, 33091, 33094, 33098, 33101, 33105, 33108, 33111, 33116, 35147
585.....33119
599.....33123
602.....33646
633.....33648
650.....33651
671.....33653
672.....33656
Proposed Rules:
195.....32919

50 CFR

17 .....32516, 35147, 36090
300.....33659, 36094
622 .....32360, 32906, 33661, 36545
635.....32361
648 .....35897, 35899, 36760
660.....32907, 36096
679.....36761
Proposed Rules:
17.....34597, 35173
622.....34209

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

Last List June 16, 2026

Public Laws Electronic Notification Service (PENS)

PENS is a free electronic mail notification service of newly enacted public laws. To subscribe, go to *http://listserv.gsa.gov/archives/publaws-l.html*

Note: This service is strictly for E-mail notification of new laws. The text of laws is not available through this service. **PENS** cannot respond to specific inquiries sent to this address.