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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–3481; Project Identifier MCAI–2025–00970–T; Amendment 39–23406; AD 2026–14–05]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is superseding Airworthiness Directive (AD) 2025–11–02, which applied to certain Airbus SAS Model A319–151N, –153N, –171N, and –173N airplanes; A320–251N, –252N, –253N, –271N, –272N, and –273N airplanes; A321–251N, –251NX, –252N, –252NX, –253N, –253NX, –253NY, –271N, –271NX, –272N, and –272NX airplanes. AD 2025–11–02 required revising the existing airplane flight manual (AFM) by providing instructions to address dual loss of radio management panel (RMP) data synchronization. Since the FAA issued AD 2025–11–02, a software modification for the digital radio and audio integrating management system (DRAIMS) has been developed to address the unsafe condition. This AD continues to require the actions in AD 2025–11–02, requires modification of the DRAIMS, and adds Model A321–271NY airplanes to the applicability. This AD also prohibits the installation of affected parts. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective August 14, 2026. The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of August 14, 2026.

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2026–3481; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

- For European Union Aviation Safety Agency (EASA) material identified in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu.* You may find this material on the EASA website at *ad.easa.europa.eu.*
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available at *regulations.gov* under Docket No. FAA–2026–3481.

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

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2025–11–02, Amendment 39–23048 (90 FR 22199, May 27, 2025) (AD 2025–11–02). AD 2025–11–02 applied to Airbus SAS Model A319–151N, –153N, –171N, and –173N airplanes; A320–251N, –252N, –253N, –271N, –272N, and –273N airplanes; A321–251N, –251NX, –252N, –252NX, –253N, –253NX, –253NY, –271N, –271NX, –272N, and –272NX airplanes having Airbus modification 162344 or 168460, except those having Airbus modification 165670 installed in production. AD 2025–11–02 required revising the existing AFM by providing instructions to address dual loss of RMP data synchronization. The FAA issued AD 2025–11–02 to address loss of communications means (RMP data synchronization and very high frequency (VHF) communications) on the DRAIMS. This condition, if not corrected, could result in total loss of radio communications, including transponder functionality and standby navigation.

The NPRM was published in the **Federal Register** on April 13, 2026 (91 FR 18792). The NPRM was prompted by EASA AD 2025–0118R1, dated July 15, 2025 (EASA AD 2025–0118R1) (also referred to as the MCAI), issued by EASA, which is the Technical Agent for the Member States of the European Union. The MCAI states that Airbus issued service information to upgrade DRAIMS to the software L4.3 standard.

In the NPRM, the FAA proposed to continue to require the actions in AD 2025–11–02, require modification of the DRAIMS, and add Model A321–271NY airplanes to the applicability, as specified in EASA AD 2025–0118R1. The NPRM also proposed to prohibit the installation of affected parts, as specified in EASA AD 2025–0118R1. The FAA is issuing this AD to address the unsafe condition on these products.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2026–3481.

Discussion of Final Airworthiness Directive

Comments

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

Conclusion

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

Material Incorporated by Reference Under 1 CFR Part 51

EASA AD 2025–0118R1 specifies procedures for revising the existing AFM by providing instructions to address dual loss of RMP data synchronization; and modifying the airplane by upgrading DRAIMS to the software L4.3 standard, which includes upgrading the audio management and RMP software and modifying the wiring at the 3rd occupant human-machine interface input. EASA AD 2025–0118R1 also prohibits the installation of affected parts.

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

Interim Action

The preamble to AD 2025–11–02 explained that the FAA considered that AD an interim action and that the FAA might consider further rulemaking once a modification was developed, approved, and available. The DRAIMS software L4.3 standard addresses the unsafe condition and terminates the AFM revision required by AD 2025–11–02. Therefore, the FAA has determined this modification should be required.

Costs of Compliance

The FAA estimates that this AD affects 544 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Retained actions from AD 2025–11–02.	1 work-hour × $85 per hour = $85	$0	$85	$46,240.
New action	Up to 7 work-hours × $85 per hour = $595	$774	Up to $1,369	Up to $744,736.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:

■ a. Removing Airworthiness Directive (AD) 2025–11–02, Amendment 39–23048 (90 FR 22199, May 27, 2025); and

■ b. Adding the following new AD:

2026–14–05 Airbus SAS: Amendment 39–23406; Docket No. FAA–2026–3481; Project Identifier MCAI–2025–00970–T.

(a) Effective Date

This airworthiness directive (AD) is effective August 14, 2026.

(b) Affected ADs

This AD replaces AD 2025–11–02, Amendment 39–23048 (90 FR 22199, May 27, 2025) (AD 2025–11–02).

(c) Applicability

This AD applies to all Airbus SAS airplanes identified in paragraphs (c)(1) through (3) of this AD, certificated in any category.

(1) Model A319–151N, –153N, –171N, and –173N airplanes.

(2) Model A320–251N, –252N, –253N, –271N, –272N, and –273N airplanes.

(3) Model A321–251N, –251NX, –252N, –252NX, –253N, –253NX, –253NY, –271N, –271NX, –271NY, –272N, and –272NX airplanes.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by reports of lost synchronization between radio management panels (RMPs). The FAA is issuing this AD to address loss of communication means (RMP data synchronization and very high frequency communications) on the digital radio and audio integrating management system (DRAIMS). This condition, if not corrected, could result in total loss of radio communications, including transponder functionality and standby navigation.

(f) Compliance

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

(g) Retained Revision of the Airplane Flight Manual (AFM), With a New Terminating Action

This paragraph restates the requirements of paragraph (g) of AD 2025–11–02, with a new terminating action. For Airbus SAS Model A319–151N, –153N, –171N, and –173N airplanes; Model A320–251N, –252N, –253N, –271N, –272N, and –273N airplanes; Model A321–251N, –251NX, –252N, –252NX, –253N, –253NX, –253NY, –271N, –271NX, –272N, and –272NX airplanes having Airbus modification 162344 or 168460, except for airplanes having Airbus modification 165670 installed in production: Within 7 days after June 11, 2025 (the effective date of AD 2025–11–02), revise the Emergency Procedures section of the existing AFM to include the information in figure 1 or figure 2 to paragraph (g) of this AD, as applicable. This may be done by inserting a copy of figure 1 or figure 2 to paragraph (g) of this AD, as

applicable, into the existing AFM. Using a different document with information identical to that contained in figure 1 or figure 2 to paragraph (g) of this AD, as applicable, is acceptable for compliance with the requirements of this paragraph. Accomplishing the modification required by paragraph (j) of this AD terminates the requirements of this paragraph.

Figure 1 to paragraph (g) - AFM Procedure for Airplanes with Airbus Modification 162344 and Modification 162367

Dual Loss of RMP Data Synchronization
Check RMP 1 and RMP 2 on. Reset both AMU sides. *Note:* *During AMU reset, all audios in the cockpit are inoperative.* ■ **If AMU reset successful:** Check communication, transponder, TCAS and radio navigation settings. ■ **If AMU reset not successful:** Switch off RMP 1 and RMP 2. *Note:* *When RMP 1 and RMP 2 are switched off:* *- The aural alerts are not available on loudspeakers.* *- The communication is only available on RMP 3.* Check communication, transponder, TCAS and radio navigation settings.

Figure 2 to paragraph (g) - AFM Procedure for Airplanes With Airbus Modification 162344 and Not Modification 162367

Dual Loss of RMP Data Synchronization
Check RMP 1 and RMP 2 on. Reset both AMU sides. *Note:* *During AMU reset, all audios in the cockpit are inoperative.* ■ **If AMU reset successful:** Check communication, transponder, TCAS and radio navigation settings. ■ **If AMU reset not successful:** Switch off RMP 1 and RMP 2. *Note:* *When RMP 1 and RMP 2 are switched off:* *- The radio communication, interphone and aural alerts are only available via a boomset connected to ACP 3.* *- The Squawk code automatically sets to 7600.* *- The TCAS mode automatically sets to TA/RA.*

(h) Retained Credit for Previous Actions, With No Change

This paragraph restates the requirements of paragraph (h) of AD 2025–11–02, with no change.

(1) This paragraph provides credit for the AFM revision required by paragraph (g) of this AD, if the revision was performed before June 11, 2025 (the effective date of AD 2025–11–02) using Airbus A318/A319/A320/A321 Operations Engineering Bulletin (OEB) 63, issue 1.0, dated February 7, 2025.

(2) This paragraph provides credit for the AFM revision required by paragraph (g) of this AD, if the revision was performed before June 11, 2025 (the effective date of AD 2025–11–02) using Airbus A318/A319/A320/A321 Airplane Flight Manual Temporary Revision TR816, Issue 1, dated February 19, 2025; or Airbus A318/A319/A320/A321 Airplane Flight Manual Temporary Revision TR817, Issue 1, dated February 19, 2025, as applicable.

(i) New AFM Revision for Certain Airplanes

For Airbus SAS Model A321–271NY airplanes identified as Group 1 airplanes in European Union Aviation Safety Agency (EASA) AD 2025–0118R1, dated July 15, 2025 (EASA AD 2025–0118R1): Within 7 days after the effective date of this AD, revise the Emergency Procedures section of the existing AFM to include the information in figure 1 or figure 2 to paragraph (g) of this AD, as applicable. This may be done by inserting a copy of figure 1 or figure 2 to paragraph (g) of this AD, as applicable, into the existing AFM. Using a different document with information identical to that contained in figure 1 or figure 2 to paragraph (g) of this AD, as applicable, is acceptable for compliance with the requirements of this paragraph. Accomplishing the modification required by paragraph (j) of this AD terminates the requirements of this paragraph.

(j) New Requirements

Except as specified in paragraph (k) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2025–0118R1. Accomplishing the modification required by this paragraph terminates the requirements of paragraphs (g) and (i) of this AD, as applicable.

(k) Exceptions to EASA AD 2025–0118R1

(1) Where EASA AD 2025–0118R1 refers to June 4, 2025 (the effective date of EASA AD 2025–0118, dated May 21, 2025), this AD requires using the effective date of this AD.

(2) This AD does not adopt paragraphs (1) through (3) and paragraph (5) of EASA AD 2025–0118R1.

(3) This AD does not adopt the ''Remarks'' section of EASA AD 2025–0118R1.

(l) Additional AD Provisions

The following provisions also apply to this AD:

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

(i) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(ii) AMOCs approved previously for AD 2025–11–02 are approved as AMOCs for the corresponding provisions of paragraph (g) of this AD.

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

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

(m) Additional Information

(1) For more information about this AD, contact Frank Carreras, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3539; email: *Frank.Carreras@faa.gov.*

(2) For Airbus material identified in this AD that is not incorporated by reference, contact Airbus SAS, Airworthiness Office—EIAS, Rond-Point Emile Dewoitine No: 2, 31700 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* website *airbus.com.*

(n) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2025–0118R1, dated July 15, 2025.

(ii) [Reserved].

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

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

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

Issued on July 6, 2026.

Brian Knaup,

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

[FR Doc. 2026–13983 Filed 7–9–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–2292; Project Identifier MCAI–2024–00043–R; Amendment 39–23402; AD 2026–14–02]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all Airbus Helicopters Model AS350B2, AS350B3, EC120B, and EC130B4 helicopters. This AD was prompted by a short-circuit due to foreign object debris (FOD) or dust inside the lighting and ancillaries control unit (LACU). This AD requires repetitively cleaning and inspecting the affected LACU for FOD. Depending on the configuration of the helicopter, this AD also requires modifying the emergency floatation system (EFS) activation switches and revising the existing rotorcraft flight manual (RFM) for the helicopter, which would constitute a terminating action for the repetitive cleaning and inspection requirements. Additionally, this AD prohibits installing an affected LACU on any helicopter unless certain requirements are met. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective August 14, 2026.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of August 14, 2026.

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2026–2292; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

- For European Union Aviation Safety Agency (EASA) material identified in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; phone: +49 221 8999 000; email: *ADs@easa.europa.eu;* website: *easa.europa.eu.* You may find the EASA material on the EASA website at *ad.easa.europa.eu*
- 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. It is also available at *regulations.gov* under Docket No. FAA–2026–2292.

FOR FURTHER INFORMATION CONTACT: Deep Gaurav, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (817) 228–3731; email: *deep.gaurav@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all Airbus Helicopters Model AS350B2, AS350B3, EC120B, and EC130B4 helicopters. The NPRM was published in the **Federal Register** on March 9, 2026 (91 FR 11191). The NPRM was prompted by EASA AD 2024–0018, dated January 11, 2024 (EASA AD 2024–0018) (also referred to as the MCAI), issued by EASA, which is the Technical Agent for the Member States of the European Union.

In the NPRM, the FAA proposed to require repetitively cleaning and inspecting the affected LACU for FOD. Depending on the configuration of the helicopter, the FAA also proposed to require modifying the EFS activation switches and revising the existing RFM for the helicopter, which would constitute a terminating action for the proposed repetitive cleaning and inspection requirements. In the NPRM, the FAA also proposed to prohibit installing an affected LACU on any helicopter unless certain requirements are met. The FAA is issuing this AD to address the unsafe condition on these products.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2026–2292.

Discussion of Final Airworthiness Directive

Comments

The FAA received comments from one commenter who supported the NPRM without change.

Conclusion

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

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed EASA AD 2024–0018, which specifies procedures for cleaning and repetitively inspecting the LACU for FOD. EASA AD 2024–0018 also specifies procedures for amending the RFM and modifying the location of EFS activation switches on certain helicopters, which constitutes a terminating action for the repetitive inspection requirements. Lastly, EASA AD 2024–0018 prohibits installing certain EFS and LACUs on any helicopter, unless certain requirements are met.

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.

Differences Between This AD and the MCAI

EASA AD 2024–0018 requires informing all flight crews of the revisions to the RFM and thereafter operating the helicopter accordingly. However, this AD does not require those actions as those actions are already required by FAA regulations. FAA regulations require operators furnish to pilots any changes to the flight manual (for example, 14 CFR 135.21) and to ensure the pilots are familiar with the flight manual (for example, 14 CFR 91.505). FAA regulations also require pilots to follow the procedures in the existing flight manual including all updates. Therefore, including a requirement in this AD to inform the flight crew and operate the helicopter according to the revised RFM would be redundant and unnecessary.

Costs of Compliance

The FAA estimates that this AD affects 576 helicopters of U.S. registry.

The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Clean and inspect the LACU.	2 work-hours × $85 per hour = $170	$0	$170	$97,920 per inspection cycle.
Modification of EFS	16 work-hours × $85 per hour = $1,360.	0	1,360	783,360.
Revise RFM	1 work-hour × $85 per hour = $85	0	85	48,960.

Authority for This Rulemaking

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

The FAA is issuing this rulemaking under the authority described in

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2026–14–02 Airbus Helicopters: Amendment 39–23402; Docket No. FAA–2026–2292; Project Identifier MCAI–2024–00043–R.

(a) Effective Date

This airworthiness directive (AD) is effective August 14, 2026.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Airbus Helicopters Model AS350B2, AS350B3, EC120B, and EC130B4 helicopters, certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC) Code 3100, Indication/Recording System.

(e) Unsafe Condition

This AD was prompted by a short-circuit due to foreign object debris or dust inside the lighting and ancillaries control unit (LACU) in a Model EC130B4 helicopter. The FAA is issuing this AD to prevent this malfunction. This unsafe condition, if not detected and addressed, could lead to loss of the emergency floatation system (EFS) and result in failure of the EFS to activate during an emergency water landing.

(f) Compliance

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

(g) Requirements

Except as specified in paragraphs (h) and (i) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency AD 2024–0018, dated January 11, 2024 (EASA AD 2024–0018).

(h) Exceptions to EASA AD 2024–0018

(1) Where EASA AD 2024–0018 requires compliance in terms of flight hours, this AD requires using hours time-in-service.

(2) Where EASA AD 2024–0018 refers to its effective date and to July 30, 2021 (the effective date of EASA AD 2021–0168, dated July 16, 2021), this AD requires using the effective date of this AD.

(3) This AD requires that paragraph (2) of EASA AD 2024–0018 apply only to Group 1 helicopters as defined in EASA AD 2024–0018.

(4) This AD does not adopt paragraph (3) of EASA AD 2024–0018. Instead, this AD requires that, during any inspection required by paragraph (1) or (2) of EASA AD 2024–0018, if foreign object debris or dust is found, you must clean the printed circuit board of the control panel. After the modification required by paragraph (4) of EASA AD 2024–0018, the helicopter is a Group 2 helicopter.

(5) Where paragraph (5) of EASA AD 2024–0018 specifies to inform all flight crews and thereafter operate the helicopter accordingly, this AD does not require those actions as those actions are already required by existing FAA operating regulations (see 14 CFR 91.505 and 14 CFR 135.21).

(6) Where the material referenced in EASA AD 2024–0018 specifies to discard parts, this AD requires removing these parts from service.

(7) Where the material referenced in EASA AD 2024–0018 specifies ensuring the applicable rotorcraft flight manual (RFM) is at the latest update, this AD only requires revising your RFM to the revision specified in the material and not to later revisions (updates).

(8) This AD does not adopt paragraph (7.2) of EASA AD 2024–0018.

(9) This AD does not adopt the ''Remarks'' section of EASA AD 2024–0018.

(i) No Reporting Requirement

Although the material referenced in EASA AD 2024–0018 specifies to submit information to the manufacturer, this AD does not require that action.

(j) 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 (k) of this AD and email to: *AMOC@faa.gov.*

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

(k) Additional Information

For more information about this AD, contact Deep Gaurav, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (817) 228–3731; email: *deep.gaurav@faa.gov.*

(l) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2024–0018, dated January 11, 2024.

(ii) [Reserved]

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

(4) You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 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 July 2, 2026.

Steven W. Thompson,

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

[FR Doc. 2026–13977 Filed 7–9–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–3480; Project Identifier MCAI–2025–01031–T; Amendment 39–23405; AD 2026–14–04]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is superseding Airworthiness Directive (AD) 2025–10–12, which applied to all Airbus SAS Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes; Model A320 series airplanes; Model A321–211, –212, –213, –231, –232, –251N, –251NX, –252N, –252NX, –253N, –253NX, –253NY, –271N, –271NX, –272N, and –272NX airplanes; Model A330–200 series airplanes; Model A330–300 series airplanes; Model A330–800 series airplanes; Model A330–900 series airplanes; Model A350–941 and –1041 airplanes; and Model A380–800 series airplanes. AD 2025–10–12 required repetitive general visual inspections of the broadband antenna adapter plate, skirt, vents, and attachment fittings, and applicable corrective actions, and limited the installation of affected parts under certain conditions. Since the FAA issued AD 2025–10–12, a new Model A321–271NY airplanes has been certified, on which the affected parts could be installed in service. This AD continues to require the actions in AD 2025–10–12, adds Model A321–271NY airplanes to the applicability, and prohibits the installation of affected parts under certain conditions. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective August 14, 2026. The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of August 14, 2026.

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2026–3480; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

- For European Union Aviation Safety Agency (EASA) material identified in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu.* You may find this material on the EASA website at *ad.easa.europa.eu.*
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available at *regulations.gov* under Docket No. FAA–2026–3480.

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

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2025–10–12, Amendment 39–23046 (90 FR 22457, May 28, 2025) (AD 2025–10–12). AD 2025–10–12 applied to all Airbus SAS Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes; Model A320–211, –212, –214, –216, –231, –232, –233, –251N, –252N, –253N, –271N, –272N, and –273N airplanes; Model A321–211, –212, –213, –231, –232, –251N, –251NX, –252N, –252NX, –253N, –253NX, –253NY, –271N, –271NX, –272N, and –272NX airplanes; Model A330–201, –202, –203, –223, –243, –301, –302, –303, –321, –322, –323, –341, –342, –343, –841, and –941 airplanes; Model A350–941 and –1041 airplanes; and Model A380–841, –842, and –861 airplanes. AD 2025–10–12 required repetitive general visual inspections of the broadband antenna adapter plate, skirt, vents, and attachment fittings, and applicable corrective actions, and limited the installation of affected parts under certain conditions. The FAA issued AD 2025–10–12 to address the corrosion and cracks on the broadband antenna adapter plate and skirt assembly-adapter. The unsafe condition, if not addressed, could lead to in-flight detachment of the radome, antenna, and affected parts (*e.g.,* the broadband antenna adapter plate, skirt, vents and attachment fittings), which could impact the tail section of the airplane, possibly resulting in damage and reduced control of the airplane.

The NPRM was published in the **Federal Register** on April 10, 2026 (91 FR 18333). The NPRM was prompted by EASA AD 2025–0120, dated May 26, 2025 (EASA AD 2025–0120) (also referred to as the MCAI), issued by EASA, which is the Technical Agent for the Member States of the European Union. The MCAI states a new model, A321–271NY, has been certified, on which affected parts could be installed in service. Airbus has released Airbus Service Bulletin A320–44–1103 Revision 03, dated February 25, 2026, to include certain Model A321–271NY airplanes. EASA AD 2025–0120 is still considered to be an interim action, and further EASA AD action may follow.

In the NPRM, the FAA proposed to continue to require the actions in AD 2025–10–12, add Model A321–271NY airplanes to the applicability, and prohibit the installation of affected parts under certain conditions, as specified in EASA AD 2025–0120. The FAA is issuing this AD to address the unsafe condition on these products.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2026–3480.

Discussion of Final Airworthiness Directive

Comments

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

Conclusion

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

Material Incorporated by Reference Under 1 CFR Part 51

EASA AD 2025–0120 specifies procedures for repetitive general visual inspections for cracks and corrosion of the broadband antenna adapter plate, skirt, vents, and attachment fittings, and, depending on findings, corrective actions, including repair or replacement

of the affected parts. EASA AD 2025–0120 also limits the installation of affected parts under certain conditions and requires reporting of both positive and negative inspection results after the initial inspection and thereafter reporting the positive inspection results after each subsequent inspection.

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

Interim Action

The FAA considers that this AD is an interim action. The FAA anticipates that further AD action will follow.

Costs of Compliance

The FAA estimates that this AD affects 8 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Retained actions from AD 2025–10–12 (4 airplanes).	Up to 61 work-hours × $85 per hour = $5,185	$0	Up to $5,185	Up to $20,740.
New actions (4 airplanes)	Up to 61 work-hours × $85 per hour = $5,185	$0	Up to $5,185	Up to $20,740.

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

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Labor cost	Parts cost	Cost per product
50 work-hours × $85 per hour = $4,250	$10,000	$14,250

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

Paperwork Reduction Act

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number. The OMB Control Number for this information collection is 2120–0056. Public reporting for this collection of information is estimated to take approximately 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. All responses to this collection of information are mandatory. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: Information Collection Clearance Officer, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, TX 76177–1524.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:

■ a. Removing Airworthiness Directive (AD) 2025–10–12, Amendment 39–23046 (90 FR 22457, May 28, 2025); and

■ b. Adding the following new AD:

2026–14–04 Airbus SAS: Amendment 39–23405; Docket No. FAA–2026–3480; Project Identifier MCAI–2025–01031–T.

(a) Effective Date

This airworthiness directive (AD) is effective August 14, 2026.

(b) Affected ADs

This AD replaces AD 2025–10–12, Amendment 39–23046 (90 FR 22457, May 28, 2025) (AD 2025–10–12).

(c) Applicability

This AD applies to all Airbus SAS airplanes specified in paragraphs (c)(1) through (6) of this AD, certificated in any category.

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

(2) Model A320–211, –212, –214, –216, –231, –232, –233, –251N, –252N, –253N, –271N, –272N, and –273N airplanes.

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

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

(5) Model A350–941 and –1041 airplanes.

(6) Model A380–841, –842, and –861 airplanes.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by a report that found corrosion and cracks on the broadband antenna adapter plate during an inspection. The FAA is issuing this AD to address the corrosion and cracks on the broadband antenna adapter plate and skirt assembly-adapter. The unsafe condition, if not addressed, could lead to in-flight detachment of the radome, antenna, and affected parts, which could impact the tail section of the airplane, possibly resulting in damage and reduced control of the airplane.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2025–0120, dated May 26, 2025 (EASA AD 2025–0120).

(h) Exceptions to EASA AD 2025–0120

(1) Where Appendix A in ''the applicable SB'' identified in EASA AD 2025–0120 specifies a compliance time ''from SB publication date'' or ''from 14 June 2024 [the effective date of the EASA AD 2024–0106],'' this AD requires using July 2, 2025 (the effective date of AD 2025–10–12), except for Model A321–271NY airplanes this AD requires using the effective date of this AD.

(2) Where EASA AD 2025–0120 specifies ''14 June 2024 [the effective date of EASA AD 2024–0106],'' this AD requires using July 2, 2025 (the effective date of AD 2025–10–12), except for Model A321–271NY airplanes this AD requires using the effective date of this AD.

(3) This AD does not adopt the ''Remarks'' section of EASA AD 2025–0120.

(4) Where paragraph (2) of EASA AD 2025–0120 specifies ''any crack and/or corrosion are detected on an affected part'', this AD requires replacing that text with ''any crack or corrosion is detected on an affected part''.

(5) Paragraph (4) of EASA AD 2025–0120 specifies to report inspection results to Airbus within a certain compliance time. For this AD, report inspection results at the applicable time specified in paragraph (h)(5)(i) or (ii) of this AD.

(i) If the inspection was done on or after the effective date of this AD: Submit the report within 30 days after the inspection.

(ii) If the inspection was done before the effective date of this AD: Submit the report within 30 days after the effective date of this AD.

(i) Additional AD Provisions

The following provisions also apply to this AD:

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

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

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

(j) Additional Information

For more information about this AD, contact Bill Ashforth, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3520; email: *Bill.Ashforth@faa.gov*.

(k) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2025–0120, dated May 26, 2025.

(ii) [Reserved].

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

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

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

Issued on July 6, 2026.

Brian Knaup,

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

[FR Doc. 2026–13982 Filed 7–9–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–7214; Project Identifier AD–2026–00225–E; Amendment 39–23407; AD 2026–14–06]

RIN 2120–AA64

Airworthiness Directives; CFM International, S.A. Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is superseding Airworthiness Directive (AD) 2025–21–03, which applied to certain CFM International, S.A. (CFM) Model LEAP–1A23, LEAP–1A24, LEAP–1A24E1, LEAP–1A26, LEAP–1A26CJ, LEAP–1A26E1, LEAP–1A29, LEAP–1A29CJ, LEAP–1A30, LEAP–1A32, LEAP–1A33, LEAP–1A33B2, and LEAP–1A35A engines. AD 2025–21–03 required initial and repetitive borescope inspections (BSIs) of the high-pressure turbine (HPT) rotor stage 1 blades. Depending on the results of the BSIs, AD 2025–21–03 required either additional BSIs at

reduced intervals or replacement of the HPT rotor stage 1 blades. Since the FAA issued AD 2025–21–03, the manufacturer published updated service material and determined that engines operating in the South Asia region are susceptible to accelerated HPT rotor stage 1 blade deterioration and airfoil distress. This AD requires initial and repetitive BSIs of the HPT rotor stage 1 blades and, depending on the results of the inspections, additional BSIs at reduced intervals or replacement of the HPT rotor stage 1 blades. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective July 27, 2026.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of July 27, 2026.

The FAA must receive comments on this AD by August 24, 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–2026–7214; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference

- For CFM material identified in this AD, contact CFM, GE Aviation Fleet Support, 1 Neumann Way, M/D Room 285, Cincinnati, OH 45215; phone: (877) 432–3272; email: *aviation.fleetsupport@ge.com.*
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (817) 222–5110. It is also available at *regulations.gov* under Docket No. FAA–2026–7214.

FOR FURTHER INFORMATION CONTACT: Mehdi Lamnyi, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198; phone: (781) 238–7743; email: *mehdi.lamnyi@faa.gov*.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written data, views, or arguments about this final rule. Send your comments using a method listed under the **ADDRESSES** section. Include ''Docket No. FAA–2026–7214; Project Identifier AD–2026–00225–E'' at the beginning of your comments. The most helpful comments reference a specific portion of the final rule, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this final rule because of those comments.

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

Confidential Business Information

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

Background

The FAA issued AD 2025–21–03, Amendment 39–23175 (90 FR 57675, December 12, 2025), (AD 2025–21–03), for certain CFM Model LEAP–1A23, LEAP–1A24, LEAP–1A24E1, LEAP–1A26, LEAP–1A26CJ, LEAP–1A26E1, LEAP–1A29, LEAP–1A29CJ, LEAP–1A30, LEAP–1A32, LEAP–1A33, LEAP–1A33B2, and LEAP–1A35A engines. AD 2025–21–03 required initial and repetitive BSIs of the HPT rotor stage 1 blades and, depending on the results of the inspections, additional BSIs at reduced intervals or replacement of the HPT rotor stage 1 blades. AD 2025–21–03 also required a BSI of the HPT rotor stage 1 blades installed on the sister engine of the same airplane if certain criteria are met. AD 2025–21–03 was prompted by reports of two in-flight shutdowns and subsequent investigation by the manufacturer that revealed cracks in the HPT rotor stage 1 blades. The FAA issued AD 2025–21–03 to prevent failure of the HPT rotor stage 1 blades.

Actions Since AD 2025–21–03 Was Issued

Since the FAA issued AD 2025–21–03, the manufacturer determined that engines operating in the South Asia region are susceptible to accelerated HPT rotor stage 1 blade deterioration and airfoil distress due to the build-up of dust. As a result, the manufacturer published updated service material expanding the list of regions affected by the unsafe condition. The FAA also received a comment from Airbus India requesting clarification on BSI requirements for the sister engine if a non-affected HPT blade is installed, or if the sister engine has an engine configuration that is below the applicability threshold listed in CFM Service Bulletin (SB) LEAP–1A–72–00–0485–01A–930A–D, Issue 003–00, dated July 30, 2025. As a result, the FAA has updated the regulatory text of this AD to require certain actions be performed in accordance with CFM SB LEAP–1A–72–00–0485–01A–930A–D, Issue 004–00, dated May 19, 2026 (CFM SB LEAP–1A–72–00–0485–01A–930A–D, Issue 004–00), and to clarify that the conditional inspection of the sister engine is not required if the sister engine has an affected part installed and has already met certain inspection conditions. The FAA is issuing this AD to address the unsafe condition on these products.

FAA's Determination

The FAA is issuing this AD because the agency determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed CFM SB LEAP–1A–72–00–0485–01A–930A–D, Issue 004–00, which specifies procedures for performing repetitive BSIs of the HPT rotor stage 1 blades on LEAP–1A engines operating in the South Asia region, and depending on the inspection results, inspecting the sister engine's HPT rotor stage 1 blades, or removing unserviceable HPT rotor stage 1 blades from service.

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.

AD Requirements

This AD requires initial and repetitive BSIs of the HPT rotor stage 1 blades and, depending on the results of the inspections, additional BSIs at reduced intervals or replacement of the HPT rotor stage 1 blades. This AD also requires a BSI of the HPT rotor stage 1 blades installed on the sister engine of the same airplane if certain criteria are met.

Interim Action

The FAA considers this AD to be an interim action. The manufacturer is currently developing a terminating action that will address the unsafe condition identified in this AD. Once this terminating action is developed and available, the FAA might consider further rulemaking.

Justification for Immediate Adoption and Determination of the Effective Date

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

The FAA justifies waiving notice and comment prior to adoption of this rule because no domestic operators use this product. It is unlikely that the FAA will receive any adverse comments or useful information about this AD from any U.S. operator. Accordingly, notice and opportunity for prior public comment are unnecessary, pursuant to 5 U.S.C. 553(b). In addition, for the foregoing reason(s), the FAA finds that good cause exists pursuant to 5 U.S.C. 553(d) for making this amendment effective in less than 30 days.

Regulatory Flexibility Act

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

Costs of Compliance

The FAA estimates that this AD affects 0 operators of engines installed on airplanes of U.S. registry with the criteria identified in the Applicability section of the AD.

The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
BSI of the HPT rotor stage 1 blades	4 work-hours × $85 per hour = $340	$0	$340	$0

The FAA estimates the following costs to do any necessary further corrective actions and replacements that would be required based on the results of the inspection. The agency has no way of determining the number of engines that might need these additional inspections or replacements.

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replacement of the HPT rotor stage 1 blades	150 work-hours × $85 per hour = $12,750	$988,200	$1,000,950
BSI of the HPT rotor stage 1 blades (on the sister engine).	4 work-hours × $85 per hour = $340	0	340

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

(2) Will not affect intrastate aviation in Alaska.

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:
■ a. Removing Airworthiness Directive 2025–21–03, Amendment 39–23175 (90 FR 57675, December 12, 2025); and
■ b. Adding the following new airworthiness directive:

2026–14–06 CFM International, S.A.: Amendment 39–23407; Docket No. FAA–2026–7214; Project Identifier AD–2026–00225–E.

(a) Effective Date

This airworthiness directive (AD) is effective July 27, 2026.

(b) Affected ADs

This AD replaces AD 2025–21–03, Amendment 39–23175 (90 FR 57675, December 12, 2025) (AD 2025–21–03).

(c) Applicability

This AD applies to CFM International, S.A. Model LEAP–1A23, LEAP–1A24, LEAP–1A24E1, LEAP–1A26, LEAP–1A26CJ, LEAP–1A26E1, LEAP–1A29, LEAP–1A29CJ, LEAP–1A30, LEAP–1A32, LEAP–1A33, LEAP–1A33B2, and LEAP–1A35A engines with an installed high-pressure turbine (HPT) rotor stage 1 blade, having part number (P/N) 2747M92P01, P/N 2553M91G03, P/N 2553M91G05, P/N 2553M91G06, P/N 2553M91G07, or P/N 2553M91G08 that has accumulated more than 1,100 South Asia takeoffs, and has accumulated 2,500 part cycles since new (PCSN) for Group 1 engines, or 5,100 PCSN for Group 2 engines.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by reports of two in-flight shutdowns due to cracks in the HPT rotor stage 1 blades. The FAA is issuing this AD to prevent failure of the HPT rotor stage 1 blades. The unsafe condition, if not addressed, could result in failure of the engine, in-flight shutdown, loss of thrust control, and consequent loss of control of the airplane.

(f) Compliance

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

(g) Definitions

For the purpose of this AD, the following definitions apply:

(1) Group 1 engines are CFM Model LEAP–1A29, LEAP–1A29CJ, LEAP–1A30, LEAP–1A32, LEAP–1A33, LEAP–1A33B2, and LEAP–1A35A engines.

(2) Group 2 engines are CFM Model LEAP–1A23, LEAP–1A24, LEAP–1A24E1, LEAP–1A26, LEAP–1A26CJ, and LEAP–1A26E1 engines.

(3) A ''South Asia takeoff'' is any takeoff accomplished in the South Asia region, which includes the following countries: Bangladesh, Bhutan, India, Maldives, Nepal, and Sri Lanka.

(4) A ''sister engine'' refers to the other engine installed on the same airplane.

(h) Required Actions

(1) Group 1 Engines: Borescope Inspection (BSI) of HPT Rotor Stage 1 Blades

For Group 1 engines with an affected HPT rotor stage 1 blade installed:

(i) Within 100 flight cycles (FCs) after accumulating 1,100 South Asia takeoffs on the HPT rotor stage 1 blade, before the HPT rotor stage 1 blade accumulates 2,500 PCSN or within 100 FCs after the effective date of this AD, whichever occurs later, perform an initial BSI of the HPT rotor stage 1 blades in accordance with the Accomplishment Instructions, paragraph 5.E.(1)(c), of CFM Service Bulletin (SB) LEAP–1A–72–00–0485–01A–930A–D, Issue 004–00, dated May 19, 2026 (CFM SB LEAP–1A–72–00–0485–01A–930A–D, Issue 004–00).

(ii) Thereafter, at intervals not to exceed 150 FCs since the last BSI, perform a repetitive BSI of the HPT rotor stage 1 blades in accordance with the Accomplishment Instructions, paragraph 5.E.(1)(c), of CFM SB LEAP–1A–72–00–0485–01A–930A–D, Issue 004–00.

(2) Group 2 Engines: BSI of HPT Rotor Stage 1 Blades

For Group 2 engines with an affected HPT rotor stage 1 blade installed:

(i) Within 100 FCs after accumulating 1,100 South Asia takeoffs on the HPT rotor stage 1 blade, before the HPT rotor stage 1 blade accumulates 5,100 PCSN, or within 100 FCs after the effective date of this AD, whichever occurs later, perform an initial BSI of the HPT rotor stage 1 blades in accordance with the Accomplishment Instructions, paragraph 5.E.(1)(c), of CFM SB LEAP–1A–72–00–0485–01A–930A–D, Issue 004–00.

(ii) Thereafter, at intervals not to exceed 300 FCs since the last BSI, perform a repetitive BSI of the HPT rotor stage 1 blades in accordance with the Accomplishment Instructions, paragraph 5.E.(1)(c), of CFM SB LEAP–1A–72–00–0485–01A–930A–D, Issue 004–00.

(3) BSI Results Disposition for Group 1 and Group 2 Engines

Based on the results of the BSI required by paragraphs (h)(1) or (2) of this AD, as applicable, either re-inspect or replace, as applicable, the HPT rotor stage 1 blades set using the criteria, compliance times, and procedures as described in the Accomplishment Instructions, paragraph 5.E.(1)(e), of CFM SB LEAP–1A–72–00–0485–01A–930A–D, Issue 004–00.

(4) Conditional Inspection of the Sister Engine for Group 1 and Group 2 Engines

(i) If the sister engine has accumulated 50 FCs or less since the last BSI of the HPT rotor stage 1 blade for Group 1 engines, or 100 FCs or less since the last BSI of the HPT rotor stage 1 blade for Group 2 engines, no further action is required by paragraph (h)(4) of this AD.

(ii) Based on the BSI results disposition required by paragraph (h)(3) of this AD, if re-inspection or replacement of the HPT rotor stage 1 blades is required, within 50 FCs, then within 5 FCs after performing the inspection required by paragraph (h)(1) or (2) of this AD, as applicable, either inspect or replace the affected HPT rotor stage 1 blades on the sister engine using the procedures and compliance times in the Accomplishment Instructions, paragraph 5.E.(1)(f), of CFM SB LEAP–1A–72–00–0485–01A–930A–D, Issue 004–00. Where CFM SB LEAP–1A–72–00–0485–01A–930A–D, Issue 004–00, specifies to remove the engine, this AD requires replacement of the HPT rotor stage 1 blades.

(i) Credit for Previous Actions

(1) This paragraph provides credit for the initial BSI required by paragraphs (h)(1)(i) or (2)(i) of this AD if you performed the initial BSI before the effective date of this AD using CFM Service Bulletin LEAP–1A–72–00–0485–01A–930A–D, Issue 001–00, dated September 27, 2022; or Issue 002–00, dated April 16, 2025; or Issue 003–00, dated July 30, 2025.

(2) The inspections and corrective actions as required by paragraphs (h)(1) through (4) of this AD satisfy the requirements of paragraphs (g)(1) through (4) of AD 2022–17–12, Amendment 39–22150 (87 FR 53651, September 1, 2022) (AD 2022–17–12).

(3) The inspections and corrective actions as required by paragraphs (g)(1) through (4) of AD 2022–17–12 satisfy the requirements of paragraphs (h)(1) through (4) of this AD.

(j) No Reporting Requirement

Where CFM SB LEAP–1A–72–00–0485–01A–930A–D, Issue 004–00, requires reporting any unserviceable findings, this AD does not require that action.

(k) Alternative Methods of Compliance (AMOCs)

(1) The Manager, AIR–520 Continued Operational Safety Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the AIR–520 Continued Operational Safety Branch, send it to the attention of the person identified in paragraph (l)(1) 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.

(l) Additional Information

(1) For more information about this AD, contact Mehdi Lamnyi, Aviation Safety

Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198; phone: (781) 238–7743; email: *mehdi.lamnyi@faa.gov.*

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

(m) Material Incorporated by Reference

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

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

(i) CFM Service Bulletin LEAP–1A–72–00–0485–01A–930A–D, Issue 004–00, dated May 19, 2026

(ii) [Reserved]

(3) For CFM material identified in this AD, contact CFM International, S.A., GE Aviation Fleet Support, 1 Neumann Way, M/D Room 285, Cincinnati, OH 45215; phone: (877) 432–3272; email: *aviation.fleetsupport@ge.com.*

(4) You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (817) 222–5110.

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

Issued on July 6, 2026.

Brian Knaup,

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

[FR Doc. 2026–13979 Filed 7–9–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–3872; Project Identifier MCAI–2025–01421–T; Amendment 39–23401; AD 2026–14–01]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc., Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Bombardier, Inc., Model BD–700–2A12 airplanes. This AD was prompted by reports of missing or under torqued fasteners on the slat 2 cove rib 6 brackets. This AD requires a general visual inspection (GVI) of affected fasteners on slat 2 cove rib 6 brackets to determine if all fasteners are installed and applicable on-condition actions. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective August 14, 2026.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of August 14, 2026.

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2026–3872; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

- For Transport Canada material identified in this AD, contact Transport Canada, Transport Canada National Aircraft Certification, 159 Cleopatra Drive, Nepean, Ontario K1A 0N5, Canada; telephone 888–663–3639; email *TC.AirworthinessDirectives-Consignesdenavigabilite.TC@tc.gc.ca.* You may find this material on the Transport Canada website at *tc.canada.ca/en/aviation.*
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available at *regulations.gov* under Docket No. FAA–2026–3872.

FOR FURTHER INFORMATION CONTACT: Brenda Buitrago Perez, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 516–228–7300; email: *9-avs-nyaco-cos@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Bombardier, Inc., Model BD–700–2A12 airplanes. The NPRM was published in the **Federal Register** on April 29, 2026 (91 FR 23028). The NPRM was prompted by Transport Canada AD CF–2025–46, dated September 2, 2025 (Transport Canada AD CF–2025–46) (also referred to as the MCAI), issued by Transport Canada, which is the aviation authority for Canada. The MCAI states that there have been reports of missing or under torqued fasteners on the slat 2 cove rib 6 bracket, which are common to both the left-hand side (LHS) and right-hand side (RHS). The MCAI also states that if fasteners are missing or under torqued, the bracket may lose some load carrying capabilities. Stress analysis has determined that missing cove rib 6 load path may lead to reduced safety margins and subsequent loss of structural redundancy.

In the NPRM, the FAA proposed to require a GVI of affected fasteners on slat 2 cove rib 6 brackets to determine if the fasteners are installed and applicable on-condition actions, as specified in Transport Canada AD CF–2025–46. The FAA is issuing this AD to address the unsafe condition on these products.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2026–3872.

Discussion of Final Airworthiness Directive

Comments

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

Conclusion

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

Material Incorporated by Reference Under 1 CFR Part 51

Transport Canada AD CF–2025–46 specifies procedures for performing a GVI of affected fasteners on slat 2 cove rib 6 brackets to determine if the fasteners are installed and applicable on-condition actions. On-condition actions include making sure that the fasteners are torqued from 20 to 25 lbf in., performing a GVI for signs of damage (damage includes but is not limited to permanent deformation, distortion, cracking, or other visible

structural anomalies), repairing any damage found, and, if there is no damage, installing and torquing new fasteners.

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

Costs of Compliance

The FAA estimates that this AD affects 36 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
5 work-hours × $85 per hour = $425	$0	$425	$15,300

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

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Labor cost	Parts cost	Cost per product
2 work-hours × $85 per hour = $170	$99	$269

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2026–14–01 Bombardier, Inc.: Amendment 39–23401; Docket No. FAA–2026–3872; Project Identifier MCAI–2025–01421–T.

(a) Effective Date

This airworthiness directive (AD) is effective August 14, 2026.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Bombardier, Inc., Model BD–700–2A12 airplanes, certificated in any category, as identified in Transport Canada AD CF–2025–46, dated September 2, 2025 (Transport Canada AD CF–2025–46).

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by reports of missing or under torqued fasteners on the slat 2 cove rib 6 bracket. The FAA is issuing this AD to address the unsafe condition, which if not addressed, could potentially result in the loss of some load carrying capabilities, which could result in reduced safety margins and subsequent loss of structural redundancy.

(f) Compliance

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

(g) Requirements

Except as specified in paragraphs (h) and (i) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, Transport Canada AD CF–2025–46.

(h) Exception to Transport Canada AD CF–2025–46

(1) Where Transport Canada AD CF–2025–46 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where paragraph B. of Transport Canada AD CF–2025–46 specifies ''If fasteners are installed,'', for this AD, replace that text with ''If fasteners are installed, before further flight,''.

(3) Where paragraph C. of Transport Canada AD CF–2025–46 specifies ''If fasteners are missing,'' for this AD, replace that text with ''If fasteners are missing, before further flight,''.

(i) No Reporting Requirement

Although the material referenced in Transport Canada AD CF–2025–46 specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(j) Additional AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly

to the manager of the International Validation Branch, send it to the attention of the person identified in paragraph (k) of this AD and email to: *AMOC@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(2) Contacting the Manufacturer: For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, International Validation Branch, FAA; or Transport Canada; or Bombardier, Inc.'s Transport Canada Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(k) Additional Information

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

(l) Material Incorporated by Reference

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

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

(i) Transport Canada AD CF–2025–46, dated September 2, 2025.

(ii) [Reserved]

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

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

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

Issued on June 29, 2026.

Steven W. Thompson,

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

[FR Doc. 2026–13981 Filed 7–9–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2026–5908; Airspace Docket No. 26–AGL–9]

RIN 2120–AA66

Establishment of Class E Airspace; Monee, IL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace at Meadow Creek Airport, Monee, IL. 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, IL 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 Meadow Creek Airport, Monee, IL, to support IFR operations at this airport.

History

The FAA published an NPRM for Docket No. FAA–2026–5908 in the **Federal Register** (91 FR 30260; May 22, 2026) proposing to establish Class E airspace at Meadow Creek Airport, Monee, IL. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

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 6.4-mile radius of Meadow Creek Airport, Monee, IL. 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 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.

* * * * *

AGL IL E5 Monee, IL [Establish]

Meadow Creek Airport, IL
(Lat. 41°26′00″ N, long. 87°46′53″ W)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Meadow Creek Airport.

* * * * *

Issued in Fort Worth, Texas, on July 7, 2026.

Jerry J. Creecy,

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

[FR Doc. 2026–13946 Filed 7–9–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2026–3895; Airspace Docket No. 26–AGL–6]

RIN 2120–AA66

Establishment of Class E Airspace; Conneaut, OH

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace at University Hospitals Conneaut Medical Center Heliport, Conneaut, OH. 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, OH 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 University Hospitals Conneaut Medical Center Heliport, Conneaut, OH, to support IFR operations at this airport.

History

The FAA published an NPRM for Docket No. FAA–2026–3895 in the **Federal Register** (91 FR 29923; May 21, 2026) proposing to establish Class E airspace at University Hospitals Conneaut Medical Center Heliport, Conneaut, OH. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

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 7-mile radius of University Hospitals Conneaut Medical Center Heliport, Conneaut, OH. 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 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.

* * * * *

AGL OH E5 Conneaut, OH [Establish]

University Hospitals Conneaut Medical Center Heliport, OH
(Lat. 41°56′19″ N, long. 80°35′11″ W)

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the University Hospitals Conneaut Medical Center Heliport.

* * * * *

Issued in Fort Worth, Texas, on July 8, 2026.

Jerry J. Creecy,

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

[FR Doc. 2026–13980 Filed 7–9–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2026–4027; Airspace Docket No. 26–AGL–8]

RIN 2120–AA66

Establishment of Class E Airspace; Geneva, OH

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace at University Hospitals Geneva Medical Center Heliport, Geneva, OH. 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, OH 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 University Hospitals Geneva Medical Center Heliport, Geneva, OH, to support IFR operations at this airport.

History

The FAA published an NPRM for Docket No. FAA–2026–4027 in the

Federal Register (91 FR 28459; May 18, 2026) proposing to establish Class E airspace at University Hospitals Geneva Medical Center Heliport, Geneva, OH. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

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 9-mile radius of University Hospitals Geneva Medical Center Heliport, Geneva, OH. 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 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.

* * * * *

AGL OH E5 Geneva, OH [Establish]

University Hospitals Geneva Medical Center Heliport, OH
(Lat. 41°47′55″ N, long. 80°57′41″ W)

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the University Hospitals Geneva Medical Center Heliport.

* * * * *

Issued in Fort Worth, Texas, on July 7, 2026.

Jerry J. Creecy,

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

[FR Doc. 2026–13947 Filed 7–9–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 73

[Docket No. FAA–2026–7162; Airspace Docket No. 26–ASO–10]

RIN 2120–AA66

Stay of Effective Date for Amendment of Using Agency and Controlling Agency for Restricted Areas R–5301, R–5302A, R–5302B, and R–5302C; NC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; stay.

SUMMARY: This action stays the effective date of a final rule published by the FAA in the **Federal Register** on July 6, 2026, amending FAA regulations to update using and controlling agency descriptions for restricted areas R–5301, R–5302A, R–5302B, and R–5302C. The effective date is stayed until September 3, 2026.

DATES: Effective July 10, 2026, the amendments to 14 CFR 73.53 are stayed until September 3, 2026.

ADDRESSES: A copy of 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.*

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:

Background

The FAA published a final rule for Docket No. FAA–2026–7162 (91 FR 40870; July 6, 2026), amending the using agency and controlling agency descriptions for restricted areas R–5301, R–5302A, R–5302B, and R–5302C in

North Carolina. Upon publication, the FAA determined that the effective date of July 9, 2026, included in the final rule could not be accommodated due to the FAA's aeronautical charting schedule. Accordingly, the FAA is staying the effective date until September 3, 2026, to coincide with the charting schedule.

Issued in Washington, DC, on July 08, 2026.

Alex W. Nelson,

Manager, Rules and Regulations Group.

[FR Doc. 2026–13963 Filed 7–9–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 20

[TD 10050]

RIN 1545–BQ88

Revising Qualified Domestic Trust Regulations Under Section 2056A To Update Outdated References and Procedures

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations that amend the Federal estate tax regulations applicable to estates of decedents passing property to or for the benefit of a noncitizen spouse in a domestic trust that satisfies all of the requirements under applicable Federal tax law and regulations to be a qualified domestic trust and for which the executor of the decedent's estate has made a qualified domestic trust election. These final regulations modify the existing regulations to update outdated references, information, and procedures. These final regulations primarily affect the estates of decedents passing property to or for the benefit of a noncitizen spouse in a qualified domestic trust pursuant to applicable Federal tax law.

DATES:

Effective date: These regulations are effective on July 10, 2026.

Applicability dates: For dates of applicability, see §§ 20.2056A–2(e), 20.2056A–4(e), 20.2056A–11(e), and 20.2056A–13.

FOR FURTHER INFORMATION CONTACT: Donna Douglas at 202–317–6859 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Authority

This document contains amendments to the Estate Tax Regulations (26 CFR part 20) under section 2056A of the Internal Revenue Code (Code) related to qualified domestic trusts. These final regulations are issued under express delegations of authority provided under sections 2056A(a)(2), 2056A(e), and 7805(a) of the Code. Section 2056A(a)(2) authorizes the Secretary of the Treasury or the Secretary's delegate (Secretary) to promulgate regulations that will ensure the collection of the estate tax imposed under section 2056A(b). Section 2056A(e) authorizes the Secretary to prescribe such regulations as may be necessary or appropriate to carry out the purposes of section 2056A. Section 7805(a) directs the Secretary to prescribe all needful rules and regulations for the enforcement of the Code, including all rules and regulations as may be necessary by reason of any alteration of law in relation to internal revenue.

Background

1. Statutory Overview

Section 2056(d)(1) of the Code generally disallows a marital deduction for the value of property passing to a noncitizen spouse of a decedent or donor. However, section 2056(d)(2)(A) allows a marital deduction for such property passing to the decedent's surviving spouse in a qualified domestic trust (QDOT), as defined in section 2056A. Section 2056A of the Code was added by the Technical and Miscellaneous Revenue Act of 1988 (Pub. L. 100–647) and further amended by the Revenue Reconciliation Act of 1989 (Pub. L. 101–239), the Revenue Reconciliation Act of 1990 (Pub. L. 101–508), the Taxpayer Relief Act of 1997 (Pub. L. 105–34), and the Economic Growth and Tax Relief Reconciliation Act of 2001 (Pub. L. 107–16).

Generally, for purposes of sections 2056 and 2056A, section 2056A(a) defines the term ''qualified domestic trust,'' with respect to any decedent, as any trust if (1) its trust instrument meets certain requirements regarding the identity and powers of the trustee, (2) such trust meets such requirements as the Secretary may by regulations prescribe to ensure the collection of any tax imposed by section 2056A(b), and (3) an election under section 2056A by the executor of the decedent applies to such trust. Section 2056A(b) generally prescribes rules relating to a deferred estate tax on distributions of corpus from the QDOT during the spouse's lifetime and on the balance of the corpus held in the QDOT at the spouse's death (section 2056A estate tax). Section 2056A(c) provides definitions of certain relevant terms, and section 2056A(d) provides rules regarding the section 2056A election. Finally, section 2056A(e) directs the Secretary to prescribe regulations as may be necessary or appropriate to carry out the purposes of section 2056A.

2. Existing Regulatory Guidance Under Section 2056A

Proposed regulations addressing the application of sections 2056(d) and 2056A were published in the **Federal Register** (58 FR 305) on January 5, 1993 (1993 proposed regulations). The 1993 proposed regulations included proposed rules under §§ 20.2056A–1 through 20.2056A–13. Relevant to these final regulations, § 20.2056A–2 of the 1993 proposed regulations set forth the proposed qualification requirements for a QDOT; § 20.2056A–4 of the 1993 proposed regulations set forth the proposed procedures for conforming marital trusts and nontrust marital transfers to the requirements of a QDOT; and § 20.2056A–11 of the 1993 proposed regulations set forth the proposed rules relating to filing requirements and payment of the section 2056A estate tax.

On August 22, 1995, after consideration of all written comments and public hearing testimony, the 1993 proposed regulations were adopted as final regulations by the publication of TD 8612 in the **Federal Register** (60 FR 43531), with one exception: § 20.2056A–2(d) of the 1993 proposed regulations, which set forth proposed additional requirements to ensure collection of the section 2056A estate tax, was not finalized. On the same date, the Department of the Treasury (Treasury Department) and the IRS published TD 8613 in the **Federal Register** (60 FR 43554), which contained temporary regulations under § 20.2056A–2T(d) (1995 temporary regulations). The text of the 1995 temporary regulations also served, by cross-reference, as the text of reissued proposed regulations published on the same date in the **Federal Register** (60 FR 43574) to address and solicit further commentary on the additional requirements necessary to ensure collection of the section 2056A estate tax (1995 proposed regulations). On November 29, 1996, the Treasury Department and the IRS published TD 8686 in the **Federal Register** (61 FR 60551) to adopt § 20.2056A–2(d) of the 1995 proposed regulations, with modifications in response to comments, as final regulations (1996 final regulations). In an apparent oversight,

the 1996 final regulations did not update the references to § 20.2056A–2T(d) found in §§ 20.2056A–2, 20.2056A–4, and 20.2056A–11.

On August 21, 2024, the Treasury Department and the IRS published in the **Federal Register** (89 FR 67580) a notice of proposed rulemaking (REG–119683–22). The proposed regulations would amend existing §§ 20.2056A–2, 20.2056A–4, 20.2056A–11, and 20.2056A–13 to update outdated references, information, and procedures.

First, the proposed regulations would update §§ 20.2056A–2, 20.2056A–4, and 20.2056A–11 of the Estate Tax Regulations to remove outdated references to § 20.2056A–2T(d). Second, the proposed regulations would update § 20.2056A–2 to correct outdated references to a publication, to IRS officials and offices, and to procedures and addresses to be used by certain trustees to provide a security instrument to satisfy the requirements of a QDOT. Third, the proposed regulations would update § 20.2056A–2(d)(1)(iii) to amend the definition of ''finally determined'' because the definition of that term in existing regulations includes an outdated reference to the issuance of an estate tax closing letter. Fourth, the proposed regulations would update §§ 20.2056A–4 and 20.2056A–11 to properly identify the titles of IRS officials authorized to enter into agreements with respect to the section 2056A estate tax and to grant extensions of time to file a Form 706–QDT, *U.S. Estate Tax Return for Qualified Domestic Trusts,* or to pay any section 2056A estate tax. Finally, the proposed regulations would update § 20.2056A–13 to reflect new applicability dates related to amendments that would be made by the proposed regulations.

3. Public Hearing and Comments

Because no public hearing was requested, the Treasury Department and the IRS did not hold a public hearing on the proposed regulations. The Treasury Department and the IRS received two written comments on the proposed regulations. The written comments are available for public inspection at *https://www.regulations.gov* or upon request.

After consideration of the comments and additional consideration of certain aspects of the proposed regulations, the Treasury Department and the IRS are adopting the proposed regulations with two revisions.

Summary of Comments and Explanation of Revisions

One commenter opined that, by leaving the substance of the regulations unaltered, the Treasury Department and the IRS are allowing for a more effective tax code by focusing solely on the outdated terminology and leaving the function of the Code unchanged. More specifically, the commenter praised the existing regulations for establishing procedures by which a non-citizen spouse may qualify for the marital deduction (1) by establishing a QDOT and transferring to it property that otherwise would have passed directly to the spouse, and (2) in the case of a plan, annuity, or other arrangement which is not assignable or transferable, by allowing the property to be treated as passing in the form of a QDOT, notwithstanding that the spouse does not irrevocably transfer or assign the annuity or other payment to the QDOT. Finally, the commenter suggested increasing the basic exclusion amount to relieve taxpayers with estates of less value than that amount from the expense of estate planning and from incurring ''excessive'' Federal estate and gift taxes. The basic exclusion amount applicable to the Federal estate and gift taxes is determined by statute and therefore cannot be changed by regulations. Accordingly, this suggestion has not been adopted.

Another commenter noted that the proposed regulations would clarify the guidance for complying with the existing section 2056A regulations, and that this would save taxpayers time and money, as well as raise taxpayer confidence in the tax system by supporting equity and taxpayer's rights. The commenter continued, however, that the IRS has a mission that includes collecting the proper amount of tax revenue, at the least cost to the public, by efficiently applying the tax law with integrity and fairness. The commenter suggested that, to further this end, before issuing the final regulations, the Treasury Department and the IRS research the cost of QDOT compliance versus the amount of section 2056A estate tax revenue and consider overhauling the entire QDOT system and the ways QDOTs now can be structured to avoid or delay the imposition of the section 2056A estate tax. Modification of the entire QDOT system would first require a change in the terms of section 2056A itself, a change that can only be achieved by legislation. Accordingly, this suggestion has not been adopted.

After additional consideration of certain aspects of the proposed regulations that would improve tax administration, the Treasury Department and the IRS adopt two non-substantive changes to these regulations. First, identification of the office known as the ''Estate Tax Advisory Group'' throughout these regulations is clarified to include any successor office as provided in IRS publications, forms or instructions, or on *https://www.irs.gov.* In the event of a restructuring of the IRS, this will allow the IRS to efficiently and quickly publicize the identity of the successor office, improving clarity for taxpayers. Second, the applicability date is changed so that these regulations will apply on and after the regulations are published as final in the **Federal Register**, instead of applying only to estates of decedents dying on or after the regulations are published as final in the **Federal Register**. Because these regulations correct outdated references and procedures, this change will reduce confusion and ensure all taxpayers are able to utilize the updated references and procedures from the time of publication of these regulations in the **Federal Register**.

Special Analyses

I. Regulatory Planning and Review

These final regulations are not subject to review under section 6(b) of Executive Order 12866 pursuant to the Memorandum of Agreement (July 4, 2025) between the Treasury Department and the Office of Management and Budget regarding review of tax regulations.

II. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) (PRA) requires that a Federal agency obtain the approval of the Office of Management and Budget (OMB) before collecting information from the public, whether such collection of information is mandatory, voluntary, or required to obtain or retain a benefit. A Federal agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid control number.

The final regulations update the existing regulations under section 2056A by modifying and replacing outdated references, information, and procedures, such as references to IRS officials, offices, and addresses that no longer exist and references to temporary regulations. The collections of information within these final regulations include reporting and third-party disclosure requirements imposed by the IRS to ensure that the IRS has been provided with adequate security for the collection of the section 2056A estate tax, to allow marital trusts and nontrust marital transfers to be conformed to the requirements of a

QDOT, and to provide extensions of time for the payment of section 2056A estate tax.

The final regulations include third-party disclosure and reporting requirements under § 20.2056A–2(d)(1)(i) for surety and banks to notify trustees and the IRS of the failure to renew a bond or letter of credit. These collection requirements are already approved by OMB under 1545–1443 for all filers. The final regulations do not change the already approved collection requirements, and only modify the location of where to file. An update to the filing location does not change the already approved burden.

The final regulations include reporting requirements related to a security instrument used to meet the qualifications of a QDOT and filed at the time the executor of an estate files a Form 706 or 706–NA. The final regulations also include reporting requirements related to Form 706–QDT used to calculate and report the section 2056A estate tax due or to notify the IRS that the trust is exempt from future filing because a noncitizen spouse has become a citizen. These reporting requirements are already approved by OMB under 1545–1443 for all filers. The final regulations do not substantively change the collection requirements, and only modify the location of where to file the security instruments and arrangements. An update to the filing location does not change the already approved burden.

The final regulations include reporting requirements related to requesting extensions using Form 4768 to file Form 706–QDT, Form 706, and Form 706–NA. These reporting requirements are already approved by OMB under 1545–0181 for all filers. The final regulations do not substantively change the collection requirements, and only modify the location of where to file the extension. An update to the filing location does not change the already approved burden.

Books and records relating to a collection of information must be retained as long as their contents might become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by section 6103 of the Code.

III. Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act (5 U.S.C. chapter 6), it is hereby certified that the final regulations will not have a significant economic impact on a substantial number of small entities. This rule primarily affects individuals (or their estates) and trusts, which are not small entities for purposes of the Regulatory Flexibility Act. Although it is anticipated that there may be an incremental economic impact on executors that are small entities, including entities that provide tax and legal services that assist individuals in preparing tax returns, any impact will not be significant and will not affect a substantial number of small entities. Therefore, a Regulatory Flexibility Analysis under the Regulatory Flexibility Act (5 U.S.C. chapter 6) is not required.

IV. Section 7805(f)

Pursuant to section 7805(f) of the Code, this regulation has been submitted to the Chief Counsel for the Office of Advocacy of the Small Business Administration for comment on its impact on small business.

V. Unfunded Mandates Reform Act

Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA) requires that agencies assess anticipated costs and benefits and take certain other actions before issuing a final rule that includes any Federal mandate that may result in expenditures in any one year by a State, local, or Tribal government, in the aggregate, or by the private sector, of $100 million in 1995 dollars, updated annually for inflation. This rule does not include any Federal mandate that may result in expenditures by State, local, or Tribal governments, or by the private sector in excess of that threshold.

VI. Executive Order 13132: Federalism

Executive Order 13132 (Federalism) prohibits an agency from publishing any rule that has federalism implications if the rule either imposes substantial, direct compliance costs on State and local governments and is not required by statute, or preempts State law unless the agency meets the consultation and funding requirements of section 6 of the executive order. These final regulations do not have federalism implications and do not impose substantial direct compliance costs on State and local governments or preempt State law within the meaning of the executive order.

Drafting Information

The principal author of these final regulations is Donna Douglas of the Office of Associate Chief Counsel (Passthroughs, Trusts, and Estates). However, other personnel from the Treasury Department and the IRS participated in their development.

List of Subjects in 26 CFR Part 20

Estate taxes, Reporting and recordkeeping requirements.

Adoption of Amendments to the Regulations

Accordingly, the Treasury Department and the IRS are amending 26 CFR part 20 as follows:

PART 20—ESTATE TAX; ESTATES OF DECEDENTS DYING AFTER AUGUST 16, 1954

■ **Paragraph 1.** The authority citation for part 20 continues to read in part as follows:

Authority: 26 U.S.C. 7805.

* * * * *

■ **Par. 2.** Section 20.2056A–0 is amended by:
■ 1. Revising the entry for paragraph (d)(6) of § 20.2056A–2;
■ 2. Adding an entry for paragraph (e) of § 20.2056A–2;
■ 3. Adding an entry for paragraph (e) of § 20.2056A–4; and
■ 4. Adding an entry for paragraph (e) of § 20.2056A–11.

The revision and additions read as follows:

§ 20.2056A–0 Table of contents.

§ 20.2056A–2 Requirements for qualified domestic trust.

* * * * *

(d) * * *
(6) Special rules.
(e) Applicability date.

* * * * *

§ 20.2056A–4 Procedures for conforming marital trusts and nontrust marital transfers to the requirements of a qualified domestic trust.

* * * * *

(e) Applicability date.

* * * * *

§ 20.2056A–11 Filing requirements and payment of the section 2056A estate tax.

* * * * *

(e) Applicability date.

* * * * *

■ **Par. 3.** Section 20.2056A–2 is amended by:
■ 1. Revising the first sentence of paragraph (a);
■ 2. Revising paragraph (b)(2);
■ 3. Revising the first sentence of paragraph (b)(3);
■ 4. Removing the fourth sentence of paragraph (d)(1)(i)(B)(*1*) and adding in its place two new sentences;
■ 5. Revising and republishing paragraph (d)(1)(i)(B)(*2*);
■ 6. Revising the first sentence of paragraph (d)(1)(i)(B)(*4*), and adding a new sentence at the end of the paragraph;

■ 7. Removing the fourth sentence of paragraph (d)(1)(i)(C)(*1*) and adding in its place two new sentences;
■ 8. Revising and republishing paragraph (d)(1)(i)(C)(*2*);
■ 9. Revising and republishing paragraph (d)(1)(i)(C)(*3*);
■ 10. Revising the first sentence of paragraph (d)(1)(i)(C)(*5*), and adding a new sentence at the end of the paragraph;
■ 11. Revising paragraph (d)(1)(iii);
■ 12. Revising the paragraph heading of paragraph (d)(6);
■ 13. Removing paragraph (d)(6)(i);
■ 14. Redesignating paragraphs (d)(6)(ii) and (iii) as paragraphs (d)(6)(i) and (ii) respectively; and
■ 15. Adding paragraph (e).

The revisions and additions read as follows:

§ 20.2056A–2 Requirements for qualified domestic trust.

(a) * * * To qualify as a qualified domestic trust (QDOT), the requirements of paragraphs (b) through (d) of this section must be satisfied. * * *

(b) * * *

(2) *Property passing outright to spouse.* If property does not pass from a decedent to a QDOT, but passes to a noncitizen surviving spouse in a form that meets the requirements for a marital deduction without regard to section 2056(d)(1)(A), and that is not described in paragraph (b)(1) of this section, the surviving spouse must either actually transfer the property, or irrevocably assign the property, to a trust (whether created by the decedent, by the decedent's executor, or by the surviving spouse) that meets the requirements of paragraphs (c) and (d) of this section (pertaining, respectively, to statutory requirements and regulatory requirements imposed to ensure collection of tax) prior to the filing of the estate tax return for the decedent's estate and on or before the last date prescribed by law that the QDOT election may be made (see § 20.2056A–3(a)).

(3) * * * If property does not pass from a decedent to a QDOT, but passes under a plan or other arrangement that meets the requirements for a marital deduction without regard to section 2056(d)(1)(A) and whose payments are not assignable or transferable (see § 20.2056A–4(c)), the property is treated as meeting the requirements of this section, and the requirements of § 20.2056A–2(d), if the requirements of § 20.2056A–4(c) are satisfied. * * *

* * * * *

(d) * * *

(1) * * *

(i) * * *

(B) * * *

(*1*) * * * Any notice of failure to renew is required to be sent to the Estate Tax Advisory Group of the Internal Revenue Service or successor office as provided in IRS publications, forms or instructions, or on *https://www.irs.gov*. To determine the correct address to use when submitting the required documentation, see IRS Publication 4235, *Collection Advisory Offices Contact Information,* or as otherwise provided in IRS forms or instructions or on *https://www.irs.gov*. * * *

(*2*) *Form of bond.*—The bond must be in the following form (or in a form that is the same as the following form in all material respects), or in such alternative form as the Commissioner may prescribe by guidance published in the Internal Revenue Bulletin (see § 601.601(d)(2) of this chapter):

Bond in Favor of the Internal Revenue Service To Secure Payment of Section 2056A Estate Tax Imposed Under Section 2056A(b) of the Internal Revenue Code.

Know all persons by these presents, That the undersigned, _____, the SURETY, and _____, the PRINCIPAL, are irrevocably held and firmly bound to pay the Internal Revenue Service upon written demand that amount of any tax up to $ *[amount determined under paragraph (d)(1)(i)(B) of this section],* imposed under section 2056A(b)(1) of the Internal Revenue Code (including penalties and interest on said tax) determined by the Internal Revenue Service to be payable with respect to the principal as trustee for: *[Identify trust and governing instrument, name and address of trustee],* a qualified domestic trust as defined in section 2056A of the Internal Revenue Code, for the payment of which the said Principal and said Surety, bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

Whereas, The Internal Revenue Service may demand payment under this bond at any time if the Internal Revenue Service in its sole discretion determines that a taxable event with respect to the trust has occurred; the trust no longer qualifies as a qualified domestic trust as described in section 2056A(a) of the Internal Revenue Code and the regulations promulgated thereunder, or a distribution subject to the tax imposed under section 2056A(b)(1) has been made. Demand by the Internal Revenue Service for payment may be made whether or not the tax and tax return (Form 706–QDT) with respect to the taxable event is due at the time of such demand, or an assessment has been made by the Internal Revenue Service with respect to the tax.

Now therefore, The condition of this obligation is such that it must not be cancelled and, if payment of all tax liability finally determined to be imposed under section 2056A(b) is made, then this obligation is null and void; otherwise, this obligation is to remain in full force and effect for one year from its effective date and is to be automatically renewable on an annual basis unless, at least 60 days prior to the expiration date, including periods of automatic renewals, the surety mails to the U.S. Trustee and the Internal Revenue Service by Registered or Certified Mail, return receipt requested, notice of the failure to renew. Receipt of this notice of failure to renew by the Internal Revenue Service may be considered a taxable event. The Internal Revenue Service will not draw upon the bond if, within 30 days of receipt of the notice of failure to renew, the trustee notifies the Internal Revenue Service that an alternate security arrangement has been secured and that the arrangement will take effect immediately prior to or upon expiration of the bond. The surety remains liable for all taxable events occurring prior to the date of expiration. All notices required to be sent to the Internal Revenue Service under this instrument should be sent to the Estate Tax Advisory Group of the Internal Revenue Service or successor office as provided in IRS publications, forms or instructions, or on *https://www.irs.gov*. To determine the correct address to use when submitting the required documentation, see IRS Publication 4235, *Collection Advisory Offices Contact Information,* or as otherwise provided in IRS forms or instructions or on *https://www.irs.gov*.

This bond shall be effective as of _____

Principal _____

Date _____

Surety _____

Date _____

* * * * *

(*4*) * * * The bond is to be filed (separately from the decedent's Federal estate tax return) by submitting it directly to the Estate Tax Advisory Group of the Internal Revenue Service or successor office as provided in IRS publications, forms or instructions, or on *https://www.irs.gov* on or before the later of the filing date or due date of the decedent's Federal estate tax return (Form 706 or 706–NA) unless an extension for filing the bond is granted under § 301.9100 of this chapter. * * * To determine the correct address to use

when submitting the required documentation, see IRS Publication 4235, *Collection Advisory Offices Contact Information,* or as otherwise provided in IRS forms or instructions or on *https://www.irs.gov*.

(C) * * *

(*1*) * * * Any notice of failure to renew or closure of a U.S. branch of a foreign bank required to be sent to the Internal Revenue Service must be sent to the Estate Tax Advisory Group of the Internal Revenue Service or successor office as provided in IRS publications, forms or instructions, or on *https://www.irs.gov*. To determine the correct address to use when submitting the required documentation, see IRS Publication 4235, *Collection Advisory Offices Contact Information,* or as otherwise provided in IRS forms or instructions or on *https://www.irs.gov*. * * *

(*2) Form of letter of credit.*—The letter of credit must be made in the following form (or in a form that is the same as the following form in all material respects), or an alternative form that the Commissioner prescribes by guidance published in the Internal Revenue Bulletin (*see* § 601.601(d)(2) of this chapter):

[Issue Date]

To: Internal Revenue Service

Attention: Estate Tax Advisory Group (or successor office as provided in IRS publications, forms or instructions, or on *https://www.irs.gov*). (See IRS Publication 4235, *Collection Advisory Offices Contact Information,* or as otherwise provided in IRS forms or instructions or on *https://www.irs.gov,* to determine the correct address to use when submitting the required documentation).

[Or in the case of nonresident noncitizen decedents and United States citizens who die domiciled outside the United States,

To: Estate Tax Group,
Assistant Commissioner (International)
950 L'Enfant Plaza
CP:IN:D:C:EX:HQ:1114
Washington, DC 20224]

Dear Sirs:

We hereby establish our irrevocable Letter of Credit No.—in your favor for drawings up to U.S. $ *[Applicant should provide bank with amount which Applicant determined under paragraph (d)(1)(i)(C)]* effective immediately. This Letter of Credit is issued, presentable and payable at our office at and expires at _____ 3:00 p.m. [EDT, EST, CDT, CST, MDT, MST, PDT, PST] on __ _____ at said office.

For information and reference only, we are informed that this Letter of Credit relates to *[Applicants should provide bank with the identity of qualified domestic trust and governing instrument],* and the name, address, and identifying number of the trustee is *[Applicant should provide bank with the trustee name, address and the QDOT's TIN number, if any].*

Drawings on this Letter of Credit are available upon presentation of the following documents:

1. Your draft drawn at sight on us bearing our Letter of Credit No. _____ __; and

2. Your signed statement as follows:

The amount of the accompanying draft is payable under *[identify bank]* irrevocable Letter of Credit No. _____ pursuant to section 2056A of the Internal Revenue Code and the regulations promulgated thereunder, because the Internal Revenue Service in its sole discretion has determined that a ''taxable event'' with respect to the trust has occurred; *e.g.,* the trust no longer qualifies as a qualified domestic trust as described in section 2056A of the Internal Revenue Code and regulations promulgated thereunder, or a distribution subject to the tax imposed under section 2056A(b)(1) of the Internal Revenue Code has been made.

Except as expressly stated herein, this undertaking is not subject to any agreement, requirement or qualification. The obligation of *[Name of Issuing Bank]* under this Letter of Credit is the individual obligation of *[Name of Issuing Bank]* and is in no way contingent upon reimbursement with respect thereto.

It is a condition of this Letter of Credit that it is deemed to be automatically extended without amendment for a period of one year from the expiration date hereof, or any future expiration date, unless at least 60 days prior to any expiration date, we mail to you and to the U.S. Trustee notice by Registered Mail or Certified Mail, return receipt requested, or by courier to your and the trustee's address indicated above, that we elect not to consider this Letter of Credit renewed for any such additional period. Upon receipt of this notice, you may draw hereunder on or before the then current expiration date, by presentation of your draft and statement as stipulated above.

[In the case of a letter of credit issued by a U.S. branch of a foreign bank the following language must be added]. It is a further condition of this Letter of Credit that if the U.S. branch of *[name of foreign bank]* is to be closed, that at least sixty days prior to closing, we mail to you and the U.S. Trustee notice by Registered Mail or Certified Mail, return receipt requested, or by courier to your and the U.S. Trustee's address indicated above, that this branch will be closing. This notice will specify the actual date of closing. Upon receipt of the notice, you may draw hereunder on or before the date of closure, by presentation of your draft and statement as stipulated above.

Except where otherwise stated herein, this Letter of Credit is subject to the most recent revision of the Uniform Customs and Practice for Documentary Credits published by the International Chamber of Commerce (ICC), which can be found on *https://www.iccwbo.org.* If we notify you of our election not to consider this Letter of Credit renewed and the expiration date occurs during an interruption of business described in the most recent revision of that publication, unless you had consented to cancellation prior to the expiration date, the bank hereby specifically agrees to effect payment if this Letter of Credit is drawn against within 30 days after the resumption of business.

Except as stated herein, this Letter of Credit cannot be modified or revoked without your consent.

Authorized Signature _____

Date _____

(*3*) *Form of confirmation.*—If the requirements of this paragraph (d)(1)(i)(C) are satisfied by the issuance of a letter of credit by a foreign bank with confirmation by a bank as defined in section 581, the confirmation must be made in the following form (or in a form that is the same as the following form in all material respects), or an alternative form that the Commissioner prescribes by guidance published in the Internal Revenue Bulletin (see § 601.601(d)(2) of this chapter):

[Issue Date]

To: Internal Revenue Service

Attention: Estate Tax Advisory Group (or successor office as provided in IRS publications, forms or instructions, or on *https://www.irs.gov*). (See IRS Publication 4235, *Collection Advisory Offices Contact Information,* or as otherwise provided in IRS forms or instructions or on *https://www.irs.gov,* to determine the correct address to use when submitting the required documentation).

[or in the case of nonresident noncitizens decedents and United States citizens who die domiciled outside the United States,

To: Estate Tax Group,
Assistant Commissioner (International)
950 L'Enfant Plaza
CP:IN:D:C:EX:HQ:1114
Washington, DC 20024]

Dear Sirs:

We hereby confirm the enclosed irrevocable Letter of Credit No. _____, and amendments thereto, if any, in your favor by _____ [Issuing Bank] for drawings up to U.S. $ [same amount as in initial Letter of Credit] effective immediately. This confirmation is issued, presentable and payable at our office at _____ and expires at 3:00 p.m. [EDT, EST, CDT, CST, MDT, MST, PDT, PST] on _____ at said office.

For information and reference only, we are informed that this Confirmation relates to [Applicant should provide bank with the identity of qualified domestic trust and governing instrument], and the name, address, and identifying number of the trustee is [Applicant should provide bank with the trustee name, address and the QDOT's TIN number, if any].

We hereby undertake to honor your sight draft(s) drawn as specified in the Letter of Credit.

Except as expressly stated herein, this undertaking is not subject to any agreement, condition, or qualification. The obligation of *[Name of Confirming Bank]* under this Confirmation is the individual obligation of *[Name of Confirming Bank]* and is in no way contingent upon reimbursement with respect thereto.

It is a condition of this Confirmation that it is deemed to be automatically extended without amendment for a period of one year from the expiration date hereof, or any future expiration date, unless at least sixty days prior to any expiration date, we send to you and to the U.S. Trustee notice by Registered Mail or Certified Mail, return receipt requested, or by courier to your and the trustee's addresses, respectively, indicated above, that we elect not to consider this Confirmation renewed for any additional period. Upon receipt of this notice by you, you may draw hereunder on or before the then current expiration date, by presentation of your draft and statement as stipulated above.

Except where otherwise stated herein, this Confirmation is subject to the most recent version of the *Uniform Customs and Practice for Documentary Credits* published by the International Chamber of Commerce (ICC), which can be found on *https://www.iccwbo.org*. If we notify you of our election not to consider this Confirmation renewed and the expiration date occurs during an interruption of business described in the most recent version of that publication, unless you had consented to cancellation prior to the expiration date, the bank hereby specifically agrees to effect payment if this Confirmation is drawn against within 30 days after the resumption of business.

Except as stated herein, this Confirmation cannot be modified or revoked without your consent.

Authorized Signature _____

Date _____

* * * * *

(*5*) * * * The letter of credit (and confirmation, if applicable) is to be filed separately from the decedent's Federal estate tax return (Form 706 or Form 706–NA) by submitting it directly to the Estate Tax Advisory Group of the Internal Revenue Service or successor office as provided in IRS publications, forms or instructions, or on *https://www.irs.gov,* on or before the later of the filing date or the due date of the decedent's Federal estate tax return (unless an extension for filing the letter of credit is granted under § 301.9100 of this chapter). * * * To determine the correct address to use when submitting the required documentation, see IRS Publication 4235, *Collection Advisory Offices Contact Information,* or as otherwise provided in IRS forms or instructions or on *https://www.irs.gov*.

* * * * *

(iii) *Definition of finally determined*—(A) *In general.* For purposes of § 20.2056A–2(d)(1)(i) and (ii), the fair market value of assets is the fair market value of those assets as finally determined for Federal estate tax purposes. That value is—

(*1*) The value reported on an estate tax return filed with the Internal Revenue Service, once the period of limitations on assessment (see section 6501) of estate tax has expired without that value having been timely adjusted by the Internal Revenue Service;

(*2*) The value determined or specified by the Internal Revenue Service for unreported property, or for reported property where the value determined or specified by the Internal Revenue Service differs from the value reported on an estate tax return filed with the Internal Revenue Service, once the period of limitations on assessment applicable to the estate tax has expired without that value having been timely contested by the executor;

(*3*) The value determined in a written agreement with the Internal Revenue Service (whether entered into during the course of the administrative proceedings between the estate and the Internal Revenue Service or after the commencement of litigation) once that written agreement has been executed by both the executor and the Internal Revenue Service and is binding on all parties (including, but not limited to, the executor, the Internal Revenue Service, and the beneficiaries); or

(*4*) The value determined by a court for the purpose of determining the estate tax liability of the estate, once the court's determination no longer can be appealed to any court.

(B) *Contested and Executor defined.* For purposes of this paragraph (d)(1)(iii), the term *contested* means to put at issue the value of property in a written communication to the Internal Revenue Service that identifies the specific property, states that the executor does not accept as correct the value of that property as determined or specified by the Internal Revenue Service, and provides the executor's claimed value for that property as determined in accordance with the requirements of section 2031, the corresponding regulations, and other applicable guidance. An issue cannot be contested by a general protective statement or written communication that does not include each of these specified elements. For purposes of this paragraph (d)(1)(iii), the term *executor* includes any person described in section 2203, as expanded to include all persons required under section 6018(b) to file an estate tax return.

* * * * *

(6) *Special rules.*

* * * * *

(e) *Applicability date.* This section applies on and after July 10, 2026.

■ **Par. 4.** Section 20.2056A–4 is amended by:

■ 1. Revising the second sentence of paragraph (a)(1);

■ 2. Revising the fifth and sixth sentences of paragraph (a)(2);

■ 3. Revising the sixth sentence of paragraph (c)(1);

■ 4. Revising and republishing paragraph (c)(6)(ii);

■ 5. Revising and republishing paragraph (c)(7)(ii); and

■ 6. Revising paragraph (e).

The revisions read as follows:

§ 20.2056A–4 Procedures for conforming marital trusts and nontrust marital transfers to the requirements of a qualified domestic trust.

(a) * * *

(1) * * * For this purpose, the requirements of a QDOT include all of the applicable requirements set forth in § 20.2056A–2. * * *

(2) * * * Thus, the trustee of the trust is responsible for filing the Form 706–QDT, paying any section 2056A estate tax that becomes due, and filing the annual statement required under § 20.2056A–2(d)(3), if applicable. Failure to comply with these requirements may cause the trust to be

subject to the anti-abuse rule under § 20.2056A–2(d)(1)(v). * * *

* * * * *

(c) * * *

(1) * * * In the case of a plan, annuity, or other arrangement which is not assignable or transferable (or is treated as such), the property passing under the plan from the decedent is treated as meeting the requirements of § 20.2056A–2 (pertaining to the general requirements, qualified marital interest requirements, statutory requirements, and requirements to ensure collection of the tax) if the requirements of either paragraph (c)(2) or (3) of this section are satisfied. * * *

* * * * *

(6) * * *

(ii) *Agreement.*—In order for a nonassignable annuity or other payment described in this paragraph (c) to qualify under paragraph (c)(2) of this section, the executor of the decedent's estate must file with the estate tax return the following Agreement To Pay Section 2056A Estate Tax, which must be signed by the surviving spouse of the decedent (or by the surviving spouse's legal representative if the surviving spouse is legally incompetent to sign the agreement):

I *[name]* hereby agree that I will report all annuity payments received under the *[name of plan or arrangement]* on Form 706–QDT for the calendar year and remit, on an annual basis, to the Internal Revenue Service the estate tax that is imposed under section 2056A(b)(1) of the Internal Revenue Code on the corpus portion of each annuity payment (as defined in § 20.2056A–4(c)(4) of the Estate Tax Regulations) received under the plan during the calendar year. I also agree that Form 706–QDT is to be filed no later than April 15th of the year following the calendar year in which any annuity payments are received except that: in the case of annuity payments received in the year of my spouse's death, Form 706–QDT and the payment shall not be due prior to the due date, including extensions, for filing my spouse's estate tax return or, if no return is filed, no later than 9 months from the date of my spouse's death (except if I am granted an extension of time to file Form 706–QDT under the provisions of § 20.2056A–11); and in the year of my death, the Form 706–QDT must be filed and the payment made no later than the date my estate tax return is filed (or if no return is filed, no later than 9 months from the date of my death). I further agree that if I fail to timely file Form 706–QDT or to timely pay the tax imposed on the corpus portion of any annuity payment (determined after any extensions of time to pay granted to me under the provisions of § 20.2056A–11), I may become immediately liable to pay the amount of the tax determined by application of section 2056A(b)(1) on the entire remaining present value of the annuity, calculated as of the beginning of the year in which the payment was received with respect to which I failed to timely pay the tax or failed to timely file the return. However, I may make an application for relief under § 301.9100–1 of the Procedure and Administration Regulations, from the consequences of failing to timely file the Form 706–QDT or failing to timely pay the tax on the corpus portion. [The following sentence is applicable only in cases where the plan or arrangement is established and administered by a person or an entity that is located outside of the United States.] I agree, at the request of the Chief Tax Compliance Officer, IRS (or their delegate or designee or as otherwise provided in IRS publications, forms or instructions, or on *https://www.irs.gov*), to enter into a security agreement to secure my undertakings under this agreement.

(7) * * *

(ii) *Agreement.*—In order for a nonassignable annuity or other payment described in this paragraph (c) to qualify under paragraph (c)(3) of this section, the executor of the decedent's estate must file with the estate tax return the following Agreement To Roll Over Annuity Payments, which must be signed by the surviving spouse of the decedent (or by the legal representative of the surviving spouse if the surviving spouse is legally incompetent to sign the agreement):

I *[name]* hereby agree that within 60 days of receipt of each annuity payment paid under *[name of plan or arrangement],* I will transfer an amount equal to percent (the corpus portion determined under § 20.2056A–4(c)(4) of the Estate Tax Regulations) of each annuity payment to *[identify the QDOT].* Further, I will report all annuity payments received during the calendar year under the *[name of plan or arrangement]* on Form 706–QDT including a schedule of transfers to the *[identify the QDOT].* I also agree that Form 706–QDT is to be filed no later than April 15th of the year following the year in which any annuity payments are received except that: in the case of annuity payments received in the year of my spouse's death, Form 706–QDT shall not be due prior to the due date, including extensions, for filing my spouse's estate tax return, or, if no return is filed, no later than 9 months from the date of my spouse's death (except if I am granted an extension of time to file Form 706–QDT under the provisions of § 20.2056A–11); and in the year of my death, the Form 706–QDT must be filed no later than the date my estate tax return is filed (or if no return is filed, no later than 9 months from the date of my death), and except if I am granted an extension of time to file Form 706–QDT under the provisions of § 20.2056A–11. I further agree that if I fail to timely transfer any required amount with respect to any annuity payment, or fail to timely file Form 706–QDT reporting the transfers for any year, I may become immediately liable to pay the amount of the tax determined by application of section 2056A(b)(1) on the entire remaining present value of the annuity, calculated as of the beginning of the year in which the payment was received with respect to which I failed to make the timely transfer or timely file a return. However, I may make an application for relief under § 301.9100–1 of the Procedure and Administration Regulations, from the consequences of failing to timely file Form 706–QDT or failing to timely transfer the corpus portion of any annuity payment to the QDOT. [The following sentence is applicable only in cases where the plan or arrangement is established and administered by a person or an entity that is located outside of the United States.] I agree, at the request of the Chief Tax Compliance Officer, IRS (or their delegate or designee or as otherwise provided in IRS publications, forms or instructions, or on *https://www.irs.gov*), to enter into a security agreement to secure my undertakings under this agreement.

* * * * *

(e) *Applicability date.* This section applies on and after July 10, 2026.

■ **Par. 5.** Section 20.2056A–11 is amended by:

■ 1. Revising the last sentence of paragraph (a);

■ 2. Revising the last sentence of paragraph (c)(1);

■ 3. Revising paragraph (c)(2); and

■ 4. Adding paragraph (e).

The revisions and addition read as follows:

§ 20.2056A–11 Filing requirements and payment of the section 2056A estate tax.

(a) * * * See also § 20.2056A–5(c)(1) regarding the requirements for filing a Form 706–QDT in the case of a distribution to the surviving spouse on account of hardship, and § 20.2056A–2(d)(3) regarding the requirements for filing Form 706–QDT in the case of the required annual statement.

* * * * *

(c) * * *

(1) * * * Such extension may be granted by the Advisory Group Managers (or their delegate or designee or as otherwise provided in IRS publications, forms or instructions, or on *https://www.irs.gov*).

(2) *Extension of time for paying tax under section 6161(a)(1).* An extension of time beyond the due date to pay any part of the estate tax imposed on lifetime distributions under section 2056A(b)(1)(A), or imposed at the death of the surviving spouse under section 2056A(b)(1)(B), or imposed at the termination of the QDOT (such as on the death or resignation of the U.S. trustee), may be granted for a reasonable period of time, not to exceed 6 months (12 months in the case of the estate tax imposed under section 2056A(b)(1)(B) at the surviving spouse's death), by the Advisory Group Managers (or their delegate or designee or as otherwise provided in IRS publications, forms or instructions, or on *https://www.irs.gov*).

* * * * *

(e) *Applicability date.* This section applies on and after July 10, 2026.

■ **Par. 6.** Section 20.2056A–13 is amended by revising the section heading and the first sentence to read as follows:

§ 20.2056A–13 Applicability dates.

Except as provided in this section and in §§ 20.2056A–2(e), 20.2056A–4(e), and 20.2056A–11(e), the provisions of §§ 20.2056A–1 through 20.2056A–12 are applicable with respect to estates of decedents dying on or after August 22, 1995. * * *

Frank J. Bisignano,

Chief Executive Officer (IRS).

Approved: April 10, 2026.

Kenneth J. Kies,

Assistant Secretary of the Treasury (Tax Policy).

[FR Doc. 2026–13925 Filed 7–9–26; 8:45 am]

BILLING CODE 4831–GV–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2026–0883]

RIN 1625–AA00

Safety Zone; North Atlantic Ocean, Virginia Beach, VA

AGENCY: Coast Guard, Department of Homeland Security.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for certain navigable waters of the North Atlantic Ocean at the Virginia Beach Oceanfront. 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 Virginia, or their designated representative.

DATES: This rule is effective without actual notice from July 10, 2026 through September 6, 2026. For the purposes of enforcement, actual notice will be used from July 8, 2026, until July 10, 2026. It will only be subject to enforcement, however, every Wednesday and Sunday night from July 8, 2026 through September 6, 2026 between the hours of 9 p.m. to 10 p.m.

ADDRESSES: To view available documents go to *https://www.regulations.gov* and search for USCG–2026–0883.

FOR FURTHER INFORMATION CONTACT: If you have questions about this rule, contact LCDR Justin Strassfield, Sector Virginia, Waterways Management Division, U.S. Coast Guard, Telephone: (571) 608–2969; or *virginiawaterways@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background and Authority

On June 8, 2026, the Coast Guard received notification that fireworks would be launched from a barge on the North Atlantic Ocean at the Virginia Beach Oceanfront. The Captain of the Port (COTP) Virginia has determined that potential hazards associated with these fireworks, such as the chance that a person may be hit by falling debris or that a vessel may be set on fire by falling debris, are a safety concern for anyone within 1,000-yards of the fireworks display. To protect personnel, vessels, and the marine environment in the navigable waters within the safety zone from these hazards, the COTP is issuing this rule, which she does under the authority in 46 U.S.C. 70034.

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 by July 8, 2026, the date it must be in place to protect personnel, vessels, and the marine environment.

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 every Wednesday and Sunday beginning July 8, 2026 through September 6, 2026. The safety zone will cover all waters of the North Atlantic Ocean within a 1,000-yard radius of the center of the barge, which will be located near the shoreline of Virginia Beach, between 17th and 31st Streets. Vessels and persons will not be allowed to enter the safety 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.T05–0883 to read as follows:

§ 165.T05–0883 Safety Zone; North Atlantic Ocean, Virginia Beach, VA.

(a) *Location.* The following area is a safety zone: all waters of the North Atlantic Ocean within a 1,000-yard radius of the center located near the shoreline at approximate position 36°51′12.81″ N, 075°58′11.60″ W, located off the beach between 17th and 31st Streets of Virginia Beach. These coordinates are based on the World Geodetic System (WGS 84).

(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 with law enforcement authority and designated by or assisting the Captain of the Port, Virginia (COTP) in the enforcement of the safety zone.

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

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

(d) *Enforcement periods.* This section will be enforced every Wednesday and Sunday night from 9 p.m. to 10 p.m. from July 8, 2026 through September 6, 2026.

Peggy M. Britton,

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

[FR Doc. 2026–13964 Filed 7–9–26; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2026–0879]

RIN 1625–AA00

Safety Zone; St. Clair River, Port Huron, MI

AGENCY: Coast Guard, Department of Homeland Security.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for navigable waters of the St. Clair River within a 420-foot radius of Desmond Landing in the St. Clair River, Port Huron, MI. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards during a drone show event. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port Detroit or their designated representative.

DATES: This rule is effective from 9:30 p.m. through 11:00 p.m. on July 16, 2026.

ADDRESSES: To view available documents go to *https://www.regulations.gov* and search for USCG–2026–0879.

FOR FURTHER INFORMATION CONTACT: If you have questions about this rule, contact Tracy Girard, Waterways Management Division, U.S. Coast Guard Sector Detroit; (313) 475–7475, *D09-SMB-SecDetroit-WWM@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background and Authority

The Coast Guard received notification that a drone show will be launched from shore and displayed over the St. Clair River in Port Huron, MI. The Captain of the Port (COTP) Detroit has determined that potential hazards associated with a drone show are a safety concern for anyone within a 420-foot radius of a drone show display. Therefore, the COTP is issuing this rule under the authority in 46 U.S.C. 70034, which is needed to protect personnel, vessels,

and the marine environment in the navigable waters within the safety zone.

Because of these potential hazards, the Coast Guard is issuing this rule without prior notice and comment. As is authorized by 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is impracticable. The Coast Guard was notified of this event on June 5, 2026, and were notified of the switch from fireworks to done show, but we must establish this safety zone by July 16, 2026, to protect personnel, vessels, and the marine environment. Therefore, we do not have enough time to solicit and respond to comments.

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

III. Discussion of the Rule

This rule establishes a safety zone on July 16, 2026. The safety zone will cover all navigable waters of the St. Clair River within a 420-foot radius of a drone show site in the St. Clair River, Port Huron, MI. 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.T09–0879 to read as follows:

§ 165.T09–0879 Safety Zone; St. Clair River, Port Huron, MI.

(a) *Location.* The following area is a safety zone: All navigable waters of the St. Clair River within a 420-foot at Desmond Landing, Port Huron, MI.

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

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

(2) To seek permission to enter, contact the COTP or the COTP's representative on VHF–FM channel 16. 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 9:30 p.m. through 11:00 p.m. on July 16, 2026.

Caren C. Damon,

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

[FR Doc. 2026–13966 Filed 7–9–26; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF EDUCATION

34 CFR Chapter II

[ED–2026–OESE–0826]

Final Waiver and Extension of the Project Period With Funding—Title I, Part C Consortium Incentive Grant Program

AGENCY: Office of Elementary and Secondary Education (OESE), Department of Education.

ACTION: Final waiver and extension of the project period with funding.

SUMMARY: The Secretary waives the requirements in the Education Department General Administrative Regulations (EDGAR) that generally prohibit project period extensions involving the obligation of additional Federal funds. The final waiver and extension would enable 39 projects under Assistance Listing Number (ALN) 84.144F to receive funding for up to one additional 12-month period, not to exceed September 30, 2027.

DATES: This waiver and extension is effective July 10, 2026.

FOR FURTHER INFORMATION CONTACT: Michael Meltzer, U.S. Department of Education, 400 Maryland Avenue SW, Washington, DC 20202–5076. Telephone: (202) 987–1657. Email: *Michael.Meltzer@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:

Background

Title I, Part C, authorized under sections 1301–1309 of the Elementary and Secondary Education Act of 1965 (ESEA), as amended, is a State-operated and State administered formula grant program for the education of migratory children—*i.e.,* children of migratory agricultural workers and migratory fishers. One component of the Title I, Part C program is the Consortium Incentive Grant (CIG) program, authorized in section 1308(d) of the ESEA (20 U.S.C. 6398(d)). Through the CIG program, the Department of Education (Department) may set aside up to $3,000,000 from the annual Title I, Part C appropriation to award grants on a competitive basis to State educational agencies (SEAs) to participate in consortia with another State or appropriate entity that will improve the delivery of services to migratory children whose education is interrupted.

The Department published a notice of final requirements for the CIG program in the **Federal Register** on March 3, 2004 (69 FR 10110) (2004 Notice), a notice of final priority on March 12, 2008 (73 FR 13217), and a notice of final requirement on December 31, 2013 (78 FR 79613), in which we increased the maximum project period for the CIG program to three years. On February 23, 2023, the Department published in the **Federal Register** (88 FR 11422) a notice inviting applications for the CIG program.

On April 17, 2026, the Department published a notice in the **Federal Register** (91 FR 20607) proposing a waiver and extension of the project period with funding (proposed waiver and extension) that would allow 39 Fiscal Year 2023 grantees under ALN 84.144F to receive funding for up to two additional 12-month periods, not to exceed September 30, 2028. The proposed waiver and extension contained background information and our reasons for the proposal.

There is one substantive difference between the notice of proposed waiver and extension of the project period with funding and this notice of final waiver and extension of the project period with funding (final waiver and extension): the final waiver and extension is for one additional 12-month period, not up to two additional 12-month periods as proposed. The rationale for this change is discussed in the *Analysis of Comments and Changes* section of this document.

Public Comment: In response to our invitation in the proposed waiver and extension, the Department received 28 comments.

Generally, we do not address technical and other minor changes. In addition, we do not address general comments not directly related to the proposed waiver and extension.

Analysis of Comments and Changes

An analysis of the comments and any changes in the final waiver and extension since publication of the proposed waiver and extension follows.

Of the 28 comments received, most were in support of the waiver, one was opposed to the inclusion of all current grantees in the waiver, and one was opposed to the waiver.

Comment: Several commenters expressed support for the CIG program and the proposed waiver and extension noting continued funding would allow grantees to continue coordinating with one another to address the needs of migratory children and achieve the goals and objectives of the consortia. Commenters noted that the waiver and extension would provide the opportunity to create additional high-quality materials to address the needs identified in their State, refine and enhance existing consortia materials, and work to ensure that consortia materials are widely disseminated and used by Title I, Part C programs across the Nation. Commenters also noted that the waiver and extension would support professional learning, identification and recruitment of migratory students, strengthen family engagement, and promote student success and achievement in a manner that would reduce duplication of effort and resources across States as well as maximize the use of funding.

Discussion: We appreciate the commenters' support for the CIG program and this waiver. We agree with commenters that an abrupt interruption in the program's services and support should be avoided. However, in response to a commenter that raised concerns about fiscal responsibility, we are limiting the final waiver and extension to one 12-month period. The Department will continue to consider ongoing needs for the CIG program during this extension period.

Changes: The proposed waiver and extension of up to two additional 12-month periods has been reduced to one additional 12-month period.

Comment: One commenter recommended that six States be ''exempted'' under the proposed waiver and extension, but did not provide additional context for consideration.

Discussion: We acknowledge the commenter's recommendation to exempt six States from the waiver and extension. However, it would not be appropriate to limit the waiver and extension in this manner, as the States proposed to receive the waiver and extension were previously determined eligible through the original 2023 grant competition.

Changes: None.

Comment: One commenter opposed the waiver on the basis that it would increase spending. The commenter argued that the Department should prioritize cost reductions rather than taking on more projects and spending more money.

Discussion: We appreciate the commenters' concerns related to spending. We clarify that Congress appropriated FY 2026 funds for the Title I, Part C program, which includes the CIG program. A waiver and extension for CIG grantees does not amount to an increase in FY 2026 spending because the Department would otherwise obligate the same total amount of funds to the Title I, Part C program, as directed by Congress. We believe extending these projects for one additional year, rather

than authorizing a new grant competition is the most efficient use of FY 2026 funds. However, we agree with the commenter's general concern regarding fiscal responsibility. Therefore, we are limiting the final waiver and extension to one additional 12-month period, in alignment with the Administration's FY 2027 budget request which eliminates the program.

Changes: The proposed waiver and extension of up to two additional 12-month periods has been reduced to one additional 12-month period.

Final Waiver and Extension of the Project Period With Funding

In the proposed waiver and extension, we discussed the background and purposes of the CIG program and our reasons for proposing the waiver and extension. As outlined in that document, providing up to two additional years of funding would permit grantees to continue coordinating with one another and continue achieving the goals and objectives of their consortium applications as the Secretary considers changes to the priorities and structure of the CIG program. After considering the public comments in response to our proposal, we have determined that one additional year of funding is likely to achieve the aforementioned benefits.

For these reasons, we have concluded that it would be contrary to the public interest to have a lapse in the work of current CIG program grantees while the Secretary considers changes to the implementation of the CIG program.

Therefore, the Secretary waives the requirements in 34 CFR 75.261(b)(2), which limits the extension of a project period if the extension involves the obligation of additional Federal funds and the requirements in the 2013 Notice, which establishes a 3-year project period.

Under this waiver—

(1) Current grantees are authorized to receive continuation determinations and awards for one additional 12-month period, not to exceed September 30, 2027, using the CIG funding formula currently in existence.

(2) The Department is not announcing a new competition in FY 2026.

(3) During the extension period, any activities carried out must be consistent with, or be a logical extension of, the scope, goals, and objectives of the grantees' approved application from the FY 2023 CIG program competition.

(4) Each grantee that receives a continuation determination and award must also continue to comply with the requirements established in the program regulations, the 2004 and 2013 Notices, and the 2023 notice inviting applications for the CIG program (88 FR 11422).

The waiver of 34 CFR 75.261(b)(2) will not affect the applicability of the requirements in 34 CFR 75.253 (continuation of a multi-year project after the first budget period) to any current CIG program grantee that receives a continuation award as a result of the waiver.

Intergovernmental Review

This action is subject to Executive Order 12372 and the regulations in 34 CFR part 79.

Regulatory Flexibility Act Certification

The Secretary certifies that this final waiver and extension of the project period would not have a significant economic impact on a substantial number of small entities.

The entities that would be affected by this final waiver and extension are:

(a) The FY 2023 SEA grantees currently receiving Title I, Part C funds; and

(b) SEAs that otherwise would have been eligible to apply for an award in FY 2026 under the CIG program if the Department had held that competition.

The Secretary certifies that the final waiver and extension would not have a significant economic impact on these entities because the extension of an existing project period imposes minimal compliance costs, and the activities required to support the additional year(s) of funding would not impose additional regulatory burdens or require unnecessary Federal supervision.

Paperwork Reduction Act of 1995

This notice of final waiver and extension of the project period does not contain any information collection requirements.

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, or 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 via the Federal Digital System at: *www.govinfo.gov.* You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.*

Kirsten Baesler,

Assistant Secretary, Office of Elementary and Secondary Education.

[FR Doc. 2026–13967 Filed 7–9–26; 8:45 am]

BILLING CODE P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 17

[Docket No. VA–2025–VHA–0007]

RIN 2900–AS29

Expansion of VA Process for 72-Hour Notification of Emergency Treatment

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: The Department of Veterans Affairs (VA) adopts as final, with minor changes, a proposed rule amending its medical regulations to add a new method for veterans, their representatives, and eligible entities or providers to notify VA for the determination of whether emergency treatment can be authorized under the Veterans Community Care Program (VCCP). This will streamline the notification process and make it easier for veterans to have their care authorized under VCCP.

DATES: This rule is effective August 10, 2026.

FOR FURTHER INFORMATION CONTACT: Joseph Duran, Director, Policy, Office of Integrated Veteran Care, Veterans Health Administration, (303) 370–1637.

SUPPLEMENTARY INFORMATION: On July 22, 2025, VA published a rulemaking in the **Federal Register** that proposed to allow veterans, their representatives, and eligible entities or providers to notify VA through a centralized web-based process for determination of whether the emergency treatment can be authorized under the VCCP. 90 FR 34407. VA authorizes payment of emergency treatment furnished to covered veterans by eligible entities or providers under the VCCP if the veteran notifies the appropriate official at the nearest VA medical facility within 72 hours of such care being furnished and VA approves such care. 38 CFR 17.4020(c)(2) and (c)(4); other requirements under § 17.4020(c) also apply. VA specifically proposed to revise § 17.4020(c)(4)(i) to add the option of notification through a centralized notification process instead of only allowing notice to be provided to the appropriate VA official at the

nearest VA facility. 90 FR 34407. As stated in the proposed rule, although the centralized process is more administratively efficient and beneficial to veterans and local VA facilities, VA would maintain the current method of contacting the appropriate VA official at the nearest VA facility as a valid method of providing 72-hour notice to avoid confusion for veterans, their representatives, and eligible entities or providers who are accustomed to and prefer the current method of notification. *Id* at 34408. VA also proposed to amend § 17.4020(c)(4)(i) to include that information on the centralized notification process would be accessible through VA's website at *www.va.gov. Id*.

VA provided the public with a 60-day comment period, which ended on September 22, 2025. VA received three comments from the public. One comment was not relevant to this issue and the other two supported the proposed rulemaking. One of these supportive comments also included a suggestion, as discussed below.

In the proposed rule, VA stated that information on the centralized notification process would be accessible through VA's website at *www.va.gov,* versus a more specific Emergency Care Reporting (ECR) website as located on the Community Care section of the *www.va.gov.com* site. 90 FR 34407. One commenter recommended maintaining the ECR Portal link and instructions on the Community Care web page within *www.va.gov* because veterans use the Community Care web page as a valuable resource. VA agrees with the commenter about the importance of maintaining the ECR portal link and instructions on the Community Care web page.

Based on the feedback from the commenter, VA will update the website reference in § 17.4020(c)(4)(i) as proposed to include the more specific *www.va.gov/resources/getting-emergency-care-at-non-va-facilities/* or successor website. VA will also make a technical change to provide that the website ''is'' accessible on the website and not ''will be'' accessible on the website. This change provides clarity that the website is currently operational. The regulation will state that the notification be made to the appropriate VA official at the nearest VA facility or by using the centralized notification process (information on the centralized notification process is accessible through VA's website at *https://www.va.gov/resources/getting-emergency-care-at-non-va-facilities/* or successor website). This will ensure that veterans can easily find information related to notification of emergency treatment.

Based on the rationale set forth in the **SUPPLEMENTARY INFORMATION** section of the proposed rule and this final rule, VA adopts the proposed rule as final with the changes explained herein.

Executive Orders 12866, 13563, and 14192

VA examined the impact of this rulemaking as required by Executive Orders 12866 (Sept. 30, 1993) and 13563 (Jan. 18, 2011), which direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. The Office of Information and Regulatory Affairs has determined that this final rule is not a significant regulatory action under E.O. 12866, as supplemented by Executive Order 13563. This final rule is a deregulatory action under Executive Order 14192.

Economic Impact: VA has determined there are no costs or transfers associated with this rule because the rule codifies the current practice of providing notice of emergency treatment to a centralized entity while still allowing individuals to notify the appropriate VA official at the nearest VA facility. VA designated this as a deregulatory action under Executive Order 14192 due to there being no increases in incremental costs or transfers and because the rulemaking also provides for a proven method of notification. While VA is unable to quantify savings, there will be increases in efficiency as this rulemaking simplifies centralized 72-hour notification without imposing new regulatory requirements.

Regulatory Flexibility Act

The Secretary hereby certifies that this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. This final rule adds a method for veterans, their representatives, and eligible entities or providers to contact VA for determination of whether emergency treatment can be authorized under the VCCP after the veteran has received such care. It will not have a substantial economic impact on small entities because it merely provides for an additional method of notification. Therefore, pursuant to 5 U.S.C. 605(b), the initial and final regulatory flexibility analysis requirements of 5 U.S.C. 603 and 604 do not apply.

Unfunded Mandates

This final rule will not result in the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector, of $100 million or more (adjusted annually for inflation) in any one year.

Paperwork Reduction Act

Although this final rule contains collection of information under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521), there are no provisions associated with this rulemaking constituting any new collection of information or any revisions to the existing collection of information. The collection of information for 38 CFR 17.4020 is currently approved by the Office of Management and Budget (OMB) and has been assigned OMB control number 2900–0823.

List of Subjects in 38 CFR Part 17

Administrative practice and procedure, Alcohol abuse, Alcoholism, Claims, Day care, Dental health, Drug abuse, Foreign relations, Government contracts, Grant programs—health, Grant programs—veterans, Health care, Health facilities, Health professions, Health records, Homeless, Medical and dental schools, Medical devices, Medical research, Mental health programs, Nursing homes, Philippines, Reporting and recordkeeping requirements, Scholarships and fellowships, Travel and transportation expenses, Veterans.

Signing Authority

Douglas A. Collins, Secretary of Veterans Affairs, approved this document on July 7, 2026, and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs.

Jacquelyn Collins,

Alternate Federal Register Liaison Officer, Department of Veterans Affairs.

For the reasons set forth in the preamble, the Department of Veterans Affairs amends 38 CFR part 17 as follows:

PART 17—MEDICAL

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

Authority: 38 U.S.C. 501, and as noted in specific sections.

* * * * *

■ 2. Amend § 17.4020 by revising paragraph (c)(4) to read as follows:

§ 17.4020 Authorized non-VA care.

* * * * *

(c) * * *

(4) Notice to VA must:

(i) Be made to the appropriate VA official at the nearest VA facility or by using the centralized notification process (information on the centralized notification process is accessible through VA's website at *https://www.va.gov/resources/getting-emergency-care-at-non-va-facilities/* or successor website);

(ii) Identify the covered veteran; and

(iii) Identify the eligible entity or provider.

* * * * *

[FR Doc. 2026–13971 Filed 7–9–26; 8:45 am]

BILLING CODE 8320–01–P

Proposed Rules

Federal Register
Vol. 91, No. 131
Friday, July 10, 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 25

[Docket No. FAA–2026–0168; Special Conditions No. 25–26–01–SC]

Special Conditions: Gulfstream Aerospace Corporation (Gulfstream) Model G300 Airplane; Dynamic Test Requirements for Single- and Multiple-Occupant Side-Facing Seats With or Without Airbag Systems

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed special conditions.

SUMMARY: This action proposes special conditions for the Gulfstream Model G300 airplane. This airplane, as modified by Gulfstream, will have a novel or unusual design feature when compared to the state of technology envisioned in the airworthiness standards for transport-category airplanes. This design feature is side-facing seats, oriented in the aircraft with the occupant facing 90 degrees to the direction of aircraft travel, with or without incorporation of an airbag systems or inflatables. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These proposed special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: Send comments on or before August 24, 2026.

ADDRESSES: Send comments identified by Docket No. FAA–2026–0168 using any of the following methods:

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

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

FOR FURTHER INFORMATION CONTACT: Michael Perrin, Cabin Safety, AIR–624, Technical Policy Branch, Policy and Standards Division, Aircraft Certification Service, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, Texas 76177; telephone and fax 817–222–5847; email *Michael.J.Perrin@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

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

The FAA will consider all comments received by the closing date for comments, and will consider comments filed late if it is possible to do so without incurring delay. The FAA may change these special conditions based on the comments received.

Privacy

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

Confidential Business Information

Confidential Business Information (CBI) is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to these special conditions contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to these special conditions, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and the indicated comments will not be placed in the public docket of these proposed special conditions. Send submissions containing CBI to the individual listed in the **FOR FURTHER INFORMATION CONTACT** section above. Comments the FAA receives, which are not specifically designated as CBI, will be placed in the public docket for these proposed special conditions.

Background

On January 23, 2025, Gulfstream applied for a supplemental type certificate for installation of side-facing seats in the Model G300. At the time of the development of these special conditions, the type certificate holder, Gulfstream Aerospace LP, had applied to amend Type Certificate No. A61NM to add the Model G300, a twin engine, transport category airplane. It has a maximum seating capacity of 19 passengers and two crew, with a maximum takeoff weight of 39,600 lbs.

Type Certification Basis

Under the provisions of title 14, Code of Federal Regulations (14 CFR) 21.101, Gulfstream must show that the Gulfstream Model G300 airplane, as changed, continues to meet the applicable provisions of the regulations listed in Type Certificate No. A61NM or the applicable regulations in effect on the date of application for the change, except for earlier amendments as agreed upon by the FAA.

If the Administrator finds that the applicable airworthiness regulations (*e.g.,* 14 CFR part 25) do not contain adequate or appropriate safety standards for the Gulfstream Model G300 airplane because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

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

In addition to the applicable airworthiness regulations and special conditions, the Gulfstream Model G300 airplane must comply with the exhaust-emission requirements of 14 CFR part 34, and the noise-certification requirements of 14 CFR part 36.

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

Novel or Unusual Design Features

The Gulfstream Model G300 airplane will incorporate the following novel or unusual design feature:

Side-facing seats (*i.e.,* seats oriented in the aircraft with the occupant facing 90 degrees to the direction of aircraft travel).

Discussion

On June 16, 1988, 14 CFR part 25 was amended to revise the emergency landing conditions that must be considered in the design of transport category airplanes. This amendment (25–64) revised the static load conditions in § 25.561 and added a new § 25.562 that required dynamic testing for all seats approved for occupancy during takeoff and landing. The intent of Amendment 25–64 was to provide an improved level of safety for occupants on transport category airplanes; however, because most seating on transport category airplanes is forward-facing the pass/fail criteria developed in Amendment 25–64 focused primarily on these seats.

For some time, the FAA granted exemptions for the multiple-place side-facing-seat installations because the existing test methods and acceptance criteria did not produce a level of safety equivalent to the level of safety provided for forward-and aft-facing seats. These exemptions were subject to many conditions that reflected the injury-evaluation criteria and mitigation strategies available at the time of the exemption issuance. The FAA also issued special conditions to address single-place side-facing seats because it was believed that those conditions provided the same level of safety as for forward- and aft-facing seats.

Continuing concerns regarding the safety of side-facing seats prompted the FAA to conduct research to develop an acceptable method of compliance with §§ 25.562 and 25.785(b) for side-facing seat installations. That research has identified injury considerations and evaluation criteria in addition to those previously used to approve side-facing seats (see published report DOT/FAA/AR–09/41, July 2011). One particular concern that was identified during the FAA's research program but not addressed in the previous special conditions was the significant leg injuries that can occur to occupants of both single- and multiple-place side-facing seats. Because this type of injury does not occur on forward- and aft-facing seats, the FAA determined that to achieve the level of safety envisioned in Amendment 25–64, additional requirements would be needed as compared to previously issued special conditions. Nonetheless, the research has now allowed the development of a single set of special conditions that is applicable to all fully side-facing seats.

On November 5, 2012, the FAA released PS–ANM–25–03–R1, ''Technical Criteria for Approving Side-Facing Seats,'' to update existing FAA certification policy on §§ 25.562 and 25.785 for single- and multiple-place side-facing seats. This policy addresses both the technical criteria for approving side-facing seats and the implementation of those criteria. The FAA methodology detailed in PS–ANM–25–03–R1 has been used to establish a new set of proposed special conditions. Some of the conditions issued for previous exemptions are still relevant and are included in these new special conditions; however, others have been replaced by different criteria that reflect current research findings.

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

Applicability

As discussed above, these proposed special conditions are applicable to the model for which they are issued. Should the applicant apply for a supplemental type certificate to modify any other model included on the same type certificate to incorporate the same novel or unusual design feature, these special conditions would apply to the other model as well.

Conclusion

This action affects only a certain novel or unusual design feature on Model G300 airplanes. It is not a rule of general applicability and affects only the applicant who applied to the FAA for approval of these features on the airplane.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

Authority Citation

The authority citation for these special conditions is as follows:

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

The Proposed Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for Gulfstream Model G300 airplanes, as modified by Gulfstream.

Items 1 through 3 are applicable to all side-facing seat installations on these airplanes. Item 4 imposes additional requirements applicable to side-facing seats equipped with an airbag system in the shoulder belt. Item 5 imposes additional requirements applicable to side-facing seats equipped with leg flail protection systems.

1. Additional requirements applicable to tests or rational analysis conducted to show compliance with §§ 25.562 and 25.785 for side-facing seats:

a. The longitudinal test(s) conducted in accordance with § 25.562(b)(2) to show compliance with the seat-strength requirements of § 25.562(c)(7) and (8), and these special conditions must have an ES–2re anthropomorphic test dummy (ATD) (49 CFR part 572 subpart U) or equivalent, or a Hybrid-II ATD (49 CFR part 572, subpart B as specified in § 25.562) or equivalent, occupying each seat position and including all items contactable by the occupant (*e.g.,* armrest, interior wall, or furnishing) if those items are necessary to restrain the occupant. If included, the floor representation and contactable items must be located such that their relative position, with respect to the center of the nearest seat place, is the same at the start of the test as before floor misalignment is applied. For example, if floor misalignment rotates the centerline of the seat place nearest the contactable item 8 degrees clockwise about the aircraft x-axis, then the item and floor

representations must be rotated by 8 degrees clockwise also to maintain the same relative position to the seat place, as shown in Figure 1. Each ATD's relative position to the seat after application of floor misalignment must be the same as before misalignment is applied. To ensure proper loading of the seat by the occupants, the ATD pelvis must remain supported by the seat pan, and the restraint system must remain on the pelvis and shoulder of the ATD until rebound begins. No injury-criteria evaluation is necessary for tests conducted only to assess seat-strength requirements.

b. The longitudinal test(s) conducted in accordance with § 25.562(b)(2), to show compliance with the injury assessments required by § 25.562(c) and these special conditions, may be conducted separately from the test(s) to show structural integrity. In this case, structural-assessment tests must be conducted as specified in paragraph 1a, above, and the injury-assessment test must be conducted without yaw or floor misalignment. Injury assessments may be accomplished by testing with ES–2re ATD (49 CFR part 572 subpart U) or equivalent at all places. Alternatively, these assessments may be accomplished by multiple tests that use an ES–2re at the seat place being evaluated, and a Hybrid-II ATD (49 CFR part 572, subpart B, as specified in § 25.562) or equivalent used in all seat places forward of the one being assessed, to evaluate occupant interaction. In this alternative case, seat places aft of the one being assessed may be unoccupied. If a seat installation includes adjacent items that are contactable by the occupant, the injury potential of that contact must be assessed. To make this assessment, tests may be conducted that include the actual item, located and attached in a representative fashion. Alternatively, the injury potential may be assessed by a combination of tests with items having the same geometry as the actual item but having stiffness characteristics that would create the worst case for injury (injuries due to both contact with the item and lack of support from the item).

c. If a seat is installed aft of structure (*e.g.,* an interior wall or furnishing) that does not have a homogeneous surface contactable by the occupant, additional analysis and/or test(s) may be required to demonstrate that the injury criteria are met for the area which an occupant could contact. For example, different yaw angles could result in different injury considerations and may require additional analysis or separate test(s) to evaluate.

d. To accommodate a range of occupant heights (5th percentile female to 95th percentile male), the surface of items contactable by the occupant must be homogenous 7.3 inches (185 mm) above and 7.9 inches (200 mm) below the point (center of area) that is contacted by the 50th percentile male size ATD's head during the longitudinal test(s) conducted in accordance with paragraphs a, b, and c, above. Otherwise, additional head-injury criteria (HIC) assessment tests may be necessary. Any surface (inflatable or otherwise) that provides support for the occupant of any seat place must provide that support in a consistent manner regardless of occupant stature. For example, if an inflatable shoulder belt is used to mitigate injury risk, then it must be demonstrated by inspection to bear against the range of occupants in a similar manner before and after inflation. Likewise, the means of limiting lower-leg flail must be demonstrated by inspection to provide protection for the range of occupants in a similar manner.

e. For longitudinal test(s) conducted in accordance with § 25.562(b)(2) and these special conditions, the ATDs must be positioned, clothed, and have lateral instrumentation configured as follows:

(1) ATD positioning:

(a) Lower the ATD vertically into the seat while simultaneously (see Figure 2 for illustration):

i. Aligning the midsagittal plane (a vertical plane through the midline of the body; dividing the body into right and left halves) with approximately the middle of the seat place.

ii. Applying a horizontal x-axis direction (in the ATD coordinate system) force of about 20 pounds (lbs.) (89 Newtons [N]) to the bottom of the feet of the ATD with the legs straight, to compress the seat back cushion.

iii. Keeping the legs nearly horizontal by supporting them just behind the ankles

(b) Once all lifting devices have been removed from the ATD:

i. Rock it slightly to settle it in the seat.

ii. Gently lower the ankles of the ATD bending the legs at the knee joints. Do not allow the pelvis of the ATD to be moved when the lower legs are lowered. The seatback cushion must remain compressed. Separate the knees by about 4 inches (100 mm).

iii. Set the ES–2re's head at approximately the midpoint of the available range of z-axis rotation (to align the head and torso midsagittal planes).

iv. Position the ES–2re's arms at the joint's mechanical detent that puts them at approximately a 40-degree angle with respect to the torso. Position the Hybrid-II ATD hands on top of its upper legs.

v. Position the feet such that the centerlines of the lower legs are approximately parallel to a lateral vertical plane (in the aircraft coordinate system).

(2) ATD clothing: Clothe each ATD in form-fitting, mid-calf-length (minimum) pants and shoes (size 11E) weighing about 2.5 lb. (1.1 Kg) total. The color of the clothing should be in contrast to the color of the restraint system. The ES–2re jacket is sufficient for torso clothing, although a form-fitting shirt may be used in addition if desired.

(3) ES–2re ATD lateral instrumentation: The rib-module linear slides are directional, *i.e.,* deflection occurs in either a positive or negative ATD y-axis direction. The modules must be installed such that the moving end of the rib module is toward the front of the aircraft. The three abdominal-force sensors must be installed such that they are on the side of the ATD toward the front of the aircraft.

f. The combined horizontal/vertical test, required by § 25.562(b)(1) and these special conditions, must be conducted with a Hybrid II ATD (49 CFR part 572 subpart B as specified in § 25.562), or equivalent, occupying each seat position.

g. Restraint systems:

(1) If inflatable restraint systems are used, they must be active during all dynamic tests conducted to show compliance with § 25.562.

(2) The design and installation of seat-belt buckles must prevent unbuckling due to applied inertial forces or impact of the hands/arms of the occupant during an emergency landing.

2. Additional performance measures applicable to tests and rational analysis conducted to show compliance with §§ 25.562 and 25.785 for side-facing seats:

a. Body-to-body contact: Contact between the head, pelvis, torso, or shoulder area of one ATD with the adjacent-seated ATD's head, pelvis, torso, or shoulder area is not allowed. Contact during rebound is allowed.

b. Thoracic: The deflection of any of the ES–2re ATD upper, middle, and lower ribs must not exceed 1.73 inches (44 mm). Data must be processed as defined in Federal Motor Vehicle Safety Standards (FMVSS) 571.214.

c. Abdominal: The sum of the measured ES–2re ATD front, middle, and rear abdominal forces must not exceed 562 lbs. (2,500 N). Data must be processed as defined in FMVSS 571.214.

d. Pelvic: The pubic symphysis force measured by the ES–2re ATD must not exceed 1,350 lbs. (6,000 N). Data must be processed as defined in FMVSS 571.214.

e. Leg: Axial rotation of the upper-leg (femur) must be limited to 35 degrees in either direction from the nominal seated position.

f. Neck: As measured by the ES–2re ATD and filtered at CFC 600 as defined in SAE J211:

(1) The upper-neck tension force at the occipital condyle (O.C.) location must be less than 405 lb. (1,800 N).

(2) The upper-neck compression force at the O.C. location must be less than 405 lb. (1,800 N).

(3) The upper-neck bending torque about the ATD x-axis at the O.C. location must be less than 1,018 in-lb. (115 Nm).

(4) The upper-neck resultant shear force at the O.C. location must be less than 186 lb. (825 N).

g. Occupant (ES–2re ATD) retention: The upper-torso restraint straps (if present) must remain on the ATD's shoulder during the impact. The pelvic restraint must remain on the ES–2re ATD's pelvis during the impact. The pelvic restraint must remain on the ES–2re ATD's pelvis during rebound unless the following criteria are met:

(1) A measurement of the belt loop load during the time when the belt moves above the pelvis (submarining) must not exceed 500 lbs (2,225 N) (a 250 lb (1112.5 N) lap belt tension limit). Data must be filtered at CFC 60 as defined in SAE J211. To evaluate the pelvic restraint performance using this criterion, three things are needed:

a. A clear indication of when the belt moves above the pelvis. Loose clothing can make it difficult to determine where the top of the pelvis is, and in turn make it hard to discern exactly when the belt moved above it. This can be improved by marking the top of the pelvis clearly and by positioning the cameras so that the position of the belt, relative to the top of the pelvis, can be observed throughout the test (see Figure 3).

b. A measurement of the belt tension during the time when the belt moves above the pelvis. Place the webbing transducer to measure the total tension in the forward lap belt segment. If a split (combined body-centered and conventional) leading belt is used, measure the tension in the common section so that it reflects the contribution of each segment. Since this placement typically produces contact between the ATD and the transducer, it is important to use a webbing transducer that is not sensitive to contact.

c. Record useful video and belt load data until significant ATD rebound motion stops. Extra recording time is necessary because submarining usually occurs later in the test than other injury criteria maximums. To completely capture ATD rebound, the necessary time could exceed 500 ms.

h. Occupant (ES–2re ATD) support:

(1) Pelvis excursion: The load-bearing portion of the bottom of the ATD pelvis must not translate beyond the edges of its seat's bottom seat-cushion supporting structure.

(2) Upper-torso support: The lateral flexion of the ATD torso must not exceed 40 degrees from the normal upright position during the impact.

3. For the airbag system in the shoulder harness and for the leg flail protection system (*e.g., deployable panel, leg flail airbag*), *the following apply:*

a. Show that the airbag and leg flail protection system will deploy and provide protection under crash conditions where it is necessary to prevent serious injury.

b. The means of protection must take into consideration a range of stature from a 2-year-old child to a 95th percentile male.

c. The airbag system and the leg flail protection system must provide adequate protection for each occupant regardless of the number of occupants of the seat assembly, considering that unoccupied seats may have an active airbag system. The leg flail protection system must provide adequate protection for the occupant seated in the forward most side-facing seat.

d. It must be shown that the airbag and the leg flail protection system are not susceptible to inadvertent deployment as a result of wear and tear, or inertial loads resulting from in-flight or ground maneuvers (including gusts and hard landings), and other operating and environmental conditions (vibrations, moisture, etc.) likely to occur in service.

e. Deployment of the airbag and the leg flail protection system must not introduce injury mechanisms to the seated occupant or result in injuries that could impede rapid egress. This assessment should include an occupant whose seat belt is loosely fastened.

f. It must be shown that inadvertent deployment of the airbag and the leg flail protection system, during the most critical part of the flight, will either meet the requirement of § 25.1309(b) or not cause a hazard to the airplane or its occupants.

g. It must be shown that the airbag and the leg flail protection system will not impede rapid egress of occupants 10 seconds after airbag deployment.

h. The airbag and the leg flail protection system must be protected from lightning and high-intensity radiated fields (HIRF). The threats to the airplane specified in existing regulations regarding lighting, § 25.1316, and HIRF, § 25.1317, are incorporated by reference for the purpose of measuring lightning and HIRF protection.

i. The airbag and the leg flail protection system must function properly after loss of normal aircraft electrical power, and after a transverse separation of the fuselage at the most critical location. A separation at the location of the airbag and the leg flail protection system does not have to be considered.

j. It must be shown that the airbag and the leg flail protection system will not release hazardous quantities of gas or particulate matter into the cabin.

k. The airbag and the leg flail protection system installation must be protected from the effects of fire such that no hazard to occupants will result.

l. A means must be available for a crewmember to verify the integrity of the airbag and the leg flail protection system prior to each flight, or it must be demonstrated to reliably operate between inspection intervals. The FAA considers that the loss of the airbag-system deployment function alone (*i.e.,* independent of the conditional event that requires the airbag-system deployment) is a major-failure condition.

m. Inflatable material may not have an average burn rate of greater than 2.5 inches/minute when tested using the horizontal flammability test defined in part 25, appendix F, part I, paragraph (b)(5).

n. The airbag and the leg flail protection system, once deployed, must not adversely affect the emergency-lighting system (*i.e.,* block floor proximity lights to the extent that the lights no longer meet their intended function).

o. The airbag and the leg flail protection system must perform their intended function after impact from other proximate assemblies (*e.g.,* life raft) that may become detached under the loads specified in §§ 25.561 and 25.562.

4. For seats with an airbag system in the shoulder belts, the following apply:

a. The airbag system in the shoulder belt must provide a consistent approach to energy absorption throughout that range of occupants. When the seat system includes an airbag system, that system must be included in each of the

certification tests as it would be installed in the airplane. In addition, the following situations must be considered:

(1) The seat occupant is holding an infant.

(2) The seat occupant is a pregnant woman.

b. The design must prevent the airbag system in the shoulder belt from being either incorrectly buckled or incorrectly installed, such that the airbag system in the shoulder belt would not properly deploy. Alternatively, it must be shown that such deployment is not hazardous to the occupant and will provide the required injury protection.

5. For seats using a leg flail protection system to meet the leg-flail conditions of 2(e) the following apply:

a. At some buttock popliteal length and effective seat bottom depth the lower legs will not be able to make a 90 degree angle with the upper leg; at this point the lower leg flail would not occur. The leg flail protection system must provide a consistent approach to prevention of leg flail throughout that range of occupants whose lower legs can make a 90-degree angle with the upper legs when seated upright in the seat. Items that need to be considered include but are not limited to the range of occupants' popliteal height, the range of occupants' buttock popliteal length, the design of the seat effective height above the floor, and the effective depth of the seat bottom cushion.

b. For all g-levels, if the design of the leg flail limited device does absorb some of the impact energy and returns only a portion to the legs (a qualitative assessment), then a rebound leg flail of greater than 35 degrees is acceptable.

c. Threshold test severity must be shown to be non-injurious (less than the post-mortem human subject (PMHS) low-g research testing) for g-levels up to the point where the leg flail protection system is designed to deploy.

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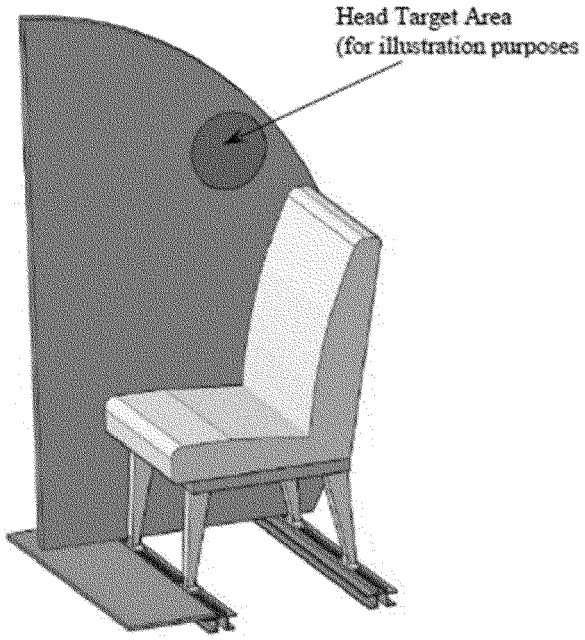
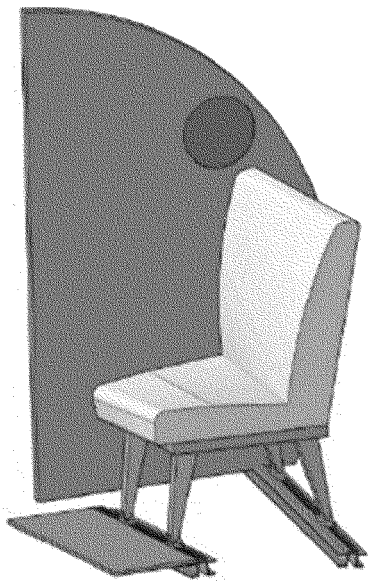
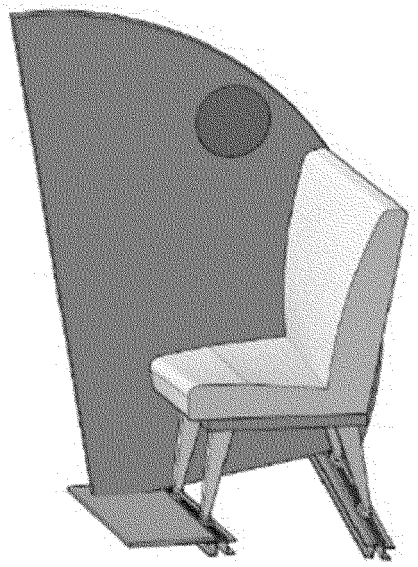


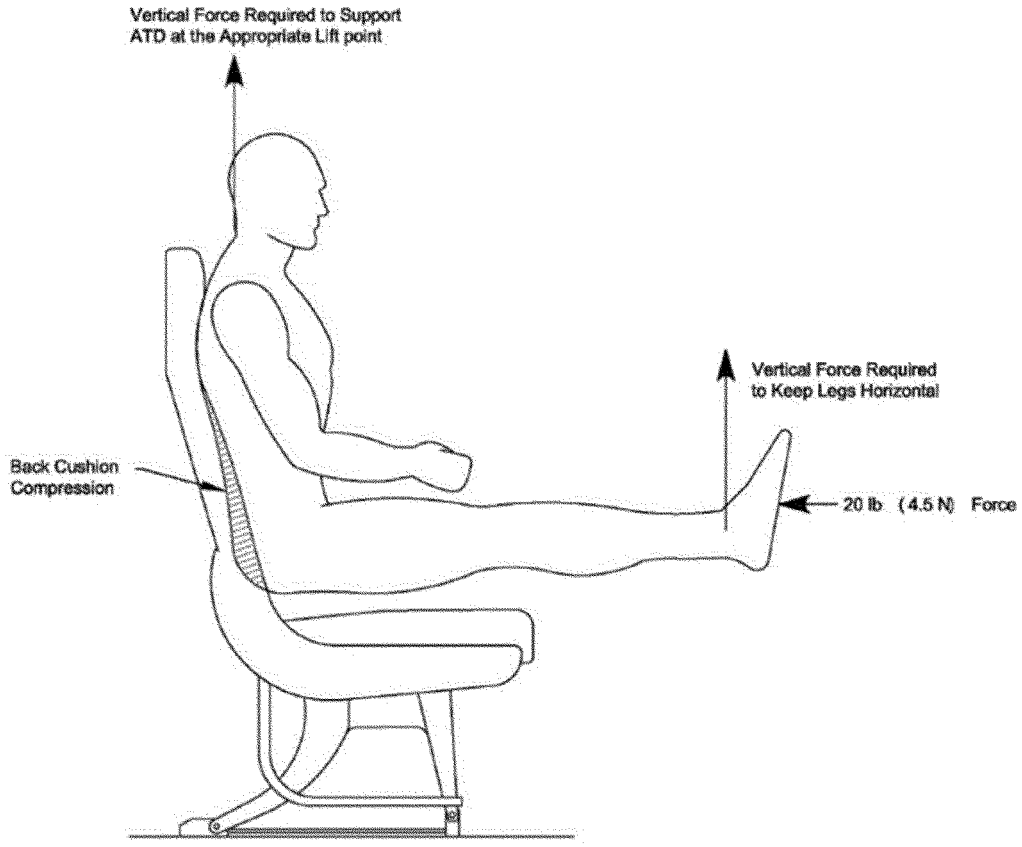
A. Prior to Test Setup

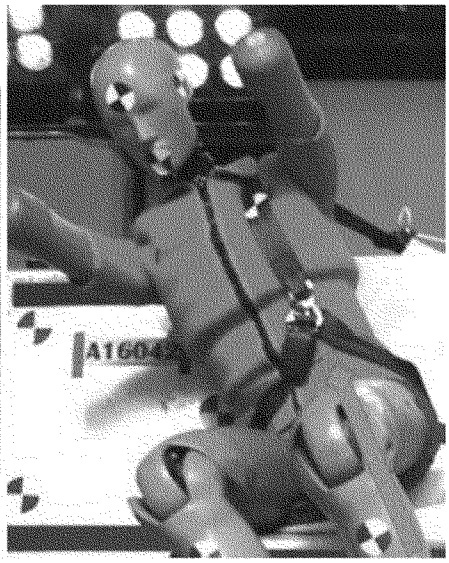


B. Inboard Seat Tracks Twisted



C. Partition Rotated to maintain


Vertical Force Required to Support
ATD at the Appropriate Lift point
Vertical Force Required
to Keep Legs Horizontal
Back Cushion
Compression
20 lb (4.5 N) Force



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Issued in Des Moines, Washington, on July 7, 2026.

Paul Siegmund,

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

[FR Doc. 2026–13924 Filed 7–9–26; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–7213; Project Identifier MCAI–2026–00150–E]

RIN 2120–AA64

Airworthiness Directives; Safran Helicopter Engines, S.A. Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede Airworthiness Directive (AD) 2023–15–03, which applies to all Safran Helicopter Engines, S.A. (Safran) Model Arrius 2B2 engines. AD 2023–15–03 requires revising the airworthiness limitations section (ALS) of the existing engine maintenance manual (EMM) or instructions for continued airworthiness (ICA) and the existing approved maintenance or inspection program, as applicable, by incorporating the actions and associated thresholds and intervals, including life limits. Since the FAA issued AD 2023–15–03, the manufacturer has revised the ALS of the existing maintenance and overhaul manuals, introducing new and more restrictive instructions and maintenance tasks. This proposed AD would require updating the ALS of the existing EMM or ICA and the existing approved maintenance or inspection program, as applicable, by incorporating the actions and associated thresholds and intervals, including life limits. 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 24, 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–2026–7213; 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 European Union Aviation Safety Agency (EASA) material identified in this proposed AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; phone: +49 221 8999 000; email: *ADs@easa.europa.eu.* You may find this material on the EASA website at *ad.easa.europa.eu.*
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (817) 222–5110.

FOR FURTHER INFORMATION CONTACT: William McNicholas, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (781) 238–7776; email: *william.v.mcnicholas@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–2026–7213; Project Identifier MCAI–2026–00150–E'' 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 the 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 William McNicholas, 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

The FAA issued AD 2023–15–03, Amendment 39–22515 (88 FR 51223, August 3, 2023) (AD 2023–15–03), for all Safran Model Arrius 2B2 engines. AD 2023–15–03 was prompted by an MCAI originated by EASA, which is the Technical Agent for the Member States of the European Union. EASA issued EASA AD 2022–0203, dated September 30, 2022 (EASA AD 2022–0203) to address the manufacturer revising the ALS of the existing EMM to introduce new or more restrictive tasks and limitations for life-limited parts, including replacing life-limited parts, performing maintenance tasks, and revising the existing approved aircraft maintenance program.

AD 2023–15–03 requires revising the ALS of the existing EMM or ICA and the existing approved maintenance or inspection program, as applicable, by incorporating the actions and associated thresholds and intervals, including life limits. The FAA issued AD 2023–15–03 to prevent failure of life-limited parts which, if not addressed, could result in failure of one or more engines, loss of thrust control, and loss of the helicopter.

Actions Since AD 2023–15–03 Was Issued

Since the FAA issued AD 2023–15–03, EASA superseded EASA AD 2022–0203 and issued EASA AD 2026–0027, dated February 11, 2026 (EASA AD 2026–0027) (also referred to as the

MCAI). The MCAI states that the manufacturer published a revised ALS introducing new and more restrictive tasks and limitations for certain life-limited parts. The more restrictive tasks and limitations include replacing life-limited parts before exceeding the applicable life limit, performing applicable maintenance tasks, and revising the approved aircraft maintenance program.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2026–7213.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed EASA AD 2026–0027, which specifies instructions for accomplishing the actions specified in the applicable ALS, including replacing life-limited parts, performing maintenance tasks, and revising the existing approved aircraft maintenance program by incorporating the limitations, tasks, and associated thresholds and intervals described in the ALS.

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 EASA AD 2026–0027, described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this proposed AD. See ''Differences Between this Proposed AD and the MCAI'' for a discussion of the general differences included in this proposed 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 EASA AD 2026–0027 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2026–0027 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in EASA AD 2026–0027 does not mean that operators need comply only with that section. For example, where the AD requirement refers to ''all required actions and compliance times,'' compliance with this AD requirement is not limited to the section titled ''Required Action(s) and Compliance Time(s)'' in EASA AD 2026–0027. Material required in EASA AD 2026–0027 for compliance will be available at regulations.gov under Docket No. FAA–2026–7213 after the FAA final rule is published.

Differences Between This Proposed AD and the MCAI

Where paragraph (3) of EASA AD 2026–0027 specifies revising the Aircraft Maintenance Programme within 12 months after the effective date of EASA AD 2026–0027, this proposed AD would require revising the ALS of the existing approved engine maintenance or inspection program, as applicable, within 90 days after the effective date of this proposed AD.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 212 engines installed on 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
Revise the ALS	1 work-hour × $85 per hour = $85	$0	$85	$18,020

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 that the 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:
■ a. Removing Airworthiness Directive 2023–15–03, Amendment 39–22515 (88 FR 51223, August 3, 2023); and
■ b. Adding the following new airworthiness directive:

Safran Helicopter Engines, S.A.: Docket No. FAA–2026–7213; Project Identifier MCAI–2026–00150–E.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by August 24, 2026.

(b) Affected ADs

This AD replaces AD 2023–15–03, Amendment 39–22515 (88 FR 51223, August 3, 2023).

(c) Applicability

This AD applies to all Safran Helicopter Engines, S.A. Model Arrius 2B2 engines.

(d) Subject

Joint Aircraft System Component (JASC) Code 7200, Engine (Turbine/Turboprop).

(e) Unsafe Condition

This AD was prompted by the manufacturer revising the airworthiness limitations section of the existing engine maintenance manual, introducing new and more restrictive tasks and limitations for certain life-limited parts. The FAA is issuing this AD to prevent failure of life-limited parts. The unsafe condition, if not addressed, could result in failure of one or more engines, loss of thrust control, and loss of the helicopter.

(f) Compliance

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

(g) Required Actions

(1) Except as specified in paragraph (h) of this AD, perform all required actions within the compliance times specified in, and in accordance with, European Union Aviation Safety Agency AD 2026–0027, dated February 11, 2026 (EASA AD 2026–0027).

(2) The action required by paragraph (g)(1) of this AD may be performed by the owner/operator (pilot) holding at least a private pilot certificate and must be entered into the aircraft records showing compliance with this AD in accordance with 14 CFR 43.9(a) and 91.417(a)(2)(v). The record must be maintained as required by 14 CFR 91.417, 121.380, or 135.439.

(h) Exceptions to EASA AD 2026–0027

(1) Where EASA AD 2026–0027 refers to its effective date, this AD requires using the effective date of this AD.

(2) This AD does not require compliance with paragraphs (1), (2), (4), and (5) of EASA AD 2026–0027.

(3) Where paragraph (3) of EASA AD 2026–0027 specifies ''Within 12 months after the effective date of this AD, revise the approved AMP,'' this AD requires replacing that text with ''Within 90 days after the effective date of this AD, revise the airworthiness limitations section of the existing engine maintenance manual or instructions for continued airworthiness and the existing approved maintenance or inspection program, as applicable.''

(4) This AD does not adopt the ''Remarks'' section of EASA AD 2026–0027.

(i) Provisions for Alternative Actions and Intervals

After performing the actions required by paragraph (g) of this AD, no alternative actions and associated thresholds and intervals, including life limits, are allowed unless they are approved as specified in the provisions of the ''Ref. Publications'' section of EASA AD 2026–0027.

(j) 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 (k) of this AD and email to: *AMOC@faa.gov.*

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

(k) Additional Information

For more information about this AD, contact William McNicholas, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (781) 238–7776; email: *william.v.mcnicholas@faa.gov.*

(l) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2026–0027, dated February 11, 2026.

(ii) [Reserved].

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

(4) You may view this material at FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (817) 222–5110.

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

Issued on July 6, 2026.

Steven W. Thompson,

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

[FR Doc. 2026–13978 Filed 7–9–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2026–7756; Airspace Docket No. 26–AGL–14]

RIN 2120–AA66

Amendment of Class E Airspace; Bedford, IN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend the Class E airspace at Alma, MI. The FAA is proposing this action due to an airspace review conducted due to the decommissioning of the Mount Pleasant very high frequency omnidirectional range (VOR) as part of the VOR Minimum Operational Network (MON) Program. This action would bring the airspace into compliance with FAA orders and support instrument flight rule (IFR) procedures and operations.

DATES: Comments must be received on or before August 24, 2026.

ADDRESSES: Send comments identified by FAA Docket No. FAA–2026–7756 and Airspace Docket No. 26–AGL–14 using any of the following methods:

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

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

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

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

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

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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

Comments Invited

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

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

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

Availability of Rulemaking Documents

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

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

Incorporation by Reference

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

The Proposal

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

For the Gratiot Community Airport, Alma, MI, Class E airspace extending upward from 700 ft. above the surface, the proposal would: (1) increase the radius from 6.5 to 7.4 miles; (2) amend the extension west of the airport to within 2 miles each side of the 270° bearing from the airport extending from the 7.4-mile (previously 6.5-mile) radius to 10.7 (increased from 10.1) miles west of the airport; (3) remove the Mount Pleasant VOR/DME and associated extension from the airspace legal description; and (4) remove the city associated with the airport from the header of the airspace legal description to comply with changes to FAA Order JO 7400.2R, Procedures for Handling Airspace Matters.

Regulatory Notices and Analyses

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

Environmental Review

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

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

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

* * * * *

AGL MI E5 Alma, MI [Amended]

Gratiot Community Airport, MI
(Lat. 43°19′20″ N, long. 084°41′17″ W)

That airspace extending upward from 700 feet above the surface within a 7.4-mile radius of Gratiot Community Airport; and within 2 miles either side of a 270° bearing from the airport extending from the 7.4-mile radius to 10.7 miles west of the airport.

* * * * *

Issued in Fort Worth, Texas, July 8, 2026.

Jerry J. Creecy,

Acting Manager, Operations Support Group, ATO Central Service Center

[FR Doc. 2026–13944 Filed 7–9–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2026–7824; Airspace Docket No. 26–AEA–10]

RIN 2120–AA66

Revocation of Class E Airspace; Point Pleasant, WV

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to revoke Class E airspace at Point Pleasant, WV. The FAA is proposing this action due to the cancellation of the instrument procedures at Mason County Airport, Point Pleasant, WV. This action would bring the airspace into compliance with FAA orders and support instrument flight rule (IFR) procedures and operations.

DATES: Comments must be received on or before August 24, 2026.

ADDRESSES: Send comments identified by FAA Docket No. FAA–2026–7824 and Airspace Docket No. 26–AEA–10 using any of the following methods:

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

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

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

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

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

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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

Comments Invited

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

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

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

Availability of Rulemaking Documents

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

air_traffic/publications/airspace_amendments/.

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

Incorporation by Reference

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

The Proposal

The FAA is proposing an amendment to 14 CFR part 71 that would remove the Class E airspace extending upward from 700 ft. above the surface at Mason County Airport, Point Pleasant, West Virginia due to the cancellation of the instrument procedures and the airspace no longer being required.

Regulatory Notices and Analyses

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

Environmental Review

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

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

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

* * * * *

AEA WV E5 Point Pleasant, WV [Remove]

* * * * *

Issued in Fort Worth, Texas, July 8, 2026.

Jerry J. Creecy,

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

[FR Doc. 2026–13941 Filed 7–9–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Parts 50, 55, 58, and 200

[Docket No. FR–6527–P–01]

RIN 2506–AC60

Rescission of Floodplain Management and Protection of Wetlands; Minimum Property Standards for Flood Hazard Exposure; Building to the Federal Flood Risk Management Standard

AGENCY: Office of the Secretary, U.S. Department of Housing and Urban Development (HUD).

ACTION: Proposed rule.

SUMMARY: This proposed rule would revise HUD's regulations governing floodplain management and the protection of wetlands in accordance with Executive Order 14148, entitled ''Initial Rescissions of Harmful Executive Orders and Actions.'' Executive Order 14148 revoked an earlier executive order that formed a basis for the final rule that HUD published on April 23, 2024, entitled ''Floodplain Management and Protection of Wetlands; Minimum Property Standards for Flood Hazard Exposure; Building to the Federal Flood Risk Management Standard.'' This proposed rule generally would restore HUD's regulations to their state prior to the publication of the April 23, 2024, final rule, although it would maintain flexibilities from that rule related to floodways, categorical exclusions, exemptions from Part 55 applicability, and the decisionmaking process; it also proposes minor revisions for clarity.

DATES: *Comment Due Date:* September 8, 2026.

ADDRESSES: Interested persons are invited to submit comments regarding this rule. All submissions must refer to the docket number and title. There are two methods for submitting public comments.

1. *Electronic Submission of Comments.* Interested persons may submit comments electronically through the Federal eRulemaking Portal at *http://www.regulations.gov.*[1]

2. *Submission of Comments by Mail.* Comments may be submitted by mail to the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW, Room 10276, Washington, DC 20410–0500.

[1] As required by the Administrative Procedure Act at 5 U.S.C. 553(b)(4), a plain language summary of the proposed rule is also available through the Federal eRulemaking Portal at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Brian Schlosnagle, Acting Director of the Environmental Planning Division, U.S. Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; telephone number 202–402–7553 (this is not a toll-free number). HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit *https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs.*

SUPPLEMENTARY INFORMATION:

I. Background

History of Floodplain Management Rulemaking

On April 23, 2024, HUD published the ''Floodplain Management and Protection of Wetlands; Minimum Property Standards for Flood Hazard Exposure; Building to the Federal Flood Risk Management Standard'' final rule (the final rule).[2] This followed a proposed rule issued on March 24, 2023 (the proposed rule) and public comment period.[3] In the final rule, HUD made several revisions to its regulations concerning floodplains. First, it introduced a process for determining the extent of the Federal Flood Risk Management Standard (FFRMS) floodplain with a preference for a ''climate-informed science approach,'' in accordance with Executive Order (E.O.) 13690, Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input, which was issued by President Obama on January 30, 2015.[4] The final rule also revised HUD's Minimum Property Standards for one- to-four-unit housing under HUD's mortgage insurance and low-rent public housing programs to require the lowest floor in new construction to be built at a higher level than previously required. Additionally, the final rule made changes meant to streamline, improve, clarify, and modernize standards, and it revised a categorical exclusion that applies when HUD performs environmental reviews.

While E.O. 13690 was revoked by E.O. 13807, Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects on August 15, 2017, it was reinstated on May 20, 2021, by E.O. 14030, Climate-Related Financial Risk. However, on January 20, 2025, E.O. 14030 was revoked by Executive Order 14148, Initial Rescissions of Harmful Executive Orders and Actions. On February 20, 2025, following the issuance of E.O. 14148, HUD issued a one-year, partial regulatory waiver of elevation standards at 24 CFR 200.926d(c)(4) for one- to-four-unit housing under HUD's mortgage insurance and low-rent public housing programs. This partial waiver removed the two-foot elevation requirement for insured single family housing and reverted to the previous requirement that the lowest floor be constructed above the base flood elevation. HUD extended this partial waiver for another year on February 20, 2026. The part 200 provisions in this proposed rule incorporate the waiver determinations into regulation.

II. This Proposed Rule

a. Revisions To Accomplish Rescission of Most of the April 23, 2024, Final Rule

This proposed rule would rescind and replace most of the final rule published in April 2024, including the agency's preference for a ''climate-informed science approach'' in making applicable floodplain determinations. Prior to the final rule's publication, input from the public conveyed serious concerns with this determination method. In recognizing these concerns, this proposed rule would revise the relevant HUD program regulations at 24 CFR parts 55 and 200 and include limited associated changes at 24 CFR parts 50 and 58, thus restoring the prior process for determining an applicable floodplain.

Rescission of the 2024 rule would result in millions of dollars in saved construction costs and help spur needed housing development, with expected annual construction cost savings of $4.5 million to $85 million. These cost savings reflect the added annual construction costs associated with the 2024 rule as estimated by that rule's final Regulatory Impact Analysis (RIA). Using a discount rate of 7 percent, the net present value of these cost savings would be $32 million to $597 million over ten years of construction, assuming the same levels of construction and substantial rehabilitation estimated by that RIA.

If not rescinded, the construction costs resulting from the 2024 final rule would likely result in several negative outcomes, such as these costs being passed on to individual potential homebuyers. Among other outcomes, this would particularly harm low-to-moderate income potential homebuyers using FHA-backed mortgages, including by potentially pricing them out of the market. An additional potential outcome is that the increased cost of compliance with the agency's final rule would further disincentivize builders from doing business in impacted areas, thus slowing down housing development in relevant communities. Both of these issues were discussed by stakeholders prior to the final rule's publication. The agency's desire to further avoid each of these outcomes additionally informs its proposal to rescind the final rule.

Proponents of the final rule have also opined that the cost of compliance with the final rule is ultimately outweighed by reductions in insurance premiums and other costs to the individual, as well as to the federal government. Input from the public prior to the final rule's publication casts doubts on this prediction, with commenters asserting that the agency appears to have underappreciated the total construction costs of implementing the final rule.[5] Commenters noted that they had concerns about the additional cost estimates provided by HUD, with one commenter asserting that actual increased construction costs could be up to two times the amount put forth by HUD. In response to these comments HUD reaffirmed its estimates. Absent additional analysis, it is not clear that potential reductions in insurance would offset current costs, but it is conceivable that current costs could impede the building or rehabilitation of affordable housing, especially, as noted by one commenter, lower-priced homes aimed at low-to-moderate income potential homebuyers. This input from the public informed the agency's proposal to rescind the final rule.

In addition, the final rule implements prohibitive elevation requirements for substantial improvement of existing HUD-assisted properties. In particular, HUD estimates that 9.31% of the existing Public Housing portfolio and 7.1% of the existing Multifamily-assisted and -insured portfolios are

[2] 89 FR 30850.

[3] 88 FR 17755. On May 11, 2023, HUD extended the original 60-day comment period provided in the proposed rule by an additional 14 days. *See* 88 FR 30267.

[4] E.O. 13690 amended E.O. 11988, Floodplain Management, which was originally issued in furtherance of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4001 *et seq.*); the Flood Disaster Protection Act of 1973, as amended (Pub. L. 93–234, 87 Stat. 975); and the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*).

[5] HUD notes that while some commenters asserted that construction costs were underappreciated in the 2024 final rule, the agency has not conducted a revised cost analysis for the purposes of this proposed rule.

located in the FFRMS floodplain. The majority of these properties are garden-style units that are difficult to elevate, as required for substantial improvement projects. Restoring the prior process for determining the regulatory floodplain as well as eliminating the additional elevation requirements would allow HUD to continue to support existing projects in the floodplain while still considering safety and mitigation via the decision-making process at § 55.20. This regulatory revision, by simplifying the definition of the regulatory floodplain, would also reduce compliance complexity for applicants and grantees, as the FFRMS approach provided a hierarchy of three processes for defining the floodplain for non-critical actions and two processes for critical actions.

b. Other Revisions

1. *Edits to § 55.20 Decisionmaking Process.* This proposed rule would make a minor revision to § 55.20(e) to clarify that actions should be designed to avoid potential adverse impacts to and from the regulatory floodplain or wetland rather than only minimize adverse impacts. Where impacts cannot be avoided, actions should be designed to minimize potential adverse impacts and to restore or preserve the natural and beneficial functions of the floodplain or wetland. This revision would more closely align with Executive Order 11988, Floodplain Management; Executive Order 11990, Protection of Wetlands; and Section 404 requirements of the Clean Water Act.

HUD also proposes a revision at § 55.20(e)(3) to clarify that non-critical actions (in the case of new construction and substantial improvement) in the 1 percent annual chance floodplain must be designed and built following applicable National Flood Insurance Program (NFIP) and local requirements. This language would align with existing regulatory NFIP requirements, established by FEMA under 44 CFR 60.3, which generally require newly constructed and substantially improved buildings in the 1 percent annual chance floodplain to elevate the lowest floor (in the case of residential buildings) or elevate or floodproof (in the case of non-residential buildings) to or above the 1 percent annual chance or ''Base'' Flood Elevation (BFE). This provision would not establish new requirements—it would clarify existing NFIP requirements that have caused confusion among practitioners because they were not specified in HUD regulation.

Similarly, this proposed rule would make a revision to § 55.20(e)(3) and (4) to clarify that all newly constructed critical actions within the 0.2 percent annual chance floodplain, including those within the 1 percent annual chance floodplain, must be designed and built at or above the 0.2 percent annual chance flood elevation and must include an emergency evacuation plan, an early warning system, and identification of evacuation routes. This would clarify that if a critical action is funded by multiple agencies with differing requirements, the more stringent critical action requirement will apply. HUD also proposes to retain a clarification from the 2024 FFRMS rule that allows floodproofing following FEMA's regulations for non-critical action residential dwellings with no units below the base flood elevation and for both critical and non-critical nonresidential buildings.

This proposed rule would also revise § 55.20(c)(2)(ii) to remove the reference to environmental justice in accordance with E.O. 14148, ''Initial Rescissions of Harmful Executive Orders and Actions'' and the rescission of E.O. 12898, ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.''

2. *Specific provisions retained from the 2024 final rule regulations* [6]

a. *Categorical Exclusion*—This proposed rule would retain the 2024 revised categorical exclusion at § 50.20(a)(2)(i) for minor rehabilitation of one- to four-unit residential properties. This proposed rule also would retain the removal of the qualification that the footprint of the structure may not be increased in a floodplain or wetland when HUD performs the review. In 2013, HUD removed the footprint trigger from the corresponding categorical exclusion at § 58.35(a)(3)(i) for rehabilitations reviewed by responsible entities. This change would make the review standard the same regardless of whether HUD or a responsible entity is performing the review. Moreover, when HUD performs a review under 24 CFR part 50, the categorical exclusion in § 50.20(a)(3) applies to construction, but not rehabilitation, of up to four units in a floodplain or wetland as an individual action such that an environmental assessment or environmental impact statement is normally not required. Without retaining the revisions to this categorical exclusion, rehabilitated structures in a floodplain or wetland with an increased footprint would require an environmental assessment or environmental impact statement. It is logically inconsistent to require a more complex review for minor rehabilitations than for new construction. Similarly, it is logically inconsistent to apply a higher level of review for HUD as opposed to grantees because the proposed actions would be the same regardless of review authority under 24 CFR part 50 or part 58.

b. *Limitations on HUD Assistance in Floodways*—This proposed rule would retain 2024 final rule flexibilities on HUD assistance in floodways in current § 55.8(a) and add them to a revised § 55.1(c). The new § 55.1(c) would clarify that HUD assistance may be used in floodways where all structures and most improvements are removed from the floodway and a permanent covenant or comparable restriction would prevent future development or expansion of existing uses in the floodplain and/or wetland. Rehabilitation activities, including reconstruction in the case of Presidentially declared disasters, that do not expand existing uses in the 1 percent annual chance floodplain (or 0.2 percent annual chance floodplain for critical actions) outside of the floodway are permitted. This exception allows for limited improvements in the floodway, including functionally dependent uses, utility lines, *de minimis* improvements, and removal of existing structures or improvements. This option allows for a broader range of activities in the floodway and in the adjacent floodplain than was permitted under the pre-2024 regulation. This proposed rule would also make a minor revision to the language of the 2024 final rule by clarifying that a critical action that is insurance of a mortgage on a property containing a floodway may invoke all three exceptions listed at § 55.1(c)(1)(ii).

c. *Terminology*—This proposed rule would retain the 2024 regulatory definition of *impervious surface area* in a new § 55.2(b)(10) and Coastal A Zone (previously referred to as *limit of moderate wave action (LiMWA)*) in a new § 55.2(b)(3). These definitions are necessary to align with the terminology added to the revised § 55.1(c). This proposed rule would also retain minor 2024 revisions to the definition of *new construction* at § 55.10(a) in a revised § 55.2(b)(11) for clarity, and would retain the terminology in the 2024 final rule of ''1 percent annual chance floodplain'' in lieu of ''100-year floodplain'' and ''0.2 percent annual chance floodplain'' in lieu of ''500-year floodplain.'' This proposed rule would also update the definition of *coastal high hazard area* in a revised § 55.2(b)(4) and move the language on

[6] In instances where provisions of the 2024 final rule are proposed to be retained, HUD has deleted any reference to FFRMS in such provisions.

appropriate data sources to a new § 55.2(c) *Floodplain data sources* with no substantive change to the data requirements. Finally, this proposed rule would make a minor update to the definition of *substantial improvement* at § 55.2(b)(12)(i)(B) to define an increase in the number of dwelling units ''or beds in the case of hospitals and residential care facilities.'' This revision aligns with HUD's regulatory terminology at 24 CFR part 50 and captures HUD healthcare program activities that increase the number of units without expanding residential density.

d. *Applicability of Subpart C Decisionmaking Process*—§ 55.11 of this proposed rule would retain 2024 revisions to Table 1 on the applicability, by location and type of action, of the decisionmaking process for implementing Executive Order 11988 and Executive Order 11990 under subpart C. These revisions are necessary to align with the flexibilities on HUD assistance in floodways in § 55.1(c), as proposed to be revised.

e. *Inapplicability of Part 55 to Certain Categories of Proposed Actions*—This proposed rule would retain a 2024 exception to the full 8-step decisionmaking process for small scale infrastructure. This provision at § 55.12(a)(5) provides an exception from the decisionmaking steps in § 55.20(b), (c), and (g) (steps 2, 3, and 7) for repairs, rehabilitation, or replacement of certain infrastructure with limited impact on impervious surface area, including streets, curbs, and gutters. This exception does not apply to critical actions, levee systems, chemical storage facilities (including tanks), wastewater facilities, or sewer lagoons, all of which would require the 8-step decisionmaking process. In addition, § 55.12(b)(5) would retain language from the 2024 final rule clarifying that the exclusion from the decisionmaking process in § 55.20 for financial assistance to lease certain existing structures also applies to financial assistance to lease units within an existing structure. Also, § 55.12(c)(7) would retain language from the 2024 final rule maintaining a narrower version of the incidental floodplain exception as applied to the 1 percent annual chance floodplain (not including floodways or coastal high hazard areas). This revision allows projects to proceed without completing the 8-step decisionmaking process where an incidental portion of the project site falls within the 1 percent annual chance floodplain (or 0.2 percent annual chance floodplain for critical actions). Retaining the language from the 2024 final rule in § 55.12(c)(7) is necessary to support the flexibilities on HUD assistance in floodways in the revised § 55.1(c).

This proposed rule would leave undisturbed the removal of the exception described at § 55.12(c)(11) for projects related to ships and waterborne vessels. This exception was removed in the 2024 final rule because these are not activities that generally receive HUD funds and practitioners have expressed confusion over its presence in the regulation. Finally, this proposed rule would retain a provision in the 2024 final rule that provides flexibility for floodplain-compatible parks and recreation uses routinely combined with floodplain and wetland restoration and preservation work. Section 55.12(c)(3) in this proposed rule would also retain language from the 2024 final rule to allow certain structures and improvements designed to be compatible with the beneficial floodplain or wetland function of a property to be exempt from the requirements under this part.

f. *Decisionmaking Process*—This proposed rule would revise § 55.20(c)(3) to retain language from the 2024 final rule allowing HUD to exclude consideration of alternative sites from the decisionmaking process for multifamily and healthcare mortgage insurance projects, while requiring consideration of modifications to or rejection of the project request. This proposed rule would also retain the 2024 removal of the § 55.20(e)(3)(iv) requirement to identify marks of past or estimated flood levels for critical actions because it was operationally difficult to implement.

g. *Areawide Compliance*—This proposed rule would retain the 2024 removal of § 55.25 for areawide compliance. Areawide decisionmaking described in this section requires a complex notification process involving publications, and HUD has no record of the provision's use in a HUD-assisted activity since the inception of 24 CFR part 55. This provision is unnecessary, as HUD has well-established procedures for tiering of environmental review records that similarly facilitate compliance with part 55 across a geographic area without relying on § 55.25.

h. *Alternate Processing for Nonconforming Sites*—This proposed rule would retain the 2024 ''Alternate processing for existing nonconforming sites'' at a new § 55.29 to address concerns about existing sites that do not conform to the prohibitions at 24 CFR 55.1(c). This section retains a special approval process for improvements to existing HUD-assisted or HUD-insured properties that cannot otherwise meet § 55.1(c) under the following circumstances, summarized as:

1. HUD completes an 8-step decision making process and environmental review pursuant to part 50, mandates measures to reduce flood risk, and ensures there are no additional environmental hazards that impact compliance with parts 50, 51, 55, or 58;

2. Specific measures will be taken to minimize flood risk at the site, including removing all residential units and critical action structures from the floodway; and

3. HUD determines that the HUD assistance cannot be practicably transferred to a safer site.

The purpose of this section is to establish a means of continuing HUD assistance or financing in exceptional circumstances to existing HUD-assisted or HUD-financed projects (*e.g.,* properties receiving assistance through Public Housing, Section 8 Project-based Rental Assistance, or subject to a HUD-insured mortgage) that would otherwise be unable to comply with part 55 due to the presence of an on-site floodway, coastal high hazard area, or Coastal A Zone. This section should be applied only in rare cases and is not intended to eliminate the general restrictions on providing HUD assistance for projects within floodways, coastal high hazard areas, or Coastal A Zones. However, HUD recognizes that there are circumstances in which terminating HUD assistance would not improve residents' overall resilience or safety in the context of HUD's mission. In such cases, HUD will closely review the site and determine whether the best option to improve flood resilience would be financing improvements at the existing site or rejecting HUD assistance at the site. This proposed rule would make a minor revision to the 2024 language to allow the Assistant Secretary for the relevant program area to approve a project after HUD has met all of the conditions above, rather than limiting approval authority to the Assistant Secretary for Community Planning and Development.

This proposed rule would also make a minor revision to the language of the 2024 final rule regarding alternate processing to remove the requirement that elevated flood risk is the only environmental hazard that ''requires mitigation to comply'' with HUD's environmental requirements at 24 CFR parts 50, 51, 55, and 58. This proposed rule would remove the prohibition on environmental hazards that require mitigation because environmental mitigation generally does not preclude

compliance with parts 50, 51, 55, and 58.

i. *Other Provisions of the 2024 Final Rule Retained for Clarity*—This proposed rule would retain minor revisions from the 2024 final rule to clarify limits on expansion of the footprint of the structure and paved areas for categories of actions at § 55.12(a)(3) and (4) that are exempt from the decisionmaking steps in § 55.20(b), (c), and (g) (steps 2, 3, and 7). Specifically, to reduce ambiguity, this proposed rule would retain the requirement that the footprint of the structure and paved areas is not increased by more than 20 percent in order to meet the exemptions, rather than requiring that the footprint is not ''significantly increased.''

This proposed rule would also retain minor revisions to § 55.20(b) related to comment periods for public notice to clarify that the first day of the comment period begins at 12:01 a.m. on the day following publication. Existing language would also be retained at § 55.20(c)(1)(ii) to provide examples of project design elements that may be incorporated to identify practicable alternatives to locating the project in a floodplain or wetland.

This proposed rule would also retain a revision made by the 2024 final rule to the 8-step decisionmaking process at § 55.20(b)(1) that allows public notices to be posted on an appropriate government website as an alternative to publication in local news media. The government website alternative proposed to be retained is also reflected in changes to §§ 50.23, 58.43, 58.45, and 58.59 of the 2024 final rule; as such, those provisions also are not changed in this proposed rule.

HUD invites public comment on this proposed rule for a period of 60 days. HUD will consider all comments received in its ongoing process of reviewing this proposed rule for consistency with recent Supreme Court decisions (see *Loper Bright Enterprises* v. *Raimondo,* 603 U.S. 369 (2024); *West Virginia* v. *Environmental Protection Agency,* 597 U.S. 697 (2022); and *Students for Fair Admissions, Inc.* v. *President and Fellows of Harvard College,* 600 U.S. 181 (2023)) and HUD's statutory authority.

III. Findings and Certifications

Regulatory Review (Executive Orders 12866 and 13563)

Pursuant to Executive Order 12866 (Regulatory Planning and Review), a determination must be made whether a regulatory action is significant and therefore, subject to review by the Office of Management and Budget (OMB) in accordance with the requirements of the Executive Order. This proposed rule has been determined to be a ''significant regulatory action,'' as defined in section 3(f) of Executive Order 12866, but not economically significant under section 3(f)(1).

Executive Order 13563 (Improving Regulations and Regulatory Review) directs executive agencies to analyze regulations that are ''outmoded, ineffective, insufficient, or excessively burdensome, and to modify, streamline, expand, or repeal them in accordance with what has been learned.'' Executive Order 13563 also directs that, where relevant, feasible, and consistent with regulatory objectives, and to the extent permitted by law, agencies are to identify and consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public.

Regulatory Costs (Executive Order 14192)

Executive Order 14192, entitled ''Unleashing Prosperity Through Deregulation,'' was issued on January 31, 2025. Section 3(c) of Executive Order 14192 requires 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. OMB has determined that this proposed rule is a repeal of a regulation that results in reduced regulatory costs, ranging from −$6.3 million to $750,000, for purposes of Executive Order 14192.

Federalism (Executive Order 13132)

Executive Order 13132 (entitled ''Federalism'') prohibits an agency from publishing any rule that has federalism implications if the rule either: imposes substantial direct compliance costs on State and local governments and is not required by statute; or the rule preempts state law, unless the agency meets the consultation and funding requirements of section 6 of the Executive Order. This proposed rule does not have federalism implications and does not impose substantial direct compliance costs on state and local governments nor preempt state law within the meaning of the Executive Order.

Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements, unless the agency certifies that the proposed rule will not have a significant economic impact on a substantial number of small entities. This proposed rule would rescind most of the provisions of the April 23, 2024, final rule and restore HUD's floodplain management regulations largely to their prior state. Because this proposed rule reduces regulatory requirements and does not impose new compliance obligations on small entities, HUD has determined that this proposed rule will not have a significant economic impact on a substantial number of small entities. Therefore, the undersigned certifies, pursuant to 5 U.S.C. 605(b), that this proposed rule will not have a significant economic impact on a substantial number of small entities.

Environmental Impact

A Finding of No Significant Impact (FONSI) with respect to the environment has been made in accordance with HUD regulations at 24 CFR part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)). The FONSI is available through the Federal eRulemaking Portal at *regulations.gov.* The FONSI is also available for public inspection during regular business hours in the Regulations Division, Office of General Counsel, Room 10276, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410–0500. Due to security measures at the HUD Headquarters building, you must schedule an appointment in advance to review the FONSI by calling the Regulations Division at 202–708–3055 (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.*

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4; approved March 22, 1995) (UMRA) establishes requirements for Federal agencies to assess the effects of their regulatory actions on state, local, and tribal governments, and on the private sector. This proposed rule does not impose any Federal mandates on any state, local, or tribal government, or on the private sector, within the meaning of the UMRA.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless the collection displays a currently valid Office of Management and Budget (OMB) control number. The information collection requirements for floodplains management have previously been approved by OMB under the Paperwork Reduction Act and assigned OMB Control Number 2506–0151.

List of Subjects

24 CFR Part 50

Environmental impact statements.

24 CFR Part 55

Environmental impact statements; Floodplains; Wetlands.

24 CFR Part 58

Community development block grants; Environmental impact statements; Grant programs—housing and community development; Reporting and recordkeeping requirements.

24 CFR Part 200

Administrative practice and procedure; Claims; Equal employment opportunity; Fair housing; Housing standards; Lead poisoning; Loan programs—housing and community development; Mortgage insurance; Organization and functions (Government agencies); Penalties; Reporting and recordkeeping requirements; Social Security; Unemployment compensation; Wages.

Accordingly, for the reasons stated in this preamble, HUD proposes to amend 24 CFR parts 50, 55, 58, and 200 as follows:

PART 50—PROTECTION AND ENHANCEMENT OF ENVIRONMENTAL QUALITY

■ 1. The authority citation for part 50 is revised to read as follows:

Authority: 42 U.S.C. 3535(d) and 4321–4336e; and Executive Order 11514, 35 FR 4247, 3 CFR, 1966–1970, Comp., p. 902.

§ 50.4 [Amended]

■ 2. Amend § 50.4(b)(2) by removing ''as amended by Executive Order 13690, February 4, 2015 (3 CFR, 2016 Comp., p. 268)'' and adding, in its place, ''(3 CFR, 1977 Comp., p. 117)''.

PART 55—FLOODPLAIN MANAGEMENT AND PROTECTION OF WETLANDS

■ 3. The authority citation for part 55 is revised to read as follows:

Authority: 42 U.S.C. 3535(d), 4001–4128 and 5154a; 42 U.S.C. 4321 *et seq.;* E.O. 11988, 42 FR 26951, 3 CFR, 1977 Comp., p. 117; E.O. 11990, 42 FR 26961, 3 CFR, 1977 Comp., p. 121.

■ 4. Amend § 55.1 by:
■ a. Revising the section heading and the paragraph heading for (a);
■ b. In paragraph (a)(1), removing the words ''as amended,'';
■ c. Revising paragraph (a)(3); and
■ d. Adding paragraphs (a)(4) and (5), (b), and (c).

The revisions and additions read as follows:

§ 55.1 Purpose and basic responsibility.

(a) *Purpose* * * *

(3) This part implements the requirements of Executive Order 11988, Floodplain Management, and Executive Order 11990, Protection of Wetlands, and employs the principles of the Unified National Program for Floodplain Management. These regulations apply to all HUD (or responsible entity) actions that are subject to potential harm by location in floodplains or wetlands. Covered actions include the proposed acquisition, construction, demolition, improvement, disposition, financing, and use of properties located in floodplains or wetlands for which approval is required either from HUD, under any applicable HUD program, or from a responsible entity authorized by 24 CFR part 58.

(4) This part does not prohibit approval of such actions (except for certain actions in floodways, coastal high hazard areas, and Coastal A Zones) but provides a consistent means for implementing the Department's interpretation of the Executive Orders in the project approval decisionmaking processes of HUD and of responsible entities subject to 24 CFR part 58. The implementation of Executive Orders 11988 and 11990 under this part shall be conducted by HUD for Department-administered programs subject to environmental review under 24 CFR part 50 and by authorized responsible entities that are responsible for environmental review under 24 CFR part 58.

(5) Nonstructural alternatives to floodplain development and the destruction of wetlands are both favored and encouraged to reduce the loss of life and property caused by floods, and to restore the natural resources and functions of floodplains and wetlands. Nonstructural alternatives should be discussed in the decisionmaking process where practicable.

(b) *Flood insurance*

(1) Under section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), proposed HUD financial assistance (including mortgage insurance) for acquisition or construction purposes in any ''area having special flood hazards'' (a flood zone designated by the Federal Emergency Management Agency (FEMA)) shall not be approved in communities identified by FEMA as eligible for flood insurance but which are not participating in the National Flood Insurance Program. This prohibition only applies to proposed HUD financial assistance in a FEMA-designated area of special flood hazard one year after the community has been formally notified by FEMA of the designation of the affected area. This prohibition is not applicable to HUD financial assistance in the form of formula grants to states, including financial assistance under the State-administered CDBG Program (24 CFR part 570, subpart I), Emergency Solutions Grant amounts allocated to States (24 CFR part 576), and HOME funds provided to a state under Title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12701–12839).

(2) Under section 582 of the National Flood Insurance Reform Act of 1994 (42 U.S.C. 5154a), HUD disaster assistance that is made available in a special flood hazard area may not be used to make a payment (including any loan assistance payment) to a person for repair, replacement, or restoration of damage to any personal, residential, or commercial property if:

(i) The person had previously received Federal flood disaster assistance conditioned on obtaining and maintaining flood insurance; and

(ii) The person failed to obtain and maintain the flood insurance.

(c) *Limitations on HUD assistance in floodplains.* No HUD financial assistance (including mortgage insurance) may be approved with respect to:

(1) Any action located in a floodway unless one of the following applies:

(i) An exception listed in § 55.12(c) applies; or

(ii) A permanent covenant or comparable restriction will preserve all onsite 1 percent annual chance floodplain and/or wetland areas from future development or expansion of existing uses in the floodplain and/or wetland areas. Any rehabilitation

action, including reconstruction in the case of properties affected by Presidentially declared disasters, that does not expand the footprint of the buildings or the number of units on the site would be allowed within the 1 percent annual chance floodplain (or 0.2 percent annual chance floodplain for critical actions) outside of the floodway. No buildings or improvements may modify or occupy the floodway, with the exception of:

(A) Functionally dependent uses (as defined in § 55.2(b)(8)) and utility lines;

(B) De minimis improvements, including minimal ground disturbance or placement of impervious surface area to ensure accessibility where this is permitted by local ordinances and does not increase flood risk to the property; or

(C) Buildings and improvements that will be removed as part of the proposed action.

(2) Any critical action located in a floodway, other than a functionally dependent use where any existing or new structure has been or will be elevated or floodproofed to the 0.2 percent annual chance flood elevation; or any critical action in a coastal high hazard area or Coastal A Zone, other than a functionally dependent use where any existing or new structure has been or will be elevated and constructed in accordance with current FEMA V-zone construction standards at 44 CFR 60.3(e); provided that, for a critical action that is insurance of a mortgage on a property containing a floodway with no structures or improvements in the floodway (except as allowed at § 55.1(c)(1)(ii)), paragraph (c)(1) of this section applies; or

(3) Any noncritical action located in a coastal high hazard area or Coastal A Zone, unless the action is a functionally dependent use, is limited to existing structures or improvements, or is reconstruction following destruction caused by a Presidentially declared disaster. If the action is not a functionally dependent use, the action must be designed for location in a coastal high hazard area. An action will be considered designed for a coastal high hazard area if:

(i) In the case of reconstruction following destruction caused by a disaster, or substantial improvement, the work meets the current standards for V zones in FEMA regulations (44 CFR 60.3(e)) and, if applicable, the Minimum Property Standards for such construction in 24 CFR 200.926d(c)(4)(iii); or

(ii) In the case of existing construction (including any minor improvements):

(A) The work met FEMA elevation and construction standards for a coastal high hazard area (or if such a zone or such standards were not designated, the 1 percent annual chance floodplain) applicable at the time the original improvements were constructed; or

(B) If the original improvements were constructed before FEMA standards for the 1 percent annual chance floodplain became effective or before FEMA designated the location of the action as within the 1 percent annual chance floodplain, the work would meet at least the earliest FEMA standards for construction in the 1 percent annual chance floodplain.

■ 5. Revise and republish § 55.2 to read as follows:

§ 55.2 Terminology.

(a) *Terms.* With the exception of those terms defined in paragraph (b) of this section, the terms used in this part shall follow the definitions contained in section 6 of Executive Order 11988, section 7 of Executive Order 11990, and the Floodplain Management Guidelines for Implementing Executive Order 11988 (43 FR 6030, February 10, 1978), issued by the Water Resources Council; the terms ''special flood hazard area,'' ''criteria,'' and ''Regular Program'' shall follow the definitions contained in FEMA regulations at 44 CFR 59.1; and the terms ''Letter of Map Revision'' and ''Letter of Map Amendment'' shall refer to letters issued by FEMA, as provided in 44 CFR part 65 and 44 CFR part 70, respectively.

(b) *Definitions.* For purposes of this part, the following definitions apply:

(1) *0.2 percent annual chance floodplain* means the minimum floodplain of concern for critical actions and is the area subject to inundation from a flood having a 0.2 percent chance of occurring in any given year (also known as the 500-year flood). (See § 55.2(c) for appropriate data sources.)

(2) *1 percent annual chance floodplain* means the floodplain of concern for this part and is the area subject to inundation from a flood having a one percent or greater chance of being equaled or exceeded in any given year (also known as the 100-year floodplain or base floodplain). (See § 55.2(c) for appropriate data sources.)

(3) *Coastal A zone* means the portion of the coastal special flood hazard area where base flood wave heights are between 1.5 and 3 feet, and where wave characteristics are deemed sufficient to damage many NFIP-compliant structures on shallow or solid wall foundations. (See § 55.2(c) for appropriate data sources.)

(4) *Coastal high hazard area* means the area subject to high velocity waters, including but not limited to hurricane wave wash or tsunamis.

(5) *Compensatory mitigation* means the restoration (reestablishment or rehabilitation), establishment (creation), enhancement, and/or, in certain circumstances, preservation of aquatic resources for the purposes of offsetting unavoidable adverse impacts that remain after all appropriate and practicable avoidance and minimization have been achieved. Examples include, but are not limited to:

(i) *Permittee-responsible mitigation:* On-site or off-site mitigation undertaken by the holder of a wetlands permit under section 404 of the Clean Water Act (or an authorized agent or contractor), for which the permittee retains full responsibility;

(ii) *Mitigation banking:* A permittee's purchase of credits from a wetlands mitigation bank, comprising wetlands that have been set aside to compensate for conversions of other wetlands; the mitigation obligation is transferred to the sponsor of the mitigation bank; and

(iii) *In-lieu fee mitigation:* A permittee's provision of funds to an in-lieu fee sponsor (public agency or nonprofit organization) that builds and maintains a mitigation site, often after the permitted adverse wetland impacts have occurred; the mitigation obligation is transferred to the in-lieu fee sponsor.

(6)(i) *Critical action* means any activity for which even a slight chance of flooding would be too great, because such flooding might result in loss of life, injury to persons, or damage to property. Critical actions include activities that create, maintain or extend the useful life of those structures or facilities that:

(A) Produce, use or store highly volatile, flammable, explosive, toxic or water-reactive materials;

(B) Provide essential and irreplaceable records or utility or emergency services that may become lost or inoperative during flood and storm events (*e.g.,* data storage centers, generating plants, principal utility lines, emergency operations centers including fire and police stations, and roadways providing sole egress from flood-prone areas); or

(C) Are likely to contain occupants who may not be sufficiently mobile to avoid loss of life or injury during flood or storm events, *e.g.,* persons who reside in hospitals, nursing homes, convalescent homes, intermediate care facilities, board and care facilities, and retirement service centers. Housing for independent living for the elderly is not considered a critical action.

(ii) Critical actions shall not be approved in floodways, Coastal A Zones, or coastal high hazard areas unless they meet an exception in § 55.1(c).

(7) *Floodway* means that portion of the floodplain which is effective in carrying flow, where the flood hazard is generally the greatest, and where water depths and velocities are the highest. The term ''floodway'' as used here is consistent with ''regulatory floodways'' as identified by FEMA. (See § 55.2(c) for appropriate data sources.)

(8) *Functionally dependent use* means a land use that must necessarily be conducted in close proximity to water (*e.g.,* a dam, marina, port facility, waterfront park, and many types of bridges).

(9) *High hazard area* means a floodway or a coastal high hazard area.

(10) *Impervious surface area* means an improved surface that measurably reduces the rate of water infiltration below the rate that would otherwise be provided by the soil present in a location prior to improvement, based on the soil type identified either by the Natural Resource Conservation Service Soil Survey or geotechnical study. Impervious surfaces include, but are not limited to, unperforated concrete or asphalt ground cover, unvegetated roofing materials, and other similar treatments that impede infiltration.

(11) *New construction* includes grading, clearing, draining, dredging, channelizing, filling, diking, impounding, and related activities and any structures or facilities, including the siting of manufactured housing units.

(12)(i) *Substantial improvement* means either:

(A) Any repair, reconstruction, modernization or improvement of a structure, including a manufactured housing unit, the cost of which equals or exceeds 50 percent of the market value of the structure either:

(1) Before the improvement or repair is started; or

(2) If the structure has been damaged, and is being restored, before the damage occurred; or

(B) Any repair, reconstruction, modernization or improvement of a structure, including a manufactured housing unit, that results in an increase of more than twenty percent in the number of dwelling units in a residential project, or beds in the case of hospitals and residential care facilities, or in the average peak number of customers and employees likely to be on-site at any one time for a commercial or industrial project.

(ii) *Substantial improvement* may not be defined to include either:

(A) Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications that is solely necessary to assure safe living conditions, or

(B) Any alteration of a structure listed on the National Register of Historical Places or on a State Inventory of Historic Places.

(iii) Structural repairs, reconstruction, or improvements not meeting this definition are considered ''minor improvements''.

(13) *Wetlands* means those areas that are inundated by surface or ground water with a frequency sufficient to support, and under normal circumstances does or would support, a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds. This definition includes those wetland areas separated from their natural supply of water as a result of activities such as the construction of structural flood protection methods or solid-fill roadbeds and activities such as mineral extraction and navigation improvements. This definition includes both wetlands subject to and those not subject to Section 404 of the Clean Water Act as well as constructed wetlands. The following process shall be followed in making the wetlands determination:

(i) HUD or, for programs subject to 24 CFR part 58, the responsible entity, shall make a determination whether the action is new construction that is located in a wetland. These actions are subject to processing under the § 55.20 decisionmaking process for the protection of wetlands.

(ii) As primary screening, HUD or the responsible entity shall verify whether the project area is located in proximity to wetlands identified on the National Wetlands Inventory (NWI). If so, HUD or the responsible entity should make a reasonable attempt to consult with the Department of the Interior, Fish and Wildlife Service (FWS), for information concerning the location, boundaries, scale, and classification of wetlands within the area. If an NWI map indicates the presence of wetlands, FWS staff, if available, must find that no wetland is present in order for the action to proceed without further processing. Where FWS staff is unavailable to resolve any NWI map ambiguity or controversy, an appropriate wetlands professional must find that no wetland is present in order for the action to proceed without § 55.20 processing.

(iii) As secondary screening used in conjunction with NWI maps, HUD or the responsible entity is encouraged to use the Department of Agriculture, Natural Resources Conservation Service (NRCS) soil survey data and any state and local information concerning the location, boundaries, scale, and classification of wetlands within the action area.

(iv) Any challenges from the public or other interested parties to the wetlands determinations made under this part must be made in writing to HUD (or the responsible entity authorized under 24 CFR part 58) during the commenting period and must be substantiated with verifiable scientific information. Commenters may request a reasonable extension of the time for the commenting period for the purpose of substantiating any objections with verifiable scientific information. HUD or the responsible entity shall consult FWS staff, if available, on the validity of the challenger's scientific information prior to making a final wetlands determination.

(c) *Floodplain data sources.* HUD or the responsible entity must rely on Flood Insurance Rate Maps (FIRMs) and Flood Insurance Studies (FISs) developed by FEMA for the designation of ''1 percent annual chance floodplains'' (§ 55.2(b)(2)), ''0.2 percent annual chance floodplains'' (§ 55.2(b)(1)), ''floodways'' (§ 55.2(b)(7)), ''coastal high hazard areas'' (§ 55.2(b)(4)) and ''coastal A zones'' (§ 55.2(b)(3)). When FEMA provides interim flood hazard data, such as Advisory Base Flood Elevations (ABFE) or preliminary maps and studies, HUD or the responsible entity shall use the latest of these sources. If FEMA information is unavailable or insufficiently detailed, other Federal, state, or local data may be used as ''best available information'' in accordance with Executive Order 11988. However, a base flood elevation from an interim or preliminary or non-FEMA source cannot be used if it is lower than the current FIRM and FIS.

■ 6. Revise and republish § 55.3 to read as follows:

§ 55.3 Assignment of responsibilities.

(a) *Assistant Secretary for Community Planning and Development (CPD)* (1) The Assistant Secretary for CPD shall oversee:

(i) The Department's implementation of Executive Orders 11988 and 11990 and this part in all HUD programs; and

(ii) The implementation activities of HUD program managers and, for HUD financial assistance subject to 24 CFR

part 58, of grant recipients and responsible entities.

(2) In performing these responsibilities, the Assistant Secretary for CPD shall make pertinent policy determinations in cooperation with appropriate program offices and provide necessary assistance, training, publications, and procedural guidance.

(b) *Other officials.* Other HUD Assistant Secretaries, the General Counsel, and the President of the Government National Mortgage Association (GNMA) shall:

(1) Ensure compliance with this part for all actions under their jurisdiction that are proposed to be conducted, supported, or permitted in a floodplain or wetland;

(2) Ensure that actions approved by HUD or responsible entities are monitored and that any prescribed mitigation is implemented;

(3) Ensure that the offices under their jurisdiction have the technical resources to implement the requirements of this part; and

(4) Incorporate in departmental regulations, handbooks, and project and site standards those criteria, standards, and procedures necessary to comply with the requirements of this part.

(c) *Responsible Entity Certifying Officer.* Certifying Officers of responsible entities administering or reviewing activities subject to 24 CFR part 58 shall comply with this part in carrying out HUD-assisted programs. Certifying Officers of responsible entities subject to 24 CFR part 58 shall monitor approved actions and ensure that any prescribed mitigation is implemented.

(d) *Recipient.* Recipients subject to 24 CFR part 58 shall monitor approved actions and ensure that any prescribed mitigation is implemented. Recipients shall:

(1) Supply HUD (or the responsible entity authorized by 24 CFR part 58) with all available, relevant information necessary for HUD (or the responsible entity) to perform the compliance required by this part; and,

(2) Implement mitigating measures required by HUD (or the responsible entity authorized by 24 CFR part 58) under this part or select alternate eligible property.

§§ 55.4 through 55.9 [Removed]

■ 7. Remove §§ 55.4 through 55.9.

■ 8. Amend § 55.10 by:

■ a. Revising the section heading and paragraphs (a) and (b); and

■ b. Removing paragraph (c).

The revisions read as follows:

§ 55.10 Environmental review procedures under 24 CFR parts 50 and 58.

(a) Where an environmental review is required under the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*), and 24 CFR part 50 or part 58, compliance with this part shall be completed before the completion of an environmental assessment (EA), including a finding of no significant impact (FONSI), or an environmental impact statement (EIS), in accordance with the decision points listed in 24 CFR 50.17(a) through (h), or before the preparation of an EA under 24 CFR 58.40 or an EIS under 24 CFR 58.37. For types of proposed actions that are categorically excluded from NEPA requirements under 24 CFR part 50 (or part 58), compliance with this part shall be completed before the Department's initial approval (or approval by a responsible entity authorized by 24 CFR part 58) of proposed actions in a floodplain or wetland.

(b) The categorical exclusion of certain proposed actions from environmental review requirements under NEPA and 24 CFR parts 50 and 58 (see 24 CFR 50.20 and 58.35(a)) does not exclude those actions from compliance with this part.

■ 9. In subpart B, add a new § 55.11 to read as follows:

§ 55.11 Applicability of Subpart C decisionmaking process.

(a) Before reaching the decision points described in § 55.10(a), HUD (for Department-administered programs) or the responsible entity (for HUD financial assistance subject to 24 CFR part 58) shall determine whether Executive Order 11988, Executive Order 11990, and this part apply to the proposed action.

(b) If Executive Order 11988 or Executive Order 11990 and this part apply, the approval of a proposed action or initial commitment shall be made in accordance with this part. The primary purpose of Executive Order 11988 is ''to avoid to the extent possible the long- and short-term adverse impacts associated with the occupancy and modification of floodplains and to avoid direct or indirect support of floodplain development wherever there is a practicable alternative.'' The primary purpose of Executive Order 11990 is ''to avoid to the extent possible the long and short-term adverse impacts associated with the destruction or modification of wetlands and to avoid direct or indirect support of new construction in wetlands wherever there is a practicable alternative.''

(c) The following table indicates the applicability, by location and type of action, of the decisionmaking process for implementing Executive Order 11988 and Executive Order 11990 under subpart C of this part.

TABLE 1

Type of proposed action (new reviewable action or an amendment) [1]	Floodways	Coastal high hazard areas and Coastal A Zones	Wetlands or 1 percent annual chance floodplain outside coastal high hazard area, Coastal A Zones, and floodways	Nonwetlands area outside of the 1 percent annual chance floodplain and within the 0.2 percent annual chance floodplain
Critical Actions as defined in § 55.2(b)(6).	Critical actions not allowed unless they meet the requirements for critical actions in § 55.1(c) and are processed under § 55.20.	Critical actions not allowed unless they meet the requirements for critical actions in § 55.1(c) and are processed under § 55.20.	Allowed if the proposed critical action is processed under § 55.20 [2].	Allowed if the proposed critical action is processed under § 55.20.[2]
Noncritical actions not excluded under § 55.12(b) or (c).	Allowed only if the proposed non-critical action is not prohibited under § 55.1(c) and is processed under § 55.20 [2].	Allowed only if the proposed noncritical action is processed under § 55.20 [2] and is (1) a functionally dependent use, (2) existing construction (including improvements), or (3) reconstruction following destruction caused by a disaster. If the action is not a functionally dependent use, the action must be designed for location in a coastal high hazard area under § 55.1(c)(3).	Allowed if proposed noncritical action is processed under § 55.20 [2].	Any noncritical action is allowed without processing under this part.

[1] Under Executive Order 11990, the decisionmaking process in § 55.20 applies only to Federal assistance for new construction in wetlands locations.

[2] Or those paragraphs of § 55.20 that are applicable to an action listed in § 55.12(a).

■ 10. Revise and republish § 55.12 to read as follows:

§ 55.12 Inapplicability of 24 CFR part 55 to certain categories of proposed actions.

(a) The decisionmaking steps in § 55.20(b), (c), and (g) (steps 2, 3, and 7) do not apply to the following categories of proposed actions:

(1) HUD's or the recipient's actions involving the disposition of acquired multifamily housing projects or ''bulk sales'' of HUD-acquired (or under part 58 of recipients') one- to four-family properties in communities that are in the Regular Program of the National Flood Insurance Program and in good standing (*i.e.,* not suspended from program eligibility or placed on probation under 44 CFR 59.24). For programs subject to part 58, this paragraph applies only to recipients' disposition activities that are subject to review under part 58.

(2) HUD's actions under the National Housing Act (12 U.S.C. 1701) for the purchase or refinancing of existing multifamily housing projects, hospitals, nursing homes, assisted living facilities, board and care facilities, and intermediate care facilities, in communities that are in good standing under the NFIP.

(3) HUD's or the recipient's actions under any HUD program involving the repair, rehabilitation, modernization, weatherization, or improvement of existing multifamily housing projects, hospitals, nursing homes, assisted living facilities, board and care facilities, intermediate care facilities, and one- to four-family properties, in communities that are in the Regular Program of the National Flood Insurance Program (NFIP) and are in good standing, provided that the number of units is not increased more than 20 percent, the action does not involve a conversion from nonresidential to residential land use, the action does not meet the thresholds for ''substantial improvement'' under § 55.2(b)(12), and the footprint of the structure and paved areas is not increased by more than 20 percent.

(4) HUD's or the recipient's actions under any HUD program involving the repair, rehabilitation, modernization, weatherization, or improvement of existing nonresidential buildings and structures, in communities that are in the Regular Program of the NFIP and are in good standing, provided that the action does not meet the thresholds for ''substantial improvement'' under § 55.2(b)(12) and that the footprint of the structure and paved areas is not increased by more than 20 percent.

(5) HUD's or the recipient's actions under any HUD program involving the repair, rehabilitation, or replacement of existing nonstructural improvements including streets, curbs, and gutters, where any increase of the total impervious surface area of the facility is de minimis. This provision does not include critical actions, levee systems, chemical storage facilities (including any tanks), wastewater facilities, or sewer lagoons.

(b) The decisionmaking process in § 55.20 shall not apply to the following categories of proposed actions:

(1) HUD's mortgage insurance actions and other financial assistance for the purchasing, mortgaging or refinancing of existing one- to four-family properties in communities that are in the Regular Program of the NFIP and in good standing (*i.e.,* not suspended from program eligibility or placed on probation under 44 CFR 59.24), where the action is not a critical action and the property is not located in a floodway, coastal high hazard area, or Coastal A Zone;

(2) Financial assistance for minor repairs or improvements on one- to four-family properties that do not meet the thresholds for ''substantial improvement'' under § 55.2(b)(12);

(3) HUD or a recipient's actions involving the disposition of individual HUD-acquired, one- to four-family properties;

(4) HUD guarantees under the Loan Guarantee Recovery Fund Program (24 CFR part 573) of loans that refinance existing loans and mortgages, where any new construction or rehabilitation financed by the existing loan or mortgage has been completed prior to the filing of an application under the program, and the refinancing will not allow further construction or rehabilitation, nor result in any physical impacts or changes except for routine maintenance; and

(5) The approval of financial assistance to lease an existing structure and/or units within an existing structure located within the floodplain, but only if:

(i) The structure is located outside the floodway, Coastal A Zone, or coastal high hazard area, and is in a community that is in the Regular Program of the NFIP and in good standing (*i.e.,* not suspended from program eligibility or placed on probation under 44 CFR 59.24);

(ii) The project is not a critical action; and

(iii) The entire structure is or will be fully insured or insured to the maximum under the NFIP for at least the term of the lease.

(c) This part shall not apply to the following categories of proposed HUD actions:

(1) HUD-assisted activities described in 24 CFR 58.34 and 58.35(b);

(2) HUD-assisted activities described in 24 CFR 50.19, except as otherwise indicated in § 50.19;

(3) The approval of financial assistance for restoring and preserving the natural and beneficial functions and values of floodplains and wetlands, including through acquisition of such floodplain and wetland property, where a permanent covenant or comparable restriction is placed on the property's continued use for flood control, wetland protection, open space, or park land, but only if:

(i) The property is cleared of all existing buildings and walled structures;

(ii) The property is cleared of related improvements except those which:

(A) Are directly related to flood control, wetland protection, open space, or park land (including playgrounds and recreation areas);

(B) Do not modify existing wetland areas or involve fill, paving, or other ground disturbance beyond minimal trails or paths; and

(C) Are designed to be compatible with the beneficial floodplain or wetland function of the property.

(4) An action involving a repossession, receivership, foreclosure, or similar acquisition of property to protect or enforce HUD's financial interests under previously approved loans, grants, mortgage insurance, or other HUD assistance;

(5) Policy-level actions described at 24 CFR 50.16 that do not involve site-based decisions;

(6) A minor amendment to a previously approved action with no additional adverse impact on or from a floodplain or wetland;

(7) HUD's or the responsible entity's approval of a project site, an incidental portion of which is situated in an adjacent floodplain (not including the floodway, Coastal A Zone, or coastal high hazard area), but only if:

(i) The proposed project site does not include any existing or proposed buildings or improvements that modify or occupy the 1 percent annual chance (or 0.2 percent annual chance for critical actions) floodplain except de minimis improvements such as recreation areas and trails; and

(ii) The proposed project will not result in any new construction in or modifications of a wetland.

(8) HUD's or the responsible entity's approval of financial assistance for a

project on any nonwetland site in a floodplain for which FEMA has issued:

(i) A final Letter of Map Amendment (LOMA), final Letter of Map Revision (LOMR), or final Letter of Map Revision Based on Fill (LOMR–F) that removed the property from a FEMA-designated floodplain location; or

(ii) A conditional LOMA, conditional LOMR, or conditional LOMR–F if HUD or the responsible entity's approval is subject to the requirements and conditions of the conditional LOMA or conditional LOMR;

(9) Issuance or use of Housing Vouchers or other forms of rental subsidy where HUD, the awarding community, or the public housing agency that administers the contract awards rental subsidies that are not project-based (*i.e.,* do not involve site-specific subsidies);

(10) Special projects directed to the removal of material and architectural barriers that restrict the mobility of and accessibility to elderly and persons with disabilities.

§§ 55.13 through 55.16 [Removed]

■ 11. Remove §§ 55.13 through 55.16.

■ 12. Revise and republish § 55.20 to read as follows:

§ 55.20 Decisionmaking process.

Except for actions covered by § 55.12(a), the decisionmaking process for compliance with this part contains eight steps, including public notices and an examination of practicable alternatives when addressing floodplains and wetlands. The steps to be followed in the decisionmaking process are as follows:

(a) *Step 1.* Determine whether the proposed action is located in the 1 percent annual chance floodplain (0.2 percent annual chance floodplain for critical actions) or results in new construction in a wetland. If the action does not occur in a floodplain or result in new construction in a wetland, then no further compliance with this part is required. The following process shall be followed by HUD (or the responsible entity) in making wetland determinations.

(1) Refer to § 55.28(a) where an applicant has submitted with its application to HUD (or to the recipient under programs subject to 24 CFR part 58) an individual Section 404 permit (including approval conditions and related environmental review).

(2) Refer to § 55.2(b)(13) for making wetland determinations under this part.

(3) For proposed actions occurring in both a wetland and a floodplain, completion of the decisionmaking process under § 55.20 is required regardless of the issuance of a Section 404 permit. In such a case, the wetland will be considered among the primary natural and beneficial functions and values of the floodplain.

(b) *Step 2.* Notify the public and agencies responsible for floodplain management or wetlands protection at the earliest possible time of a proposal to consider an action in a 1 percent annual chance floodplain (or a 0.2 percent annual chance floodplain for a critical action) or wetland and involve the affected and interested public and agencies in the decisionmaking process.

(1) The public notices required by paragraphs (b) and (g) of this section may be combined with other project notices wherever appropriate. Notices required under this part must be bilingual if the affected public is largely non-English speaking. In addition, all notices must be published in an appropriate local printed news medium or on an appropriate government website that is accessible to individuals with disabilities and provides meaningful access for individuals with Limited English Proficiency, and must be sent to federal, state, and local public agencies, organizations, and, where not otherwise covered, individuals known to be interested in the proposed action.

(2) A minimum of 15 calendar days shall be allowed for comment on the public notice. The first day of a time period begins at 12:01 a.m. local time on the day following the publication or the mailing and posting date of the notice which initiates the time period.

(3) A notice under this paragraph shall state: The name, proposed location, and description of the activity; the total number of acres of floodplain or wetland involved; the related natural and beneficial functions and values of the floodplain or wetland that may be adversely affected by the proposed activity; the HUD approving official (or the Certifying Officer of the responsible entity authorized by 24 CFR part 58); and the phone number to call for information. The notice shall indicate the hours of HUD or the responsible entity's office, and any website at which a full description of the proposed action may be reviewed.

(c) *Step 3.* Identify and evaluate practicable alternatives to locating the proposed action in a 1 percent annual chance floodplain (or a 0.2 percent annual chance floodplain for a critical action) or wetland.

(1) Except as provided in paragraph (c)(3) of this section, HUD's or the responsible entity's consideration of practicable alternatives to the proposed site selected for a project should include:

(i) Locations outside and not affecting the 1 percent annual chance floodplain (or the 0.2 percent annual chance floodplain for a critical action) or wetland;

(ii) Alternative methods to serve the identical project objective, including but not limited to design alternatives such as repositioning or reconfiguring proposed siting of structures and improvements or incorporating natural systems, ecosystem processes, and nature-based solutions to avoid floodplain and wetland impacts; and

(iii) A determination not to approve any action proposing the occupancy or modification of a floodplain or wetland.

(2) Practicability of alternative sites should be addressed in light of the following:

(i) Natural values such as topography, habitat, and hazards;

(ii) Social values such as aesthetics, historic and cultural values, and land use patterns, and

(iii) Economic values such as the cost of space, construction, services, and relocation.

(3) For multifamily and healthcare projects involving HUD mortgage insurance that are initiated by third parties, HUD in its consideration of practicable alternatives is not required to consider alternative sites, but must include consideration of:

(i) A determination to approve the request without modification;

(ii) A determination to approve the request with modification; and

(iii) A determination not to approve the request.

(d) *Step 4.* Identify and evaluate the potential direct and indirect impacts associated with the occupancy or modification of the 1 percent annual chance floodplain (or the 0.2 percent annual chance floodplain for a critical action) or the wetland and the potential direct and indirect support of floodplain and wetland development that could result from the proposed action.

(1) *Floodplain evaluation:* The focus of the floodplain evaluation should be on adverse impacts to lives and property, and on natural and beneficial floodplain values. Natural and beneficial values include:

(i) Water resources such as natural moderation of floods, water quality maintenance, and groundwater recharge;

(ii) Living resources such as flora and fauna;

(iii) Cultural resources such as archaeological, historic, and recreational aspects; and

(iv) Agricultural, aquacultural, and forestry resources.

(2) *Wetland evaluation:* In accordance with Section 5 of Executive Order

11990, the decisionmaker shall consider factors relevant to a proposal's effect on the survival and quality of the wetland. Among these factors that should be evaluated are:

(i) Public health, safety, and welfare, including water supply, quality, recharge, and discharge; pollution; flood and storm hazards and hazard protection; and sediment and erosion;

(ii) Maintenance of natural systems, including conservation and long-term productivity of existing flora and fauna; species and habitat diversity and stability; natural hydrologic function; wetland type; fish; wildlife; timber; and food and fiber resources;

(iii) Cost increases attributed to wetland-required new construction and mitigation measures to minimize harm to wetlands that may result from such use; and

(iv) Other uses of wetlands in the public interest, including recreational, scientific, and cultural uses.

(e) *Step 5.* Where practicable, design the proposed action to avoid the potential adverse impacts to and from the 1 percent annual chance floodplain (or the 0.2 percent annual chance floodplain for a critical action) or the wetland. Where impacts cannot be avoided, design or modify the proposed action to minimize the potential adverse impacts to and from the floodplain or wetland of concern and to restore and preserve its natural and beneficial functions and values.

(1) Minimization techniques for floodplain and wetland purposes include, but are not limited to: the use of permeable surfaces, natural landscape enhancements that maintain or restore natural hydrology through infiltration, native plant species, bioswales, evapotranspiration, stormwater capture and reuse, green or vegetative roofs with drainage provisions, and Natural Resource Conservation Service conservation easements. Floodproofing and elevating structures, including freeboard above the required base flood elevations, are also minimization techniques for floodplain purposes.

(2) Appropriate and practicable compensatory mitigation is recommended for unavoidable adverse impacts to more than one acre of wetland. Compensatory mitigation includes, but is not limited to: permittee-responsible mitigation, mitigation banking, in-lieu fee mitigation, the use of preservation easements or protective covenants, and any form of mitigation promoted by state or Federal agencies. The use of compensatory mitigation may not substitute for the requirement to avoid and minimize impacts to the maximum extent practicable. Where projects require Clean Water Act Section 404 authorizations, the U.S. Army Corps of Engineers makes the determination of appropriate type and amount of compensatory mitigation for unavoidable impacts to wetlands regulated under the Clean Water Act.

(3) Actions covered by § 55.12(a) must be rejected if the proposed minimization is financially or physically unworkable. All critical and non-critical actions (in the case of new construction and substantial improvement) in the 1 percent annual chance floodplain shall be designed and built following applicable NFIP and local requirements. Additionally, all newly constructed critical actions in the 1 percent annual chance and 0.2 percent annual chance floodplain shall be designed and built at or above the 0.2 percent annual chance flood elevation with the exception that non-residential critical actions may floodproof in accordance with FEMA's regulations at 44 CFR 60.3(c)(3)(ii) and (c)(4)(i), or such other regulatory standard as FEMA may issue (refer to § 55.2(c) for appropriate data sources for the 0.2 percent annual chance flood elevation). Non-critical actions that have no dwelling units below the base flood elevation may also floodproof. If a critical action is funded by multiple agencies with differing requirements, the most stringent critical action requirement will apply.

(4) All critical actions must include:

(i) Preparation of and participation in an early warning system;

(ii) An emergency evacuation and relocation plan; and

(iii) Identification of evacuation route(s) out of the floodplain.

(f) *Step 6.* Reevaluate the proposed action to determine:

(1) Whether the action is still practicable in light of exposure to flood hazards in the floodplain or wetland, possible adverse impacts on the floodplain or wetland, the extent to which it will aggravate the current hazards to other floodplains or wetlands, and the potential to disrupt the natural and beneficial functions and values of floodplains or wetlands; and

(2) Whether alternatives preliminarily rejected at Step 3 (paragraph (c)) of this section are practicable in light of information gained in Steps 4 and 5 (paragraphs (d) and (e)) of this section.

(i) The reevaluation of alternatives shall include the potential impacts avoided or caused inside and outside the floodplain or wetland area. The impacts should include the protection of human life, real property, and the natural and beneficial functions and values served by the floodplain or wetland.

(ii) A reevaluation of alternatives under this step should include a discussion of economic costs. For floodplains, the cost estimates should include savings or the costs of flood insurance, where applicable; flood proofing; replacement of services or functions of critical actions that might be lost; and elevation to at least the base flood elevation for sites located in floodplains, as appropriate based on the applicable source under § 55.2(c). For wetlands, the cost estimates should include the cost of filling the wetlands and mitigation.

(g) *Step 7.* (1) If the reevaluation results in a determination that there is no practicable alternative to locating the proposal in the 1 percent annual chance floodplain (or the 0.2 percent annual chance floodplain for a critical action) or the wetland, publish a final notice that includes:

(i) The reasons why the proposal must be located in the floodplain or wetland;

(ii) A list of the alternatives considered in accordance with paragraphs (c)(1) and (c)(2) of this section; and

(iii) All mitigation measures to be taken to avoid or minimize adverse impacts and to restore and preserve natural and beneficial functions and values.

(2) In addition, the public notice procedures of § 55.20(b)(1) shall be followed, and a minimum of 7 calendar days for public comment before approval of the proposed action shall be provided.

(h) *Step 8.* Upon completion of the decisionmaking process in Steps 1 through 7, implement the proposed action. There is a continuing responsibility on HUD (or on the responsible entity authorized by 24 CFR part 58) and the recipient (if other than the responsible entity) to ensure that the mitigating measures identified in Step 7 are implemented.

■ 13. Revise § 55.21 to read as follows:

§ 55.21 Notification of floodplain hazard.

For HUD programs under which a financial transaction for a property located in a floodplain (a 0.2 percent annual chance floodplain for a critical action) is guaranteed, approved, regulated or insured, any private party participating in the transaction and any current or prospective tenant shall be informed by HUD (or by HUD's designee, *e.g.,* a mortgagor) or a responsible entity subject to 24 CFR part 58 of the hazards of the floodplain location before the execution of documents completing the transaction.

■ 14. In subpart C, add a new § 55.22 to read as follows:

§ 55.22 Conveyance restrictions for the disposition of multifamily real property.

(a) In the disposition (including leasing) of multifamily properties acquired by HUD that are located in a 1 percent annual chance floodplain (a 0.2 percent annual chance floodplain for a critical action), the documents used for the conveyance must:

(1) Refer to those uses that are restricted under identified federal, state, or local floodplain regulations; and

(2) Include any land use restrictions limiting the use of the property by a grantee or purchaser and any successors under state or local laws.

(b)(1) For disposition of multifamily properties acquired by HUD that are located in a 0.2 percent annual chance floodplain and contain critical actions, HUD shall, as a condition of approval of the disposition, require by covenant or comparable restriction on the property's use that the property owner and successive owners provide written notification to each current and prospective tenant concerning:

(i) The hazards to life and to property for those persons who reside or work in a structure located within the 0.2 percent annual chance floodplain, and

(ii) The availability of flood insurance on the contents of their dwelling unit or business.

(2) The notice shall also be posted in the building so that it will be legible at all times and easily visible to all persons entering or using the building.

■ 15. In subpart C, add a new § 55.24 to read as follows:

§ 55.24 Aggregation.

Where two or more actions have been proposed, require compliance with subpart C of this part, affect the same floodplain or wetland, and are currently under review by HUD (or by a responsible entity authorized by 24 CFR part 58), individual or aggregated approvals may be issued. A single compliance review and approval under this section is subject to compliance with the decisionmaking process in § 55.20.

■ 16. Amend § 55.26 by revising the section heading, the introductory text, and paragraphs (b)(1) and (c) to read as follows:

§ 55.26 Adoption of another agency's review under the executive orders.

If a proposed action covered under this part is already covered in a prior review performed under either or both of the Executive Orders by another agency, including HUD or a different responsible entity, that review may be adopted by HUD or by a responsible entity authorized under 24 CFR part 58 provided that:

* * * * *

(b) * * *

(1) The type of action currently proposed is comparable to the type of action previously reviewed by the other agency; and

* * * * *

(c) As a condition of approval, mitigation measures similar to those prescribed in the previous review shall be required of the current proposed action.

■ 17. In subpart C, add a new § 55.27 to read as follows:

§ 55.27 Documentation.

(a) For purposes of compliance with § 55.20, the responsible HUD official who would approve the proposed action (or Certifying Officer for a responsible entity authorized by 24 CFR part 58) shall require that the following actions be documented:

(1) When required by § 55.20(c), practicable alternative sites have been considered outside the floodplain or wetland, but within the local housing market area, the local public utility service area, or the jurisdictional boundaries of a recipient unit of general local government, whichever geographic area is most appropriate to the proposed action. Actual sites under review must be identified and the reasons for the nonselection of those sites as practicable alternatives must be described; and

(2) Under § 55.20(e)(2), measures to minimize the potential adverse impacts of the proposed action on the affected floodplain or wetland as identified in § 55.20(d) have been applied to the design for the proposed action.

(b) For purposes of compliance with § 55.24 or § 55.26 (as appropriate), the responsible HUD official (or the Certifying Officer for a responsible entity subject to 24 CFR part 58) who would approve the proposed action shall require documentation of compliance with the required conditions.

(c) Documentation of compliance with this part (including copies of public notices) must be attached to the environmental assessment, the environmental impact statement or the compliance record and be maintained as a part of the project file. In addition, for environmental impact statements, documentation of compliance with this part must be included as a part of the record of decision (or environmental review record for responsible entities subject to 24 CFR part 58).

■ 18. In subpart C, add a new § 55.28 to read as follows:

§ 55.28 Use of individual permits under section 404 of the Clean Water Act for HUD Executive Order 11990 processing where all wetlands are covered by the permit.

(a) HUD (or the responsible entity subject to 24 CFR part 58) shall not be required to perform the steps at § 55.20(a) through (e) upon adoption by HUD (or the responsible entity) of the terms and conditions of a Section 404 permit so long as:

(1) The project involves new construction on a property located outside of the 1 percent annual chance floodplain (or the 0.2 percent annual chance floodplain for critical actions);

(2) The applicant has submitted, with its application to HUD (or to the recipient under programs subject to 24 CFR part 58), an individual Section 404 permit (including approval conditions) issued by the U.S. Army Corps of Engineers (USACE) (or by a State or Tribal government under Section 404(h) of the Clean Water Act) for the proposed project; and

(3) All wetlands adversely affected by the action are covered by the permit.

(b) Unless a project is excluded under § 55.12, processing under all of § 55.20 is required for new construction in wetlands that are not subject to section 404 of the Clean Water Act and for new construction for which the USACE (or a State or Tribal government under section 404(h) of the Clean Water Act) issues a general permit under Section 404.

■ 19. In subpart C, add a new § 55.29 to read as follows:

§ 55.29 Alternate processing for existing nonconforming sites.

Notwithstanding the limitations on HUD assistance defined in § 55.1(c), in exceptional circumstances, the Assistant Secretary for the relevant program area may approve HUD assistance or insurance to improve an existing property with ongoing HUD assistance or mortgage insurance if the following conditions are satisfied:

(a) HUD completes an environmental review pursuant to 24 CFR part 50, including the 8-step decision making process pursuant to § 55.20, that:

(1) Documents that it is not practicable to transfer the HUD assistance to a site with lower flood risk under existing program rules, financial limitations, and site availability; and

(2) Mandates measures to ensure that the elevated flood risk is the only environmental hazard or impact that does not comply with HUD's environmental requirements at 24 CFR parts 50, 51, 55, and 58; and

(b) The proposed project incorporates all practicable measures to minimize flood risk, preserve the function of the floodplain and any impacted wetlands as described in § 55.20(e), and increase the overall resilience of the site, as approved and/or required by HUD. At minimum, these measures must include:

(1) Removal of all residential units and critical action structures from the floodway;

(2) Identification of evacuation routes out of the floodplain;

(3) A No-Rise Certification for any new improvements in the floodway; and

(4) Elevation or floodproofing of existing structures within the floodplain where practicable, and as required by FEMA.

Subpart D [Removed]

■ 20. Remove Subpart D, consisting of § 55.30.

PART 58—ENVIRONMENTAL REVIEW PROCEDURES FOR ENTITIES ASSUMING HUD ENVIRONMENTAL REVIEW RESPONSIBILITIES

■ 21. The authority citation for part 58 is revised to read as follows:

Authority: 12 U.S.C. 1707 note, 1715z–13a(k); 25 U.S.C. 4115 and 4226; 42 U.S.C. 1437x, 3535(d), 3547, 4321–4336e, 4852, 5304(g), 12838, and 12905(h); title II of Pub. L. 105–276; E.O. 11514, 35 FR 4247, 3 CFR, 1966–1970, Comp., p. 902.

■ 22. Amend § 58.5 by revising paragraph (b)(1) to read as follows:

§ 58.5 Related Federal laws and authorities.

* * * * *

(b) * * *

(1) Executive Order 11988, Floodplain Management, May 24, 1977 (42 FR 26951), 3 CFR, 1977 Comp., p. 117, as interpreted in HUD regulations at 24 CFR part 55, particularly section 2(a) of the order (For an explanation of the relationship between the decisionmaking process in 24 CFR part 55 and this part, see § 55.10 of this subtitle A.)

* * * * *

PART 200—INTRODUCTION TO FHA PROGRAMS

■ 23. The authority citation for part 200 continues to read as follows:

Authority: 12 U.S.C. 1702–1715z–21; 42 U.S.C. 3535(d).

■ 24. Amend § 200.926d by:

■ a. Revising paragraphs (c)(4)(i) through (ii); and

■ b. Redesignating paragraphs (c)(4)(iii) through (v) as paragraphs (c)(4)(iv) through (vi), respectively, and adding new paragraph (c)(4)(iii); and

■ c. Revising redesignated paragraph (c)(4)(iv).

The revisions and addition read as follows:

§ 200.926d Construction requirements.

* * * * *

(c) * * *

(4) * * *

(i) *Residential structures with basements located in FEMA-designated areas of special flood hazard.* The elevation of the lowest floor in structures with basements shall be at or above the base flood elevation (1 percent annual chance flood elevation) required for new construction or substantial improvement of residential structures under regulations for the National Flood Insurance Program (NFIP) (see 44 CFR 60.3 through 60.6), except where variances from this standard are granted by communities under the procedures of the Federal Emergency Management Agency (FEMA) at 44 CFR 60.6(a) or exceptions from this NFIP standard for basements are approved by FEMA in accordance with procedures at 44 CFR 60.6(c).

(ii) *Residential structures without basements located in FEMA-designated areas of special flood hazard.* The elevation of the lowest floor in structures without basements shall be at or above the FEMA-designated base flood elevation (1 percent annual chance flood elevation).

(iii) *Residential structures located in FEMA-designated ''coastal high hazard areas''.*

(A) Basements or any permanent enclosure of space below the lowest floor of a structure are prohibited.

(B) Where FEMA has determined the base flood elevation without establishing stillwater elevations, the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) and its horizontal supports shall be at or above the base flood elevation.

(iv) (A) In all cases in which a Direct Endorsement (DE) mortgagee or a Lender Insurance (LI) mortgagee seek to insure a mortgage on a newly constructed one- to four-family dwelling (including a newly erected manufactured home) that was processed by the DE or LI mortgagee, the DE or LI mortgagee must determine whether the property improvements (dwelling and related structures/equipment essential to the value of the property and subject to flood damage) are located in a 1 percent annual chance floodplain, as designated on maps of the Federal Emergency Management Agency. If so, the DE mortgagee, before submitting the application for insurance to HUD, or the LI mortgagee, before submitting all the required data regarding the mortgage to HUD, must obtain:

(1) A final Letter of Map Amendment (LOMA);

(2) A final Letter of Map Revision (LOMR); or

(3) A signed Elevation Certificate documenting that the lowest floor (including basement) of the property improvements is built at or above the 1 percent annual chance flood elevation in compliance with National Flood Insurance program criteria 44 CFR 60.3 through 60.6.

(B) Under the DE program, these mortgages are not eligible for insurance unless the DE mortgagee submits the LOMA, LOMR, or Elevation Certificate to HUD with the mortgagee's request for endorsement.

* * * * *

Scott Turner,

Secretary.

[FR Doc. 2026–13939 Filed 7–9–26; 8:45 am]

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LIBRARY OF CONGRESS

Copyright Royalty Board

37 CFR Part 385

[Docket No. 25–CRB–0013–PR (2028–2032)]

Determination of Rates and Terms for Making and Distributing Phonorecords (Phonorecords V)

AGENCY: Copyright Royalty Board (CRB), Library of Congress.

ACTION: Notice of proposed settlement for statutory royalty rates and terms.

SUMMARY: The Copyright Royalty Judges are publishing for comment proposed continuation of regulations for rates and terms applicable during the period beginning January 1, 2028, and ending December 31, 2032, for the section 115 statutory license for making and distributing phonorecords of nondramatic musical works.

DATES: Comments and objections, if any, are due no later than August 10, 2026.

ADDRESSES: You may submit comments, identified by docket number 25–CRB–0013–PR (2028–2032), online using eCRB, the Copyright Royalty Board's online electronic filing application, at *https://app.crb.gov.*

Instructions: To send your comment through eCRB, if you don't have a user account, you will first need to register for an account and wait for your

registration to be approved. Approval of user accounts is only available during business hours. Once you have an approved account, you can only sign in and file your comment after setting up multi-factor authentication, which can be done at any time of day. All comments must include the Copyright Royalty Board name and the docket number for this proposed rule. All properly filed comments will appear without change in eCRB at *https://app.crb.gov,* including any personal information provided.

Docket: For access to the docket to read background documents or comments received, go to eCRB at *https://app.crb.gov* and perform a case search for docket 25–CRB–0013–PR (2028–2032).

FOR FURTHER INFORMATION CONTACT: Anita Brown, CRB Program Specialist, at (202) 707–7658, *crb@loc.gov.*

SUPPLEMENTARY INFORMATION: Section 115 of the Copyright Act, title 17 of the United States Code, requires a copyright owner of a nondramatic musical work to grant a license (also known as the ''mechanical'' compulsory license) to any person who wants to make and distribute phonorecords of that work, provided that the copyright owner has allowed phonorecords of the work to be produced and distributed, and that the licensee complies with the statute and regulations. In addition to the production or distribution of physical phonorecords (compact discs, vinyl, cassette tapes, and the like), section 115 applies to digital transmissions of phonorecords, including permanent digital downloads and ringtones.

Chapter 8 of the Copyright Act requires the Copyright Royalty Judges (Judges) to conduct proceedings every five years to determine the rates and terms for the section 115 license. 17 U.S.C. 801(b)(1), 804(b)(4). Accordingly, the Judges commenced the current proceeding in December 2025, by publishing notice of the commencement and a request that interested parties submit petitions to participate. *See* 90 FR 61424 (Dec. 31, 2025).

The Judges received petitions to participate in the current proceeding from Eight Mile Music Companies, Amazon.com Services LLC, Apple Inc., Copyright Owners (joint petitioners Nashville Songwriters Association International (NSAI) and National Music Publishers' Association (NMPA)), Google LLC, George Johnson, Joint Record Company Participants (filed by Recording Industry Association of America, Inc. for joint petitioners Sony Music Entertainment, UMG Recordings, Inc., and Warner Music Group Corp.), Global Music Rights, LLC,[1] American Association of Independent Music (A2IM), Music Artists Coalition (MAC), Songwriters Guild of America, Inc., Spotify USA Inc., David Powell,[2] Pandora Media LLC, Word Collections, Inc.

The Judges gave notice to all participants of the three-month negotiation period required by 17 U.S.C. 803(b)(3) and directed that, if the participants were unable to negotiate a settlement, they should submit Written Direct Statements no later than October 5, 2026. On June 29, 2026, the Judges received a motion stating that several participants had reached a partial settlement regarding the rates and terms under Section 115 of the Copyright Act, namely, for physical phonorecords, permanent downloads, ringtones, and music bundles for the 2028–2032 rate period and seeking approval of that partial settlement. *See Motion to Adopt Settlement of Statutory Royalty Rates and Terms for Subpart B Configurations,* Docket No. 25–CRB–0013–PR (2028–2032) at 1. (June 29, 2026) (''Motion'') (eCRB no. 78742).[3]

The movants[4] state that they have agreed that the Subpart B Configuration Rates and Terms presently set forth in 37 CFR part 385 Subpart B, along with related provisions in Subpart A, should not be amended except for continuing inflation adjustments to the rates for physical phonorecords and permanent downloads, and thus should continue as set forth in 37 CFR 385.10 and § 385.11(a)(2), (b), and (c) (with § 385.11(a)(1) continuing to reflect the current year's rate calculated in accordance with § 385.11(a)(2)). Therefore, the proposed partial settlement would not require any changes to the current relevant regulatory text. Motion at 2.

Section 801(b)(7)(A) of the Copyright Act authorizes the Judges to adopt rates and terms negotiated by ''some or all of the participants in a proceeding at any time during the proceeding'' provided they are submitted to the Judges for approval. This section provides that the Judges shall provide notice and an opportunity to comment on the agreement to (1) those that would be bound by the terms, rates, or other determination set by the agreement and (2) participants in the proceeding that would be bound by the terms, rates, or other determination set by the agreement. *See* section 801(b)(7)(A). The Judges may decline to adopt the agreement as a basis for statutory terms and rates for participants not party to the agreement if any *participant* objects and the Judges conclude that the agreement does not provide a reasonable basis for setting statutory terms or rates. *Id.*

If the Judges adopt rates and terms reached pursuant to a negotiated settlement, those rates and terms are binding on all copyright owners of musical works and those using the musical works in the activities described in the proposed regulations.

The Judges solicit comments on whether they should adopt the proposed regulations as statutory rates and terms relating to the making and distribution of physical or digital phonorecords of nondramatic musical works. Comments and objections regarding the rates and terms and the minor revisions must be submitted no later than August 10, 2026.

Dated: July 8, 2026.

Trevor Jefferson,

Chief Copyright Royalty Judge.

[FR Doc. 2026–13996 Filed 7–9–26; 8:45 am]

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[1] Global Music Rights, LLC subsequently withdrew from the proceeding (eCRB no. 78125).

[2] David Powell was subsequently dismissed from the proceeding (eCRB no. 78090).

[3] The Movants who filed the Motion are ''Publisher/Songwriter Participants'' (NMPA, NSAI and MAC) and the ''Record Company Participants,'' (Sony Music Entertainment, UMG Recordings, Inc. and Warner Music Group Corp., and A2IM). Motion at 1.

[4] The Movants have had settlement conversations regarding the so-called Subpart B rates and terms with the other copyright owner Participants in the Proceeding (Songwriters Guild of America, World Collections, Inc., Eight Mile Music Companies, and George Johnson), who declined to join this settlement. Motion at 2.

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 9

[PS Docket Nos. 21–479 and 13–75, FCC 26–39; FR ID 355739]

Facilitating Implementation of Next Generation 911 Services (NG911); Improving 911 Reliability

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the Federal Communications Commission (the FCC or Commission) proposes rules to enhance Next Generation 911 (NG911) interoperability and improve NG911 accessibility. Specifically, the Further Notice of Proposed Rulemaking proposes requiring NG911 service providers to conduct multi-party interstate interoperability testing of 911 traffic. The Further Notice of Proposed Rulemaking also seeks comment about

how 911 Authorities can integrate advanced technology such as Direct Video Calling into NG911 networks to improve accessibility.

DATES: Comments are due on or before August 10, 2026, and reply comments are due on or before September 8, 2026.

ADDRESSES: Pursuant to §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments and reply comments identified by PS Docket Nos. 21–479 and 13–75 by any of the following methods:

- *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.
- Filings can be sent by hand or messenger delivery, by commercial courier, or by the U.S. Postal Service. All filings must be addressed to the Secretary, Federal Communications Commission.
- Hand-delivered or messenger-delivered paper filings for the Commission's Secretary are accepted between 8:00 a.m. and 4:00 p.m. by the FCC's mailing contractor at 9050 Junction Drive, Annapolis Junction, MD 20701. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
- Commercial courier deliveries (any deliveries not by the U.S. Postal Service) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
- Filings sent by U.S. Postal Service First-Class Mail, Priority Mail, and Priority Mail Express must be sent to 45 L Street NE, Washington, DC 20554.
- *People with Disabilities.* To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530.

FOR FURTHER INFORMATION CONTACT: Rachel Waxman, Deputy Division Chief, Policy and Licensing Division, Public Safety and Homeland Security Bureau, at (202) 418–1138 or *Rachel.Waxman@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Second Further Notice of Proposed Rulemaking (*Second FNPRM*), in PS Docket Nos. 21–479 and 13–75, FCC 26–39, adopted on June 25, 2026, and released on June 26, 2026. The full text of this document is available at *https://www.fcc.gov/document/fcc-modernizes-next-generation-911-reliability-and-interoperability-0.*

Ex Parte Presentations—Permit-But-Disclose. The proceeding this *Second FNPRM* initiates shall be treated as a ''permit-but-disclose'' proceeding in accordance with the Commission's *ex parte* rules. Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must: (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.,* .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

Providing Accountability Through Transparency Act. Consistent with the Providing Accountability Through Transparency Act, Public Law 118–9, a summary of this *Second FNPRM* will be available on *https://www.fcc.gov/proposed-rulemakings.*

Synopsis

Introduction

We adopt this Second Further Notice of Proposed Rulemaking (*Second FNPRM*) to seek comment on more detailed interoperability requirements based on commenters' proposals in the record, as well as on the implementation of video technologies to improve accessibility for 911 in NG911 jurisdictions.

NG911 Interoperability

In today's companion *Second Report and Order,* we adopt a definition of interoperability and reporting requirements to support the ongoing work of 911 Authorities and their industry partners as they strive toward implementing seamlessly interoperable NG911 systems. We require NG911 Core Service (NGCS) providers and Emergency Services IP Network (ESInet) providers to report on a one-time basis the steps they have taken or plan to take to facilitate interoperability on their networks. Given the mixed nature of comments we received, we defer for future consideration the issues of interoperability standards, certifications, testing requirements, and annual reporting. Nevertheless, we continue to regard NG911 interoperability as a foundational and essential element to full completion of the NG911 transition nationwide. Therefore, in this *Second FNPRM,* we seek comment on proposals to promote and accelerate the implementation of interoperability across the NG911 ecosystem.

Specifically, we propose requiring NGCS and ESInet providers, within three years of the effective date of any interoperability requirements adopted in the future, to test the transfer of 911 traffic (including voice, video, data, and text) with necessary metadata to facilities in at least two other states and with three similar but different NGCS and ESInet providers. We propose this testing requirement because, as noted above, although the record does not reflect consensus amongst the various stakeholders, the disagreements concern the details of a testing regime as opposed to the concept of testing itself. We propose to develop testing criteria reflecting comments in the record that advocate for objective interoperability criteria [1] as well as a requirement that covered 911 providers test the ability to interoperate with multiple entities across different jurisdictions.[2] We propose to define a ''successful transfer'' as one which, at a minimum, uses: SIP-based call handoff capability;

[1] National Association of State 911 Administrators (NASNA) Comments at 8 (advocating for clarity).

[2] Sam Gaither Comments on behalf of the South Carolina Coastal Area Cooperative (SCCAC) at 2; Association of Public-Safety Communications Officials, International (APCO) Comments at 4.

preservation of caller location and media metadata; compliance with commonly accepted standards (such as i3); operational testing; and cross-jurisdictional validation. We seek comment on the estimated costs and benefits of this approach. We also seek comment on the role of ''connectivity testing,'' ''NG911 production testing,'' ''NG911 interoperability testing,'' conformance with commonly accepted standards, and 911 Authorities' preferences in the development of successful interoperability between ESInets.[3]

We propose allowing 911 Authorities to play a significant role in the design and evaluation of the interoperability testing regime. This is advocated by commenters who argue that the most efficient way to achieve interoperability is to allow providers and the local jurisdictions they serve to collaborate in identifying what interoperability solutions works best for those jurisdictions. We propose that the governing 911 Authority for a given jurisdiction would designate the two states and three facilities with which it wishes its ESInet and NGCS providers to interoperate. We seek comment on whether this is the appropriate number of states and providers and on alternative numbers of states and providers. We also seek comment on allowing 911 Authorities discretion to impose additional interoperability requirements, including additional requirements for a ''successful transfer'' certification, provided these requirements are mutually agreed upon after negotiations with the providers. We also seek comment on requiring such interoperability only if requested by a 911 Authority.

We propose a three-year timetable for testing to allow time for NG911 stakeholders to develop a comprehensive interoperability certification regime that meets the above criteria.[4] At the end of the three-year period, NGCS and ESInet providers would certify that they have successfully completed the required testing. We seek comment on whether three years is an appropriate time period to allow for developing the testing regime while also ensuring that testing occurs in a timely manner. We seek comment on whether additional interoperability reporting is needed beyond the one-time interoperability report we adopt in the *Order.* Should covered 911 service providers periodically report on their progress to implement interoperability on an annual basis, semi-annual basis, or some other period of time? Should covered 911 service providers update their interoperability reports any time there is a material change, as with reliability certifications? What are examples of material changes pertaining to interoperability?

Direct Video Calling Framework

In the 2024 *NG911 Transition Order,* the Commission adopted a definition of Next Generation 911 that references the ability for Public Safety Answering Points (PSAPs) to receive, process, and analyze ''all types'' of 911 requests for emergency assistance.[5] The Commission emphasized that this language incorporates an accessibility component into the NG911 definition and reflects a belief that NG911 must support accessible technologies.[6] Several commenters in the proceeding urged the Commission to consider additional measures to enhance NG911 accessibility. The Commission declined to address those proposals at the time because they were outside the scope of that proceeding, but resolved to ''continue to monitor the development of NG911 systems and technologies'' and ''to take steps as necessary to ensure that NG911 is fully accessible to all,'' consistent with our authority under the Twenty-First Century Communications and Video Accessibility Act (CVAA).[7]

In the *NG911 Reliability FNPRM,* the Commission sought more detailed comment on measures to promote interoperability between ESInets for people with disabilities as well as the feasibility of Direct Video Calling (DVC) or three-way video 911 calling that includes video relay service (VRS).[8] The Commission also sought comment on the status of current IP-based relay services providers' capabilities and how to expand them.[9] The comment record reflects strong consumer support for expanding access to 911 via DVC as 911 Authorities transition to NG911.[10] At this time, however, we are not aware of any 911 Authorities that are using DVC to answer calls, although DVC is available for 988 calls to the Suicide and Crisis Lifeline.[11] We believe further information is needed in the record to develop a clear path forward before deciding whether to include DVC capabilities in the NG911 ecosystem, and therefore seek comment in this *Second FNPRM* to develop such a record.

First, we seek comment on a framework that would allow 911 Authorities to signal their readiness to accept DVC-to-911 calls in their jurisdictions and on the network routing information necessary to identify such calls. DVC allows sign language users to engage in direct, rather than interpreted communication (including unfiltered communication of visual cues, which are particularly important to persons with hearing and speech disabilities), where each call participant has native fluency in American Sign Language (ASL).[12] This is another step in our long-running endeavor to enable and support the deployment and use of DVC by enterprises and governmental entities.[13] We seek information that will help us to better understand how 911 Authorities and their partners would integrate DVC into their NG911 transition. In seeking this information in this public forum, we hope to generate

[3] *See* Letter from Susan C. Ornstein, Senior Director, Legal & Regulatory Affairs, Comtech, to Marlene H. Dortch, Secretary, FCC, PS Docket No. 21–479 at 4–14 (filed May 29, 2026).

[4] NENA: The 9–1–1 Association (NENA) Comments at 6–7.

[5] 47 CFR 9.28.

[6] *Facilitating Implementation of Next Generation 911 Services (NG911),* PS Docket No. 21–479, PS Docket No. 18–64, Report and Order, 39 FCC Rcd 8137, 8161, para. 43 (2024) (*2024 NG911 Transition Order*).

[7] *Id.* at 8218–19, para. 179.

[8] *Facilitating Implementation of Next Generation 911 Services (NG911),* PS Docket Nos. 21–479 and 13–75, Further Notice of Proposed Rulemaking, 40 FCC Rcd 2668, 2700–01, para. 85 (2025) (*NG911 Reliability FNPRM*).

[9] *Id.* at 2702, para. 87.

[10] *See* AccesSOS Comments at 1; Accessibility and Research Organizations Comments at 2; Intrado Life & Safety, Inc. (Intrado) Comments at 27; City of Coconut Creek, FL April 28, 2025 Comments at 1. In addition, 80 individuals filed express comments supporting Direct Video Calling with American Sign Language (ASL) and/or enhanced NG911 multi-modal emergency services for the deaf/hard of hearing. *See, e.g.,* Express Comment of Greg Pollock, ASL Now (filed Apr. 1, 2025); Express Comment of Sonny Wasilowski (filed Apr. 9, 2025).

[11] Substance Abuse and Mental Health Services Administration (SAMHSA), ''988 Suicide & Crisis Lifeline Adds American Sign Language Services for Deaf and Hard of Hearing Callers,'' Press Announcement (Sept. 8, 2023). At a FCC Public Forum, a representative stated that in the first 10 months after DVC became available, the 988 line served about 30,000 DVC callers, demonstrating the practicability and benefits of offering DVC as a means of accessing emergency services. *DVC Public Notice,* 39 FCC Rcd at 13630.

[12] *See* FCC, *Direct Video Calling (DVC)* (Dec. 17, 2025), *www.fcc.gov/DVC* (providing information about DVC technology). *See also* Intrado Comments at 27.

[13] DVC, an internet-based communication service, enables direct video conversations between two or more callers using ASL without the need for an interpreter. *See Direct Video Calling Can Enhance Accessibility of Consumer Call Centers,* CG Docket Nos. 03–123 and 10–51, Public Notice, 39 FCC Rcd 13628, 13631 (CGB 2024) (*DVC Public Notice*). We currently are seeking comment on the use of DVC in modernizing the Telecommunications Relay Services. *See Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Speech-to-Speech and internet Protocol (IP) Speech-to-Speech Telecommunications Relay Services,* CG Docket Nos. 03–123 and 08–15, Notice of Proposed Rulemaking, FCC 25–79, at 14, para. 37.

discussions between the stakeholders that will identify lessons learned, best practices, potential roadblocks, and avoid duplication of effort.

Benefits and costs of DVC. We seek comment on the benefits and costs of DVC implementation specific to 911.[14] Additionally, while the record reflects support from individual deaf consumers for DVC, we specifically ask the deaf community and organizations representing this community to provide a more holistic picture of the preferences and opinions of the deaf community on the various technologies that can currently be used to contact 911, including TTY, text-to-911 (which includes RTT), VRS, IP Relay, and IP CTS. Would a significant portion of the deaf community who use ASL across various age ranges and socioeconomic groups prefer to speak with an individual trained in both ASL and 911 call dispatch? What are the costs associated with facilities, training, and operation of DVC to 911 Authorities, covered 911 service providers (CSPs), and originating service providers (OSPs)? Should we convene a new DVC Technical Working Group to create recommendations on issues around the deployment of DVC-to-911, or can this be addressed through the CSRIC X working group on 911 accessibility? [15]

Some parties have suggested that the Commission should sponsor a pilot program to obtain data on the feasibility of DVC-to-911.[16] What would be the parameters of such a pilot, including length of time and costs? How would the Commission identify the communities and PSAPs that would participate? The record indicates that 911 Authorities in various jurisdictions are trialing advanced forms of communication for 911 calls.[17] Do such trials include DVC-to-911? How would the results of such a pilot program be used by the Commission or 911 Authorities?

Many individual commenters note that one shortcoming of VRS is that interpreters, or communications assistants (CAs), are often not trained to respond and communicate in emergency situations. Lack of training for VRS interpreters may result in miscommunications and delays in receiving aid.[18] Advocates argue that DVC will address this shortcoming by allowing ''Deaf callers to skip the VRS queue and be connected directly to 911 call takers fluent in ASL.'' [19] We ask whether improved training for VRS interpreters would be more cost-effective to address callers' needs, as opposed to the implementation of DVC. On the other hand, what would such training for VRS interpreters entail? The Commission has analogized TRS as the conduit through which communication can happen and explained that CAs have a limited role in ensuring a conversation can happen by providing an interpretation service from one format of communication (*e.g.,* sign language) to another format (*e.g.,* spoken English).[20] Is any shortcoming in access to 911 overcome only by ASL users reaching a trained 911 telecommunicator who also knows ASL?

Technical considerations. Comments indicate that the next version of NENA's i3 standard will support DVC-to-911, including transfer of DVC calls to non-DVC PSAPs with VRS.[21] We seek comment on the lifecycle and availability of this standard. What other current or future technical standards could support the implementation of DVC-to-911? What types of consumer devices can initiate DVC calls, and what location capabilities do these devices have for 911? To what extent would these devices rely on user-entered registered locations for 911? From a technical perspective, how do DVC calls differ from calls to 911 over mobile-native video applications like FaceTime, or from other types of video technologies like VRS? Do these calls proceed over specialized platforms, browsers, or native video capabilities on devices? What types of OSP data connections (VoIP, LTE, etc.) do these calls use? Can CSPs and OSPs currently identify a DVC-to-911 call as such? If not, what is the anticipated timeline for such a network feature and what are the estimated development and implementation costs? What technical capabilities and facilities must an OSP or CSP put in place to originate, route, and transmit a DVC call to 911? [22] Can OSPs and CSPs transmit location and callback information from the originating device with the 911 call to ensure proper routing and emergency response? What are routing considerations for OSPs and CSPs in processing these calls? What differences in information and routing arise from the originating device or application used by the person initiating a video call to 911? What technical capabilities and facilities must a PSAP or 911 Authority put in place to accept a DVC call to 911? [23] How are these technical capabilities and facilities similar to or different from the implementation of DVC for ten-digit telephone numbers?

Operational considerations. A key operational issue in expanding DVC access is connecting DVC to 911 callers with trained 911 telecommunicators that are (1) fluent in ASL, and (2) familiar with and able to dispatch 911 resources local to the caller.[24] What current or planned future operational standards relate to the implementation of DVC-to-911? What are the minimum operational requirements necessary for a PSAP to accept DVC-to-911 calls? What is the estimated cost of implementing these changes? How many (or what percentage) of the current telecommunicator community are ASL-fluent? What plans exist to increase this percentage? Are there existing mechanisms that can augment or enhance the ASL ability of a non-ASL fluent telecommunicator? Given the size of the ASL-fluent telecommunicator pool and its non-uniform distribution, what is the most efficient deployment strategy, *i.e.,* do 911 Authorities envision initially handling DVC-to-911 calls at a local, regional, state (or national) level? If ASL-fluent telecommunicators are only available at the regional, state, or national levels,

[14] *See* FCC, *Direct Video Calling (DVC)* (Dec. 17, 2025), *https://www.fcc.gov/direct-video-calling-dvc* (discussing that the general implementation of DVC provides improved communications, career opportunities, security, and cost savings and shows a commitment to accessibility).

[15] Accessibility and Research Organizations Comments at 2, 15–17 (recommending the FCC to convene a DVC Technical Working Group); FCC Announces Intent to Re-Charter the Communications Security, Reliability, and Interoperability Council, and Seeks Nominations for Membership, DA 26–134 (Feb. 9, 2026) (including topic on Expanding NG911's Multimedia Availability and Increasing 911 Accessibility).

[16] *See* Accessibility and Research Organizations Comments at 18; Intrado Comments at 27.

[17] *See* Accessibility and Research Organizations Comments at 16–17.

[18] Letter from Karen Peltz Strauss, Esq. to Marlene Dortch, Secretary, FCC, PS Docket 21–475 and CG Docket 03–123 at 2 (filed Apr. 1, 2026) (Peltz Strauss *Ex Parte);* Accessibility and Research Organizations Comments at 8–12; Express Comment of Sonny Wasilowski.

[19] Peltz Strauss *Ex Parte* at 2; *see also* Accessibility and Research Organizations Comments at 12–13.

[20] *See Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities,* CG Docket No. 03–123, 19 FCC Rcd 12475, 12534–35, paras. 154–55 (2004) (describing limited role of TRS CA as a ''transparent conduit between two people communicating through disparate modes'').

[21] Brian Rosen Reply at 9–10.

[22] *See* FCC, *Direct Video Calling (DVC)* (Dec. 17, 2025), *https://www.fcc.gov/direct-video-calling-dvc* (''To establish DVC, businesses, government agencies, and other organizations can install a DVC call center platform and have their customer service telephone numbers entered into the TRS Numbering Directory by Qualified Direct Video Entities. The DVC call center platform will automatically direct video calls to a videophone and voice calls to a standard telephone in the call center.'').

[23] *Id.*

[24] Brian Rosen Reply at 9–10; Accessibility and Research Organizations Comments at 12.

how would those telecommunicators coordinate dispatch with the local PSAP or first responders? How do we ensure that such calls are answered if, due to staffing shortages or other temporary operational challenges, no ASL-fluent telecommunicator is available? If a PSAP is not fully capable of handling a DVC-to-911 call, is using a three-way call via VRS operator who can interpret a sufficient method of resolving the call? [25] What accredited training exists such that DVC interpreters would be specifically trained in accepting emergency calls and dispatching aid? Should VRS providers also pursue implementing this training for their interpreters?

How should 911 Authorities signal their readiness to accept DVC-to-911 calls? Should it be via an approach similar to how we handle NG911 valid requests and Text-to-911/Real-Time-Text readiness certifications? [26] Can it be solely a communication to the relevant CSP or OSP? What technical and operational showings or commitments should a 911 Authority need to make to signal readiness to accept DVC-to-911 calls? How should a 911 Authority specify which (if any) of its facilities are DVC-to-911 call capable and provide CSPs with a roadmap that details how to ensure that DVC-to-911 calls are routed to facilities (or jurisdictions) that can handle such calls and dispatching aid?

Current Department of Justice (DOJ) regulations for communication between the public and 911 Authorities only explicitly mention the use of TTYs for the purpose of ''direct access'' for emergency calls.[27] However, DOJ explanations of its Title II regulations also indicate that text-capable 911 Authorities can comply with the requirement to provide ''effective communication'' with the public with the availability of text-to-911.[28] Would the availability of DVC comply with the ''effective communication'' requirement? Is meeting that requirement a prerequisite for advancement of DVC in 911 call centers? If so, what steps can the Commission take to have DOJ recognize that, where and when available, DVC can provide ''effective communication'' between ASL users and 911 Authorities? [29]

Procedural Matters

Regulatory Flexibility Act. The Regulatory Flexibility Act of 1980, as amended (RFA),[30] requires that an agency prepare a regulatory flexibility analysis for notice and comment rulemakings, unless the agency certifies that ''the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.'' [31] Accordingly, the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) concerning the potential impact of rule and policy change proposals on small entities in the *Second FNPRM.* The Commission invites the general public, in particular small businesses, to comment on the IRFA. Comments must be filed by the deadlines for comments on the *Second FNPRM* indicated on the first page of this document and must have a separate and distinct heading designating them as responses to the IRFA.

Paperwork Reduction Act Analysis. This *Second FNPRM* may contain potential new or revised information collection requirements subject to the Paperwork Reduction Act of 1995.[32] All such new or modified information collection requirements will be submitted to OMB for review under section 3507(d) of the PRA. OMB, the general public, and other federal agencies are invited to comment on any new or modified information collection requirements contained in this proceeding. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4)), we seek specific comment on how we might further reduce the information collection burden for small business concerns with fewer than 25 employees.

Initial Regulatory Flexibility Analysis

As required by the Regulatory Flexibility Act of 1980, as amended (RFA), the Federal Communications Commission (Commission) has prepared this Initial Regulatory Flexibility Analysis (IRFA) of the policies and rules proposed in the Second Further Notice of Proposed Rulemaking (*Second FNPRM*) assessing the possible significant economic impact on a substantial number of small entities. The Commission requests written public comments on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments specified on the first page of the *Second FNPRM.* The Commission will send a copy of the *Second FNPRM,* including this IRFA, to the Chief Counsel for the Small Business Administration (SBA) Office of Advocacy. In addition, the *Second FNPRM* and IRFA (or summaries thereof) will be published in the **Federal Register**.

A. Need for, and Objectives of, the Proposed Rules

In the *Second FNPRM,* the Commission builds on the interoperability reporting requirements established in the *Second Report and Order.* With these proposed rules, the Commission is taking steps to ensure that NG911 networks have the requisite reliability and interoperability to seamlessly transfer NG911 calls and data. It also continues its efforts to ensure that NG911 is fully accessible to all Americans, including 911 users with disabilities.

Interoperability Certification and Testing Requirement. In the *Second FNPRM,* the Commission proposes rules that will take effect within three years. These proposed rules would require NGCS and ESInet providers to begin certifying that they have successfully tested the transfer of multimedia NG911 traffic with necessary metadata to facilities in at least two other states and with three similar providers. The Commission also proposes a definition of what a ''successful transfer'' would be. Further, the Commission is proposing that a governing 911 Authority for any particular jurisdiction would designate the two states and three facilities that the ESInet and NGCS providers would interoperate with as well as allow the 911 Authority to impose additional interoperability requirements provided they are mutually agreed upon by the providers. The Commission proposes this certification requirement with the objective of ensuring that the NG911 stakeholder community remains focused on improving interoperability. The Commission also proposes that the governing 911 Authority in any given jurisdiction play a significant role in the development and evaluation of the interoperability testing regime in

[25] *See* Accessibility and Research Organizations Comments at 19–20.

[26] *See* 47 CFR 9.31.

[27] *See* 28 CFR 35.162 (''Telephone emergency services, including 911 services, shall provide direct access to individuals who use TDD's and computer modems.'').

[28] *See* U.S. Department of Justice, Civil Rights Division, PS Docket Nos. 11–153 and 10–255, Comments, at 2–3 (filed Mar. 8, 2013); 28 CFR 35.161(a).

[29] *See, e.g.,* Letter from Zainab Alkebsi, Deaf Equality, et al., to Marlene H. Dortch, Secretary, FCC, CG Docket Nos. 03–123, et al., PS Docket Nos. 13–75 and 21–479, at 1–2 (filed April 9, 2026) (asking FCC to coordinate with DOJ to modernize 911 communication requirements for PSAPs).

[30] 5 U.S.C. 601–612. The RFA has been amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), Public Law 104–121, Title II, 110 Stat. 857 (1996).

[31] 5 U.S.C. 605(b).

[32] Paperwork Reduction Act of 1995, Public Law 104–13, 109 Stat. 163 (1995) (codified at 44 U.S.C. 3501 *et seq.*).

collaboration with the providers to ensure that the 911 Authority can help design an interoperability solution that works best for its locality. Finally, the Commission proposes to defer application of the rules for a period of three years to allow the NG911 community time to develop a meaningful interoperability certification program.

Direct Video Calling. In the *Second FNPRM,* the Commission seeks comment on a framework that would allow 911 Authorities to signal readiness to accept DVC-to-911 calls in their jurisdictions and on the network routing information necessary to identify such calls. The Commission is seeking more information regarding all aspects of this framework and DVC in general. The information sought includes benefits, costs of implementation, technical considerations, and operational considerations. The *Second FNPRM* explores whether and how to enable and support the deployment and use of DVC by enterprises and governmental entities. However, the Commission is not proposing rules for DVC implementation at this time.

B. Legal Basis

The proposed action is authorized pursuant to sections 1, 2, 4(i), 201, 214, 222, 225, 251(e), 301, 303, 316, and 332 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154(i), 201, 214, 222, 225, 251(e), 301, 303, 316, 332; the Wireless Communications and Public Safety Act of 1999, Public Law 106–81, 47 U.S.C. 615 note, 615, 615a, 615a–1, 615b; and section 106 of the Twenty-First Century Communications and Video Accessibility Act of 2010, Public Law 111–260, 47 U.S.C. 615c.

C. Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply

The RFA directs agencies to provide a description of, and where feasible, an estimate of the number of small entities that may be affected by the adopted rules. The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act. A ''small business concern'' is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA. The SBA establishes small business size standards that agencies are required to use when promulgating regulations relating to small businesses; agencies may establish alternative size standards for use in such programs, but must consult and obtain approval from SBA before doing so.

Our actions, over time, may affect small entities that are not easily categorized at present. We therefore describe three broad groups of small entities that could be directly affected by our actions. In general, a small business is an independent business having fewer than 500 employees. These types of small businesses represent 99.9% of all businesses in the United States, which translates to 34.75 million businesses. Next, ''small organizations'' are not-for-profit enterprises that are independently owned and operated and are not dominant in their field. While we do not have data regarding the number of non-profits that meet that criteria, over 99 percent of nonprofits have fewer than 500 employees. Finally, ''small governmental jurisdictions'' are defined as cities, counties, towns, townships, villages, school districts, or special districts with populations of less than fifty thousand. Based on the 2022 U.S. Census of Governments data, we estimate that at least 48,724 out of 90,835 local government jurisdictions have a population of less than 50,000.

The rules proposed in the *Second FNPRM* will apply to small entities in the industries identified in the chart below by their six-digit North American Industry Classification System (NAICS) codes and corresponding SBA size standard. Where available, we also provide additional information regarding the number of potentially affected entities in the identified industries below.

Regulated industry (footnotes specify potentially affected entities within a regulated industry where applicable)	NAICS code	SBA size standard	Total firms	Total small firms	Percent small firms
Radio and Television Broadcasting and Wireless Communications Equip Manufacturing.	334220	1,250 employees	155	136	87.74
Semiconductor and Related Device Manufacturing	334413	1,250 employees	675	610	90.37
Wired Telecommunications Carriers	517111	1,500 employees	3,403	3,027	88.95
Wireless Telecommunications Carriers (except Satellite)	517112	1,500 employees	1,184	1,081	91.30
Satellite Telecommunications	517410	$44 million	332	195	58.73
All Other Telecommunications	517810	$40 million	1,673	1,007	60.19

TABLE 2—TELECOMMUNICATIONS SERVICE PROVIDER DATA

2024 universal service monitoring report telecommunications service provider data (data as of December 2023)	SBA size standard (1,500 employees)		
Affected entity	Total number FCC Form 499A filers	Small firms	Percent small entities
Competitive Local Exchange Carriers (CLECs)	3,729	3,576	95.90
Incumbent Local Exchange Carriers (Incumbent LECs)	1,175	917	78.04
Interexchange Carriers (IXCs)	113	95	84.07
Wired Telecommunications Carriers	4,682	4,276	91.33
Wireless Telecommunications Carriers (except Satellite)	585	498	85.13
Wireless Telephony	326	247	75.77

TABLE 3—CABLE ENTITIES DATA

Cable entities	Size standard	Total firms	Small firms	Percent small firms in industry
Cable System Operators (Telecom Act Standard); Small Cable Operator.	Serves fewer than 498,000 subscribers, either directly or through affiliates.	530	524	98.87
Cable Companies and Systems (Rate Regulation); Small Cable Company.	Serves 400,000 or fewer subscribers nationwide.	530	523	98.51
Cable Companies and Systems (Rate Regulation); Small Cable System (headends).	Serves 15,000 or fewer subscribers	4,545	3,965	87.24

D. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements for Small Entities

The RFA directs agencies to describe the economic impact of proposed rules on small entities, as well as projected reporting, recordkeeping and other compliance requirements, including an estimate of the classes of small entities which will be subject to the requirements and the type of professional skills necessary for preparation of the report or record.

911 Interoperability Requirements. In the *Second FNPRM,* the Commission proposes giving NGCS and ESInet providers three years to test the transfer of 911 traffic to facilities in at least two other states and with three similar but different NGCS and ESInet providers. At the end of the three year period, NGCS and ESInet providers would certify that they have successfully completed the required testing. This proposal is an expansion of the existing 911 reliability report requirement.

The *Second FNPRM* also seeks specific comment on developing a framework that will allow jurisdictions to signal readiness to deploy DVC-to-911 calling. This will not create any reporting, recordkeeping or other compliance requirements.

E. Discussion of Significant Alternatives Considered That Minimize the Significant Economic Impact on Small Entities

The RFA directs agencies to provide a description of any significant alternatives to the proposed rules that would accomplish the stated objectives of applicable statutes, and minimize any significant economic impact on small entities. The discussion is required to include alternatives such as: ''(1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance and reporting requirements under the rule for such small entities; (3) the use of performance rather than design standards; and (4) an exemption from coverage of the rule, or any part thereof, for such small entities.''

The Commission believes that the limited measures proposed in the *Second FNPRM* will ultimately protect public safety and national security objectives in a way that is tailored to avoid any significant burdens on small entities. The rule changes proposed in the *Second FNPRM* were carefully considered to impose little cost on state and local governments or industry, including small entities. The Commission recognizes that developing the interoperability report will impose some research and legal costs on 911 Authorities; however, the Commission anticipates that these proposed changes will be modest and will not disproportionately affect small entities. Similarly, the Commission believes the costs to NGCS and ESInet providers would be limited, because these providers would be required to test and report on their interoperability with only three similar providers in two states and because the costs would be spread over three or more years. The Commission does not anticipate any disproportionate impact on small entities. We seek comment on the impacts of these proposals on small entities, and we will consider any alternatives raised in comments before taking final action.

F. Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rules

None.

Ordering Clauses

Accordingly, *it is ordered*, pursuant to sections 1, 2, 4(i), 201, 214, 225, 251(e), 301, 303, 316, and 332 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154(i), 201, 214, 225, 251(e), 301, 303, 316, 332; the Wireless Communications and Public Safety Act of 1999, Public Law 106–81, as amended, 47 U.S.C. 615 note, 615, 615a, 615a-1, 615b; and section 106 of the Twenty-First Century Communications and Video Accessibility Act of 2010, Public Law 111–260, 47 U.S.C. 615c, that this *Second FNPRM is adopted.*[33]

It is further ordered that the Commission's Office of the Secretary *shall send* a copy of this *Second FNPRM,* including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for the Small Business Administration (SBA) Office of Advocacy.

Federal Communications Commission

Marlene Dortch,

Secretary.

[FR Doc. 2026–13999 Filed 7–9–26; 8:45 am]

BILLING CODE 6712–01–P

[33] Pursuant to Executive Order 14215, 90 FR 10447 (Feb. 24, 2025), this regulatory action has been determined to be not significant under Executive Order 12866, 58 FR 51735 (Oct. 4, 1993).

Notices

Federal Register
Vol. 91, No. 131
Friday, July 10, 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–2026–0991]

Notice of Request for Extension of Approval of an Information Collection; APHIS Pest Reporting and Asian Longhorn Beetle Program

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's (APHIS') intention to request an extension of approval of an information collection associated with the reporting of plant pests and diseases, and APHIS conducting Asian Longhorn Beetle Program activities.

DATES: We will consider all comments that we receive on or before September 8, 2026.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *www.regulations.gov.* Enter APHIS–2026–0991 in the Search field. Select the Documents tab, then select the Comment button in the list of documents.
- *Postal Mail/Commercial Delivery:* Please send one copy of your comment to Docket No. APHIS–2026–0991, Regulatory Analysis and Development, PPD, APHIS, 5601 Sunnyside Ave., #AP760, Beltsville, MD 20705.

Supporting documents and any comments we receive on this docket may be viewed at *www.regulations.gov* or in our reading room, which is in 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. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: For information on pest reporting and Asian Longhorn Beetle Program activities, contact Mr. David Gruchot, Assistant National Policy Manager, PPQ, APHIS, 1001 East Touhy Ave., Suite 187, Des Plaines, IL 60018; (847) 699–2420; *david.j.gruchot@usda.gov.* For information on the information collection process, contact Ms. Sheniqua Harris, APHIS' Paperwork Reduction Act Coordinator, at (301) 851–2528 or email *APHIS.PRA@usda.gov.*

SUPPLEMENTARY INFORMATION:

Title: APHIS Pest Reporting and Asian Longhorn Beetle Program.

OMB Control Number: 0579–0311.

Type of Request: Extension of approval of an information collection.

Abstract: As authorized by the Plant Protection Act (7 U.S.C. 7701 *et seq.*) and the Animal Health Protection Act (7 U.S.C. 8301 *et seq.*), the Animal and Plant Health Inspection Service (APHIS), either independently or in cooperation with States, may carry out operations or measures to detect, eradicate, suppress, control, prevent, or retard the spread of plant and animal pests and diseases that are new to or not widely distributed within the United States. This authority allows APHIS to establish control programs for pests and diseases of concern, including Asian longhorned beetle, citrus greening, or New World screwworm, to name a few.

APHIS' pest and disease detection, control, and eradication programs rely on various entities, such as individuals, households, businesses, producers, and State departments of agriculture, among others, to report sightings of foreign pests of concern or suspicious signs of pest or disease damage they may see in their local area and provide information needed to conduct APHIS activities. This reporting, and the detection and verification methods involved, include information collection activities that include online pest reporting.

Specifically for the Asian Longhorned Beetle Program, it also includes cooperative agreements for inspection; State compliance training workshop recordkeeping; inspections and Asian longhorned beetle unified surveys; contracts for inspection; litigation and warrants and associated letters; homeowner permission or refusal to inspect and agreements for treatment, removal, and monitoring or disposal; and certificate/permit cancellation.

We are asking the Office of Management and Budget (OMB) to approve our use of these information collection activities, as described, for an additional 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies; *e.g.,* permitting electronic submission of responses.

Estimate of burden: The public burden for this collection of information is estimated to average 0.134 hours per response.

Respondents: State plant health officials, business, individuals, and households.

Estimated annual number of respondents: 16,308.

Estimated annual number of responses per respondent: 39.

Estimated annual number of responses: 644,141.

Estimated total annual burden on respondents: 85,999 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 7th day of July 2026.

Kelly Moore,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2026–13940 Filed 7–9–26; 8:45 am]

BILLING CODE 3410–34–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meetings of the New Jersey Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: U.S. Commission on Civil Rights.

ACTION: Notice of virtual public briefing panels.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act, that the New Jersey Advisory Committee (Committee) to the U.S. Commission on Civil Rights will hold a series of public briefing panels via Zoom. The Committee is in the Implementation Stage and briefing panels will be held to hear testimony on the committee's chosen topic of antisemitism and civil rights.

Monday, August 3, 2026 (Briefing Panel 4)

Registration Link (Audio/Visual): https://www.zoomgov.com/webinar/register/WN_z24a2TR4QnmRMRqo3lBSeQ.

• *Join by Phone (Audio Only):* 1–833–435–1820 USA Toll Free; Webinar ID: 165 803 4681 #.

Monday, August 17, 2026 (Briefing Panel 5)

Registration Link (Audio/Visual): https://www.zoomgov.com/webinar/register/WN_ayfvp-iVQAOMuDUzxP7_aA.

• *Join by Phone (Audio Only):* 1–833–435–1820 USA Toll Free; Webinar ID: 165 793 8992 #.

Tuesday, September 1, 2026 (Briefing Panel 6)

Registration Link (Audio/Visual): https://www.zoomgov.com/webinar/register/WN_SMILLuklSNOPUlrcpJS12w.

• *Join by Phone (Audio Only):* 1–833–435–1820 USA Toll Free; Webinar ID: 165 993 4666 #.

Tuesday, September 8, 2026 (Briefing Panel 7)

Registration Link (Audio/Visual): https://www.zoomgov.com/webinar/register/WN_APknwANgR-aXfSgGrijfbQ.

• *Join by Phone (Audio Only):* 1–833–435–1820 USA Toll Free; Webinar ID: 165 892 2342 #.

Agendas: https://usccr.box.com/s/f735xz7z719bhh0e83a8n48rb5da9u07 (*note: final briefing agendas will be available prior to each date*).

FOR FURTHER INFORMATION CONTACT: Victoria Moreno, Designated Federal Officer, at *vmoreno@usccr.gov* or 1–434–515–0204.

SUPPLEMENTARY INFORMATION: Committee meetings are available to the public through a registration link (above). Any interested members of the public may attend committee meetings. Open comment periods will be provided to allow members of the public to make oral statements as time allows. Pursuant to the Federal Advisory Committee Act, public minutes of each meeting will include a list of persons who are present. If joining via phone, callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Closed captioning is available by selecting ''CC'' in the meeting platform. To request additional accommodations, please email *ebohor@usccr.gov* at least 10 business days prior to meetings.

Members of the public are entitled to submit written comments; the comments must be received in the regional office within 30 days following the scheduled meeting. Written comments may be emailed to Evelyn Bohor at *https://wkf.ms/4de4nCi*. Persons who desire additional information may contact the Regional Programs Coordination Unit at 1–202–656–8937.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Coordination Unit Office, as they become available, both before and after meetings. Records of the meetings will be available via the file sharing website, *https://tinyurl.com/3ev8d9n9* as well as at: *www.facadatabase.gov* under the Commission on Civil Rights, selecting the Advisory Committee of interest. Persons interested in the work of this Committee are directed to the Commission's website, *http://www.usccr.gov,* or may contact the Regional Programs Coordination Unit at *ebohor@usccr.gov*.

Dated: July 8, 2026.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2026–13968 Filed 7–9–26; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–088]

Certain Steel Racks and Parts Thereof From the People's Republic of China: Notice of Court Decision Not in Harmony With the Results of Antidumping Duty Administrative Review; Notice of Amended Final Results

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: On June 23, 2026, the U.S. Court of International Trade (CIT) issued its final judgment in *Nanjing Dongsheng Shelf Manufacturing Co., Ltd.* v. *United States,* Court no. 24–00085, sustaining the U.S. Department of Commerce (Commerce)'s first remand results pertaining to the administrative review of the antidumping duty (AD) order on certain steel racks and parts thereof (steel racks) from the People's Republic of China (China) covering the period September 1, 2021, through August 31, 2022. Commerce is notifying the public that the CIT's final judgment is not in harmony with Commerce's final results of the administrative review, and that Commerce is amending the final results with respect to the dumping margin assigned to Nanjing Dongsheng Shelf Manufacturing Co., Ltd. (Dongsheng).

DATES: Applicable July 3, 2026.

FOR FURTHER INFORMATION CONTACT: Krisha Hill, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4037.

SUPPLEMENTARY INFORMATION:

Background

On April 10, 2024, Commerce published its *Final Results* in the 2021–2022 administrative review of the AD order on steel racks from China.[1] In the *Final Results,* Commerce rejected Dongsheng's separate rate certification (SRC) as untimely, decided not to select

[1] *See Certain Steel Racks and Parts Thereof From the People's Republic of China: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2021–2022,* 89 FR 25235 (April 10, 2024) (*Final Results*).

Dongsheng as a mandatory respondent, and relied on facts available with adverse inferences in assigning the China-wide entity AD rate to Dongsheng.[2]

Dongsheng appealed Commerce's *Final Results.* On June 16, 2025, the CIT remanded the *Final Results,* finding that Commerce's decision not to consider Dongsheng as a mandatory respondent because it untimely filed its SRC was not in accordance with law.[3]

In its final remand redetermination, issued in February 2026, Commerce treated Dongsheng as a mandatory respondent, granted it a separate rate, examined its submitted sales and factors of production information, and calculated a weighted-average dumping margin of 25.00 percent for Dongsheng.[4] The CIT sustained Commerce's final redetermination.[5]

Timken Notice

In its decision in *Timken,*[6] as clarified by *Diamond Sawblades,*[7] the U.S. Court of Appeals for the Federal Circuit held that, pursuant to sections 516A(c) and (e) of the Tariff Act of 1930, as amended (the Act), Commerce must publish a notice of court decision that is not ''in harmony'' with a Commerce determination and must suspend liquidation of entries pending a ''conclusive'' court decision. The CIT's June 23, 2026, judgment constitutes a final decision of the CIT that is not in harmony with Commerce's *Final Results.* Thus, this notice is published in fulfillment of the publication requirements of *Timken.*

Amended Final Results

Because there is now a final court judgment, Commerce is amending its *Final Results* with respect to Dongsheng as follows:

Producer/exporter	Weighted-average dumping margin (percent)
Nanjing Dongsheng Shelf Manufacturing Co., Ltd	25.00

Cash Deposit Requirements

Because Dongsheng has a superseding cash deposit rate, *i.e.,* there have been final results published in a subsequent administrative review, we will not issue revised cash deposit instructions to CBP. This notice will not affect the current cash deposit rate.

Liquidation of Suspended Entries

At this time, Commerce remains enjoined by CIT order from liquidating entries that: were exported by Dongsheng, and were entered, or withdrawn from warehouse, for consumption during the period September 1, 2021, through August 31, 2022. These entries will remain enjoined pursuant to the terms of the injunction during the pendency of any appeals process.

In the event the CIT's ruling is not appealed, or, if appealed, upheld by a final and conclusive court decision, Commerce intends to instruct CBP to assess antidumping duties on unliquidated entries of subject merchandise exported by Dongsheng in accordance with 19 CFR 351.212(b). We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review when the importer-specific *ad valorem* assessment rate is not zero or *de minimis.* Where an import-specific *ad valorem* assessment rate is zero or *de minimis,*[8] we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

Notification to Interested Parties

This notice is issued and published in accordance with sections 516A(c) and (e) and 777(i)(1) of the Act.

Dated: July 2, 2026.

Christian L. Bush,

Deputy Assistant Secretary for Policy and Negotiations.

[FR Doc. 2026–13975 Filed 7–9–26; 8:45 am]

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[2] *Id.* at 89 FR 25236.

[3] *See Nanjing Dongsheng Shelf Manufacturing Co., Ltd., et al* v. *United States,* Court No. 24–00085, Slip Op. 25–76 (CIT June 16, 2025).

[4] *See Final Results of Redetermination Pursuant to Court Remand, Nanjing Dongsheng Shelf Manufacturing Co., Ltd., et al* v. *United States,* Court No. 24–00085, dated February 23, 2026.

[5] *See Nanjing Dongsheng Shelf Manufacturing Co., Ltd., et al* v. *United States,* Court No. 24–00085, Slip Op. 26–67 (CIT June 23, 2026).

[6] *See Timken Co.* v. *United States,* 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).

[7] *See Diamond Sawblades Manufacturers Coalition* v. United States, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

[8] *See* 19 CFR 351.106(c)(2).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–560–848, A–557–834]

Certain Fatty Acids From Indonesia and Malaysia: Postponement of Preliminary Determinations in the Less-Than-Fair-Value Investigations

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATES: Applicable July 10, 2026.

FOR FURTHER INFORMATION CONTACT: John Conniff or Kyle Clahane at (202) 482–1009 or (202) 482–5449, respectively (Indonesia); Dennis McClure or Matthew Lipka at (202) 482–5973 or (202) 482–7976, respectively (Malaysia), AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On March 9, 2026, the U.S. Department of Commerce (Commerce) initiated less-than-fair-value (LTFV) investigations of imports of certain fatty acids (fatty acids) from Indonesia and Malaysia.[1] Currently, the preliminary determinations are due no later than July 27, 2026.

Postponement of Preliminary Determinations

Section 733(b)(1)(A) of the Tariff Act of 1930, as amended (the Act), requires Commerce to issue the preliminary determination in a LTFV investigation within 140 days after the date on which Commerce initiated the investigation. However, section 733(c)(1) of the Act permits Commerce to postpone the preliminary determination until no later than 190 days after the date on which Commerce initiated the investigation if: (A) the petitioner[2] makes a timely request for a postponement; or (B) Commerce concludes that the parties concerned are cooperating, that the investigation is extraordinarily complicated, and that additional time is necessary to make a preliminary determination. Under 19 CFR 351.205(e), the petitioner must submit a request for postponement 25 days or more before the scheduled date of the preliminary determination and must

[1] *See Certain Fatty Acids from Indonesia and Malaysia: Initiation of Less-Than-Fair-Value Investigations,* 91 FR 12353 (March 13, 2026) (*Initiation Notice*).

[2] The petitioner is Vantage Specialty Chemicals, Inc.

state the reasons for the request. Commerce will grant the request unless it finds compelling reasons to deny the request.

On June 29, 2026, the petitioner submitted a timely request that Commerce postpone the preliminary determinations in these LTFV investigations.[3] The petitioner stated that it requests postponement so that Commerce can evaluate fully the initial questionnaire responses submitted by the mandatory respondents, consider any deficiency comments and allegations submitted by the petitioner, and solicit supplemental information as necessary.[4]

For the reasons stated above and because there are no compelling reasons to deny the request, Commerce, in accordance with section 733(c)(1)(A) of the Act, is postponing the deadline for the preliminary determinations by 50 days (*i.e.,* 190 days after the date on which these investigations were initiated). As a result, Commerce will issue its preliminary determinations no later than September 15, 2026. In accordance with section 735(a)(1) of the Act and 19 CFR 351.210(b)(1), the deadline for the final determinations of these investigations will continue to be 75 days after the date of the preliminary determinations, unless postponed at a later date.

This notice is issued and published pursuant to section 733(c)(2) of the Act and 19 CFR 351.205(f)(1).

Dated: July 6, 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. 2026–13976 Filed 7–9–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–164, C–570–165]

Certain Paper Plates From the People's Republic of China: Preliminary Affirmative Determination of Circumvention of the Antidumping Duty and Countervailing Duty Orders

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that imports of certain paper plates (paper plates), completed in the Kingdom of Cambodia (Cambodia) using paperboard produced in the People's Republic of China (China), are circumventing the antidumping duty (AD) and countervailing duty (CVD) orders on paper plates from China. Interested parties are invited to comment on this preliminary determination.

DATES: Applicable July 10, 2026.

FOR FURTHER INFORMATION CONTACT: Justin Enck at (202) 482–1614 and Natalie Jersa at (202) 482–6353, Office of Policy, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On March 20, 2025, Commerce published in the **Federal Register** the AD and CVD orders on paper plates from China.[1] On August 22, 2025, Commerce initiated a country-wide circumvention inquiry pursuant to section 781(b) of the Tariff Act of 1930, as amended (the Act), to determine whether imports of paper plates completed in Cambodia using paperboard manufactured in China are circumventing the *Orders* and, accordingly, should be covered by the scope of the *Orders.*[2] On September 29, 2025, Commerce selected, in alphabetical order, Cherish Industrial (Cambodia) Co., Ltd (Cherish Industrial) and Namper Packaging (Cambodia) Co., Ltd. (Namper Packaging) as mandatory respondents in this circumvention inquiry.[3] After being unable to deliver the initial questionnaire to Namper Packaging,[4] on February 17, 2026, Commerce selected Hengrong International (Cambodia) C (Hengrong) as an additional mandatory respondent.[5]

Due to the lapse in appropriations and Federal Government shutdown, on November 14, 2025, Commerce tolled all deadlines in administrative proceedings by 47 days.[6] 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.[7] On February 18, 2026, Commerce extended the deadline for issuing the preliminary determination in this circumvention inquiry from March 30, 2026, to May 27, 2026.[8] On May 20, 2026, Commerce extended the deadline for issuing the preliminary determination in this circumvention inquiry from May 27, 2026, to June 3, 2026.[9] On June 2, 2026, Commerce extended the deadline for issuing the preliminary determination in this circumvention inquiry from June 3 to June 26, 2026.[10]

For a complete description of the events that followed the initiation of this circumvention inquiry, *see* the Preliminary Decision Memorandum.[11] The Preliminary Decision Memorandum is a public document and is on file electronically via ACCESS. ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *https://access.trade.gov/frnotices.*

Scope of the Orders

The merchandise subject to these *Orders* is certain paper plates. Paper

[1] *See Certain Paper Plates from the People's Republic of China, Thailand, and the Socialist Republic of Vietnam: Antidumping Duty Orders,* 90 FR 13139 (March 20, 2025); *see also Certain Paper Plates from the People's Republic of China and the Socialist Republic of Vietnam: Countervailing Duty Orders,* 90 FR 13135 (March 20, 2025) (collectively, *Orders*).

[2] *See Certain Paper Plates from the People's Republic of China: Initiation of Circumvention Inquires on the Antidumping and Countervailing Duty Orders,* 90 FR 41055 (August 22, 2025) (*Initiation Notice*), and accompanying Initiation Checklist, ''*Certain Paper Plates from the People's Republic of China,*'' dated August 19, 2025.

[3] *See* Memorandum, ''Respondent Selection,'' dated September 29, 2025.

[4] *See* Memorandum, ''Delivery Confirmation and Travel History of the Initial Questionnaires and Public Information on Producers/Exporters Cambodia,'' dated January 27, 2026.

[5] *See* Memorandum, ''Selection of Additional Mandatory Respondent,'' dated February 17, 2026.

[6] *See* Memorandum, ''Deadlines Affected by the Shutdown of the Federal Government,'' dated November 17, 2025.

[7] *See* Memorandum, ''Tolling of all Case Deadlines,'' dated November 24, 2025.

[8] *See* Memorandum, ''Extension of Deadline for the Preliminary Determination in the Circumvention Inquiry Pertaining to Cambodia,'' dated February 18, 2026.

[9] *See* Memorandum, ''Extension of Deadline for the Preliminary Determination in the Circumvention Inquiry Pertaining to Cambodia,'' dated May 20, 2026.

[10] *See* Memorandum, ''Extension of Deadline for the Preliminary Determination in the Circumvention Inquiry Pertaining to Cambodia,'' dated June 2, 2026.

[11] *See* Memorandum, ''Decision Memorandum for the Preliminary Determination in the Circumvention Inquiry of the Antidumping and Countervailing Duty Orders on Certain Paper Plates from the People's Republic of China,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[3] *See* Petitioner's Letters, ''Request for Postponement of the Preliminary Determination,'' dated June 29, 2026.

[4] *Id.*

plates subject to these *Orders* may be cut from rolls, sheets, or other pieces of paper and/or paper board. Paper plates subject to these *Orders* have a depth up to and including two (2.0) inches, as measured vertically from the base to the top of the lip, or the edge if the plate has no lip. Paper plates subject to these *Orders* may be uncolored, white, colored, or printed. Printed paper plates subject to these *Orders* may have any type of surface finish, and may be printed by any means with images, text and/or colors on one or both surfaces. Colored paper plates subject to these *Orders* may be colored by any method, including but not limited to printing, beater-dyeing, and dip-dyeing. Paper plates covered by these *Orders* may be produced from paper of any type (including, but not limited to, bamboo, straws, bagasse, hemp, kenaf, jute, sisal, abaca, cotton inters and reeds, or from non-plant sources, such as synthetic resin (petroleum)-based resins), may have any caliper or basis weight, may have any shape or size, may have one or more than one section, may be embossed, may have foil or other substances adhered to their surface, and/or may be uncoated or coated with any type of coating. For a full description of the scope of the *Orders, see* the Preliminary Decision Memorandum.[12]

Merchandise Subject to the Circumvention Inquiry

This circumvention inquiry covers paper plates assembled and completed in Cambodia using Chinese-origin paperboard, and that are subsequently exported from Cambodia to the United States (inquiry merchandise).

Methodology

Commerce is conducting this circumvention inquiry in accordance with section 781(b) of the Act and 19 CFR 351.226. For a complete description of the methodology underlying the preliminary determination, *see* the Preliminary Decision Memorandum. A list of topics discussed in the Preliminary Decision Memorandum is included as Appendix I to this notice.

Preliminary Circumvention Determination

As detailed in the Preliminary Decision Memorandum, Commerce preliminarily determines that paper plates completed in Cambodia using Chinese-origin paperboard and subsequently exported from Cambodia to the United States are circumventing the *Orders* on a country-wide basis. As a result, in accordance with section 781(b) of the Act, we preliminarily determine that this merchandise should be included within the scope of the *Orders. See* the ''Suspension of Liquidation and Cash Deposit Requirements'' section below for details regarding suspension of liquidation and cash deposit requirements. *See* the ''Certifications'' and ''Certification Requirements'' sections below for details regarding the use of certifications.

Suspension of Liquidation and Cash Deposit Requirements

Based on the preliminary affirmative country-wide determination of circumvention with respect to Cambodia, in accordance with 19 CFR 351.225(l)(2), Commerce will direct U.S. Customs and Border Protection (CBP) to suspend liquidation on unliquidated entries of paper plates from Cambodia that were entered, or withdrawn from warehouse, for consumption, on or after August 22, 2025, the date of publication of the *Initiation Notice.*[13]

In accordance with 19 CFR 351.228(b), where the certification and documentation requirements are not met for an entry, Commerce intends to instruct CBP to collect cash deposits at the rates applicable to the AD and CVD orders on paper plates from China (*i.e.,* the AD cash deposit rate established for the China-wide entity (515.40 percent) [14] and the CVD cash deposit rate established for all-others (10.61 percent) [15] under the following third-county case numbers: A–555–164 and C–555–165, and may instruct CBP to assess antidumping or countervailing duties at the applicable rate. For companies with their own company-specific rate under the China orders, the cash deposit rate will be the company-specific rate. Where certification and documentation requirements have been met, Commerce intends to instruct CBP to suspend the entry and require a cash deposit of zero percent for estimated antidumping and countervailing duties.

For unliquidated entries (and entries for which liquidation has not become final) of paper plates from Cambodia that were entered, or withdrawn from warehouse on or after August 22, 2025, made prior to the publication of this preliminary determination, the importer will need to file a post-summary correction with CBP in accordance with CBP's regulations, regarding conversion of such entries from non-AD/CVD type entries to AD/CVD type entries (*e.g.,* from type 01 to type 03). Importers must report those AD/CVD type entries using the third-country case numbers identified above.

These suspension of liquidation and cash deposit requirements will remain in effect until further notice.

Certifications

To administer the preliminary affirmative country-wide determination of circumvention for Cambodia, Commerce has established importer and exporter certifications, which will allow an exporter and importer to certify that specific entries of paper plates from Cambodia are not subject to the collection of cash deposits pursuant to this preliminary affirmative country-wide determination of circumvention because the merchandise is not made with Chinese-origin paperboard or is made with an input other than paperboard (*see* Appendices III and IV to this notice). Companies participating in this certification regime must be able to track the inputs used to make both subject and non-subject merchandise. This ability to track inputs may be subject to verification.

All entries of paper plates produced in Cambodia are subject to certification requirements. Entries of paper plates for which the importer and exporter have met the certification and documentation requirements described below and in Appendices II–IV of this notice will not be subject to the cash deposit requirements, but will still be subject to the suspension of liquidation under the two third-country case numbers provided above. Such suspended entries may be subject to an administrative review of the *Orders* for the period in which the entry is made. Note that, as described in Appendix II and in the accompanying Preliminary Decision Memorandum, Cambodian producers and exporters of paper plates are not eligible to participate in this certification program at this time.[16]

Public Comment

Pursuant to 19 CFR 351.226(f)(4), case briefs or other written comments should be submitted to the Assistant Secretary for Enforcement and Compliance no later than 14 days after the date of the publication of this notice.[17] Rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than seven days after the deadline for case briefs.[18] Parties who submit case or

[12] *Id.* at 3–4.

[13] *See Initiation Notice.*

[14] *See AD Order,* 90 FR at 13141.

[15] *See CVD Order,* 90 FR at 13136.

[16] *See* Appendix II; *see also* Preliminary Decision Memorandum at Section XII: Certification Process.

[17] *See* 19 CFR 351.309(f)(4).

[18] *See* 19 CFR 351.309(d); *see also Administrative Protective Order, Service, and Other Procedures in*

rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) a statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[19]

As provided under 19 CFR 351.309(c)(2) and (d)(2), in prior proceedings we have encouraged interested parties to provide a public, executive summary of their brief that should be limited to five pages total, including footnotes. In this proceeding, we instead request that interested parties provide at the beginning of their briefs a public, executive summary for each issue raised in their briefs.[20] Further, we request that interested parties limit their executive summary of each issue to no more than 450 words, not including citations. We intend to use the executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final determination in this proceeding. We request that interested parties include footnotes for relevant citations in the executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).[21]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the date of publication of this notice in the **Federal Register**, filed electronically via ACCESS. Hearing requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants and whether any participant is a foreign national; and (3) a list of the issues to be discussed. Issues raised in the hearing will be limited to issues raised in the respective comments.[22] If a request for a hearing is made, Commerce intends to hold the hearing at a date and time to be determined and will notify the parties through ACCESS.[23] Parties should confirm the date, time, and location of the hearing two days before the scheduled date.

All submissions, including affirmative and rebuttal comments, as well as hearing requests, should be filed using ACCESS. An electronically-filed document must be received successfully in its entirety by ACCESS by 5:00 p.m. Eastern Time on the established deadline.

U.S. International Trade Commission (ITC) Notification

Consistent with section 781(e) of the Act, Commerce will notify the U.S. International Trade Commission (ITC) of this preliminary determination to include the merchandise subject to this circumvention inquiry within the *Orders.* Pursuant to section 781(e) of the Act, the ITC may request consultations concerning Commerce's proposed inclusion of the inquiry merchandise. If, after consultations, the ITC believes that a significant injury issue is presented by the proposed inclusion, it will have 60 days from the date of notification by Commerce to provide written advice.

Notification to Interested Parties

This determination is issued and published in accordance with section 781(b) of the Act and 19 CFR 351.226(g)(1).

Dated: July 6, 2026.

Christian L. Bush,

Deputy Assistant Secretary for Policy and Negotiations.

Appendix I

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the *Orders*
IV. Merchandise Subject to the Circumvention Inquiry
V. Period of Circumvention Inquiry
VI. Use of Facts Available and Adverse Inferences
VII. Statutory and Regulatory Framework for a Circumvention Inquiry
VIII. Analysis of Statutory Criteria for the Circumvention Inquiry
IX. Summary of Analysis
X. Suspension of Liquidation Prior to Initiation
XI. Country-Wide Affirmative Determination of Circumvention
XII. Certification Process
XIII. Suspension of Liquidation and Cash Deposit Requirements
XIV. Recommendation

Appendix II

Certification Requirements

The importer is required to complete and maintain the applicable importer certification, and maintain a copy of the applicable exporter certification, and retain all supporting documentation for both certifications. With the exception of the entries described below, the importer certification must be completed, signed, and dated by the time the entry summary is filed for the relevant entry.

The importer, or the importer's agent, must submit the importer's certification, the exporter's certification, the commercial invoice, and documentation regarding the country-of-origin of the paperboard or the type of input (if not paperboard) used in production of the paper plates to CBP at the time that the entry summary is filed by uploading these documents into the document imaging system (DIS) in the Automated Commercial Environment (ACE). Where the importer uses a broker to facilitate the entry process, the importer should obtain the entry summary number from the broker. Agents of the importer, such as a broker, however, are not permitted to certify on behalf of the importer. Consistent with CBP's procedures, an importer shall identify certified entries by using the importer's additional declaration (record 54), AD/CVD Certification Designation (type code 06) when filing an entry summary.[24]

The exporter is required to complete and maintain the applicable exporter certification and provide the importer with a copy of that certification and all supporting documentation (*e.g.,* invoice, purchase order, production records, *etc.*). With the exception of the entries described below, the exporter certification must be completed, signed, and dated by the time of shipment of the relevant entry. The exporter certification should be completed by the party selling the paper plates that were manufactured in Cambodia and exported to the United States.

Additionally, the claims made in the certifications and supporting documentation are subject to verification by Commerce or CBP. Importers and exporters are required to maintain the certifications and supporting documentation until the later of: (1) the date that is five years after the latest entry date of the entries covered by the certification; or (2) the date that is three years after the conclusion of any litigation in United States courts regarding such entries.

For all paper plates from Cambodia that were entered, or withdrawn from warehouse, for consumption during the period August 22, 2025 (the date of the publication of the initiation of this circumvention inquiry), through July 10, 2026, where the entry has not been liquidated (and entries for which liquidation has not become final), the importer and exporter certifications should be completed and signed as soon as practicable, but not later than August 7, 2026. The importer's certification, the exporter's certification, the commercial invoice, and documentation supporting the country of origin of the paperboard or the type of input if not paperboard used to produce the paper plates should be uploaded to the DIS in ACE as soon as practicable, but not later than August 7, 2026. For such unliquidated entries made prior to the publication of this preliminary determination which are suspended under the antidumping and/or countervailing duty orders, the importer or exporter each have the option to complete a

Antidumping and Countervailing Duty Proceedings, 88 FR 67069, 67077 (September 29, 2023) (*APO and Service Final Rule*).

[19] *See* 19 CFR 351.309(c)(2) and (d)(2).

[20] We use the term ''issue'' here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

[21] *See APO and Service Final Rule.*

[22] *See* 19 CFR 351.310.

[23] *See* 19 CFR 351.310(d).

[24] *See* Cargo System Messaging Service #59384253, dated February 12, 2024; *see also Announcing an Importer's Additional Declaration in the Automated Commercial Environment Specific to Antidumping/Countervailing Duty Certifications,* 89 FR 7372 (February 2, 2024).

blanket certification covering multiple entries, individual certifications for each entry, or a combination thereof.

As discussed in the Preliminary Decision Memorandum, this certification regime is not currently available for any Cambodian producers or exporters of paper plates. Accordingly, as discussed in the Preliminary Decision Memorandum, Commerce preliminarily determines that all Cambodian producers or exporters of paper plates are currently ineligible to certify that any of their individual entries include paper plates are not made of Chinese-origin paperboard or are made with an input other than paperboard. If any company wishes to participate in this certification regime, it may request a certification review in the form of an administrative review. Upon reviewing any selected respondent in a future administrative review segment, or upon a company's request for a certification review within the context of the administrative review segment, Commerce will evaluate each individual company's certification eligibility, which may be subject to verification. Following such a review, Commerce will instruct CBP to continue accepting entries from this company as subject to the *Orders,* to continue to suspend the liquidation of the entry, and to not require a cash deposit, *i.e.,* impose a cash deposit rate equal to zero percent. These entries will remain suspended and be subject to an administrative review of the *Orders* for the corresponding period, and potential verification of these entries and their accompanying certifications and supporting documentation.

Interested parties may comment on these certification requirements, and on the certification language contained in this notice in their case briefs.

Appendix III

Importer Certification

I hereby certify that:

A. My name is {IMPORTING COMPANY OFFICIAL'S NAME} and I am an official of {IMPORTING COMPANY}, located at {ADDRESS OF IMPORTING COMPANY};

B. I have direct personal knowledge of the facts regarding the importation into the Customs territory of the United States of paper plates produced in Cambodia that entered under entry summary number(s), identified below, and are covered by this certification. ''Direct personal knowledge'' refers to facts the certifying party is expected to have in its own records. For example, the importer should have direct personal knowledge of the importation of paper plates, including the exporter's and/or foreign seller's identity and location;

C. If the importer is acting on behalf of the first U.S. customer, include the following sentence as paragraph C of this certification:

The paper plates covered by this certification were imported by {IMPORTING COMPANY} on behalf of {U.S. CUSTOMER}, located at {ADDRESS OF U.S. CUSTOMER};

If the importer is not acting on behalf of the first U.S. customer, include the following sentence as paragraph C of this certification:

{NAME OF IMPORTING COMPANY} is not acting on behalf of the first U.S. customer.

D. The paper plates covered by this certification were shipped to {NAME OF PARTY IN THE UNITED STATES TO WHOM THE MERCHANDISE WAS FIRST SHIPPED}, located at {U.S. ADDRESS TO WHICH MERCHANDISE WAS SHIPPED}.

E. I have personal knowledge of the facts regarding the production of the imported products covered by this certification. ''Personal knowledge'' includes facts obtained from another party, (*e.g.,* correspondence received by the importer (or exporter) from the producer regarding the source of paper (paperboard) or other inputs used to produce the imported paper plates);

F. This certification applies to the following entries (repeat this block as many times as necessary):

Entry Summary #:
Entry Summary Line Item #:
Foreign Seller:
Foreign Seller's Address:
Foreign Seller's Invoice #:
Foreign Seller's Invoice Line Item #:
Paper Plates Producer:
Paper Plates Producer's Address:
Name of Producer of paperboard input:
Address of Producer of paperboard input:
Country of Origin of paperboard input:

G. The paper plates covered by this certification are not produced using paperboard produced in China;

H. I understand that {IMPORTING COMPANY} is required to maintain a copy of this certification and sufficient documentation supporting this certification (*i.e.,* documents maintained in the normal course of business, or documents obtained by the certifying party, for example, certificates of origin, product data sheets, mill test reports, productions records, invoices, *etc.*) until the later of: (1) the date that is five years after the date of the latest entry covered by the certification or; (2) the date that is three years after the conclusion of any litigation in the United States courts regarding such entries;

I. I understand that {IMPORTING COMPANY} is required to maintain a copy of the exporter's certification (attesting to the production and exportation of the imported merchandise identified above), and any supporting documentation provided to the importer by the exporter, until the later of: (1) the date that is five years after the date of the latest entry covered by the certification; or (2) the date that is three years after the conclusion of any litigation in United States courts regarding such entries;

J. I understand that {IMPORTING COMPANY}is required to submit a copy of the importer and exporter certifications, the commercial invoice, and country-of-origin documentation for the paperboard input used to produce the paper plates at the time of entry summary by uploading these documents into the Document Imaging System in the Automated Commercial Environment, and to provide U.S. Customs and Border Protection (CBP) and/or the U.S. Department of Commerce (Commerce) with the importer certification, a copy of the exporter's certification, and any supporting documentation provided to the importer by the exporter, upon request of either agency. Consistent with CBP's procedures, importers shall identify certified entries by using importers' additional declaration (record 54) AD/CVD Certification Designation (type code 06) when filing entry summary.

K. I understand that the claims made herein, and the substantiating documentation, are subject to verification by CBP and/or Commerce;

L. I understand that entries of paper plates from Cambodia that are accompanied by deficient certifications may be subject to antidumping and/or countervailing duties.

M. I understand that failure to maintain the required certification and supporting documentation, or failure to substantiate the claims made herein, or not allowing CBP and/or Commerce to verify the claims made herein, may result in a *de facto* determination that all entries to which this certification applies are within the scope of the antidumping duty (AD) and countervailing duty (CVD) orders on paper plates from China. I understand that such finding will result in:

(i) suspension of liquidation of all unliquidated entries (and entries for which liquidation has not become final) for which these requirements were not met;

(ii) the importer being required to post the antidumping duty and countervailing duty cash deposits determined by Commerce; and

(iii) the importer no longer being allowed to participate in the certification process.

N. I understand that agents of the importer, such as brokers, are not permitted to make this certification;

This certification was completed and signed on, or prior to, the date of the entry summary if the entry date is after June 10, 2026. If the entry date is on or before July 9, 2026, this certification was completed, signed, and uploaded to CBP's ACE DIS by no later than August 7, 2026.

O. I am aware that U.S. law (including, but not limited to, 18 U.S.C. 1001) imposes criminal sanctions on individuals who knowingly and willfully make material false statements to the U.S. government.

Signature

{NAME OF COMPANY OFFICIAL}
{TITLE OF COMPANY OFFICIAL}
{DATE}

Appendix IV

Exporter Certification

The party that made the sale to the United States should fill out the exporter certification.

I hereby certify that:

A. My name is {COMPANY OFFICIAL'S NAME} and I am an official of {NAME OF FOREIGN COMPANY THAT MADE THE SALE TO THE UNITED STATES); located at {ADDRESS OF FOREIGN COMPANY THAT MADE THE SALE TO THE UNITED STATES);

B. I have direct personal knowledge of the facts regarding the production and exportation of the paper plates and the paperboard input to the paper plates for which sales are identified below. ''Direct personal knowledge'' refers to facts the

certifying party is expected to have in its own records. For example, an exporter should have direct personal knowledge of the producer's identity and location;

C. The paper plates covered by this certification were shipped to {NAME OF PARTY IN THE UNITED STATES TO WHOM MERCHANDISE WAS FIRST SHIPPED}, located at {U.S. ADDRESS TO WHICH MERCHANDISE WAS SHIPPED};

D. The paper plates covered by this certification were not produced using paperboard produced in China;

E. This certification applies to the following sales to {NAME OF U.S. CUSTOMER}, located at {ADDRESS OF U.S. CUSTOMER} (repeat this block as many times as necessary):

Foreign Seller's Invoice # to U.S. Customer:
Foreign Seller's Invoice to U.S. Customer Line item #:
Paper Plates Producer's Name:
Paper Plates Producer's Address:
Producer's Invoice # to Foreign Seller: (*If the foreign seller and the producer are the same party, put NA here.*)
Name of Producer of paperboard input:
Address of Producer of paperboard input:
Country of Origin of paperboard input:

F. The paper plates covered by this certification were shipped to {NAME OF U.S. PARTY TO WHOM MERCHANDISE WAS SHIPPED}, located at {U.S. ADDRESS TO WHICH MERCHANDISE WAS SHIPPED};

G. I understand that {NAME OF FOREIGN COMPANY THAT MADE THE SALE TO THE UNITED STATES} is required to maintain a copy of this certification and sufficient documentation supporting this certification (*i.e.,* documents maintained in the normal course of business, or documents obtained by the certifying party, for example, product data sheets, mill test reports, productions records, invoices, *etc.*) until the later of: (1) the date that is five years after the latest date of the entries covered by the certification; or (2) the date that is three years after the conclusion of any litigation in the United States courts regarding such entries;

H. I understand that {NAME OF FOREIGN COMPANY THAT MADE THE SALE TO THE UNITED STATES} is required to provide the U.S. importer with a copy of this certification, the commercial invoice, and country-of-origin documentation for the paperboard input used to produce the paper plates, and is required to provide U.S. Customs and Border Protection (CBP) and/or the U.S. Department of Commerce (Commerce) with this certification, and any supporting documents, upon request of either agency;

I. I understand that the claims made herein, and the substantiating documentation, are subject to verification by CBP and/or Commerce;

J. I understand that failure to maintain the required certification and supporting documentation, or failure to substantiate the claims made herein, or not allowing CBP and/or Commerce to verify the claims made herein, may result in a *de facto* determination that all sales to which this certification applies are within the scope of the antidumping duty and countervailing duty orders on paper plates from China. I understand that such a finding will result in:

(i) suspension of all unliquidated entries (and entries for which liquidation has not become final) for which these requirements were not met;

(ii) the importer being required to post the antidumping duty and countervailing duty cash deposits determined by Commerce; and

(iii) the seller/exporter no longer being allowed to participate in the certification process.

K. I understand that agents of the seller/exporter, such as freight forwarding companies or brokers, are not permitted to make this certification.

L. This certification was completed and signed, and a copy of the certification was provided to the importer, on, or prior to, the date of shipment if the shipment date is after July 10, 2026. If the shipment date is on or before July 9, 2026, this certification was completed and signed, and a copy of the certification was provided to the importer, by no later than August 7, 2026; and

M. I am aware that U.S. law (including, but not limited to, 18 U.S.C. 1001) imposes criminal sanctions on individuals who knowingly and willfully make material false statements to the U.S. government.

Signature

{NAME OF COMPANY OFFICIAL}
{TITLE OF COMPANY OFFICIAL}
{DATE}

[FR Doc. 2026–13973 Filed 7–9–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–164, C–570–165]

Certain Paper Plates From the People's Republic of China: Preliminary Affirmative Determination of Circumvention of the Antidumping Duty and Countervailing Duty Orders

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that imports of certain paper plates (paper plates), completed in Malaysia using paperboard produced in the People's Republic of China (China), are circumventing the antidumping duty (AD) and countervailing duty (CVD) orders on paper plates from China. Interested parties are invited to comment on this preliminary determination.

DATES: Applicable July 10, 2026.

FOR FURTHER INFORMATION CONTACT: Justin Enck at (202) 482–1614 or Walter Schaub at (202) 482–0907, Office of Policy, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On March 20, 2025, Commerce published in the **Federal Register** the AD and CVD orders on paper plates from China.[1] On August 22, 2025, Commerce initiated a country-wide circumvention inquiry pursuant to section 781(b) of the Tariff Act of 1930, as amended (the Act), to determine whether imports of paper plates completed in Malaysia using paperboard manufactured in China are circumventing the *Orders,* and, accordingly, should be covered by the scope of the *Orders.*[2] On November 14, 2025, Commerce selected, in alphabetical order, Ecosense Environmental Technology (Ecosense) and Huiming Industrial (Malaysia) SDN BHD (Huiming) as mandatory respondents in this circumvention inquiry.[3] After receiving a notice of intent not to participate in this inquiry from Huiming,[4] on December 30, 2025, Commerce selected Feihong Malaysia SDN BHD (Feihong Malaysia) as an additional mandatory respondent.[5]

Due to the lapse in appropriations and Federal Government shutdown, on November 14, 2025, Commerce tolled all deadlines in administrative proceedings by 47 days.[6] 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.[7] On February 18, 2026, Commerce extended the deadline for issuing the preliminary

[1] *See Certain Paper Plates from the People's Republic of China, Thailand, and the Socialist Republic of Vietnam: Antidumping Duty Orders,* 90 FR 13139 (March 20, 2025) (*AD Order*); *see also Certain Paper Plates from the People's Republic of China and the Socialist Republic of Vietnam: Countervailing Duty Orders,* 90 FR 13135 (March 20, 2025) (*CVD Order*) (collectively, *Orders*).

[2] *See Certain Paper Plates from the People's Republic of China: Initiation of Circumvention Inquires on the Antidumping and Countervailing Duty Orders,* 90 FR 41055 (August 22, 2025) (*Initiation Notice*), and accompanying Initiation Checklist, ''Certain Paper Plates from the People's Republic of China,'' dated August 19, 2025.

[3] *See* Memorandum, ''Respondent Selection,'' dated November 14, 2025.

[4] *See* Huiming's Letter, ''Huiming Notice of Non-Participation,'' dated December 5, 2025.

[5] *See* Memorandum, ''Selection of Additional Mandatory Respondent,'' dated December 30, 2025.

[6] *See* Memorandum, ''Deadlines Affected by the Shutdown of the Federal Government,'' dated November 17, 2025.

[7] *See* Memorandum, ''Tolling of all Case Deadlines,'' dated November 24, 2025.

determination in this circumvention inquiry from March 30, 2026 to May 27, 2026.[8] On May 20, 2026, Commerce extended the deadline for issuing the preliminary determination in this circumvention inquiry from May 27, 2026 to June 3, 2026.[9] On June 2, 2026, Commerce extended the deadline for issuing the preliminary determination in this circumvention inquiry from June 3 to June 26, 2026.[10]

For a complete description of the events that followed the initiation of this circumvention inquiry, *see* the Preliminary Decision Memorandum.[11] The Preliminary Decision Memorandum is a public document and is on file electronically via ACCESS. ACCESS is available to registered users at *https://access.trade.gov*. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *https://access.trade.gov/frnotices*.

Scope of the Orders

The merchandise subject to these *Orders* is certain paper plates. Paper plates subject to these *Orders* may be cut from rolls, sheets, or other pieces of paper and/or paper board. Paper plates subject to these *Orders* have a depth up to and including two (2.0) inches, as measured vertically from the base to the top of the lip, or the edge if the plate has no lip. Paper plates subject to these *Orders* may be uncolored, white, colored, or printed. Printed paper plates subject to these *Orders* may have any type of surface finish, and may be printed by any means with images, text and/or colors on one or both surfaces. Colored paper plates subject to these *Orders* may be colored by any method, including but not limited to printing, beater-dyeing, and dip-dyeing. Paper plates covered by these *Orders* may be produced from paper of any type (including, but not limited to, bamboo, straws, bagasse, hemp, kenaf, jute, sisal, abaca, cotton inters and reeds, or from non-plant sources, such as synthetic resin (petroleum)-based resins), may have any caliper or basis weight, may have any shape or size, may have one or more than one section, may be embossed, may have foil or other substances adhered to their surface, and/or may be uncoated or coated with any type of coating. For a full description of the scope of the *Orders, see* the Preliminary Decision Memorandum.[12]

Merchandise Subject to the Circumvention Inquiry

This circumvention inquiry covers paper plates assembled and completed in Malaysia using Chinese-origin paperboard, and that are subsequently exported from Malaysia to the United States (inquiry merchandise).

Methodology

Commerce is conducting this circumvention inquiry in accordance with section 781(b) of the Act and 19 CFR 351.226. For a complete description of the methodology underlying the preliminary determination, *see* the Preliminary Decision Memorandum. A list of topics discussed in the Preliminary Decision Memorandum is included as Appendix I to this notice.

Preliminary Circumvention Determination

As detailed in the Preliminary Decision Memorandum, Commerce preliminarily determines that paper plates completed in Malaysia using Chinese-origin paperboard and subsequently exported from Malaysia to the United States are circumventing the *Orders* on a country-wide basis. As a result, in accordance with section 781(b) of the Act, we preliminarily determine to include this merchandise within the scope of the *Orders. See* the ''Suspension of Liquidation and Cash Deposit Requirements'' section below for details regarding suspension of liquidation and cash deposit requirements. *See* the ''Certifications'' and ''Certification Requirements'' sections below for details regarding the use of certifications.

Suspension of Liquidation and Cash Deposit Requirements

Based on the preliminary affirmative country-wide determination of circumvention with respect to Malaysia, in accordance with 19 CFR 351.225(l)(2), Commerce will direct U.S. Customs and Border Protection (CBP) to suspend liquidation on unliquidated entries of paper plates from Malaysia that were entered, or withdrawn from warehouse, for consumption, on or after August 22, 2025, the date of publication of the *Initiation Notice*.[13]

In accordance with 19 CFR 351.228(b), where the certification and documentation requirements described below are not met, Commerce intends to instruct CBP to suspend the entry and collect cash deposits at the rates applicable to the AD and CVD orders on paper plates from China (*i.e.,* the AD cash deposit rate established for the China-wide entity (515.40 percent)[14] and the CVD cash deposit rate established for all-others (10.61 percent)[15] under the following third-county case numbers: A–557–164 and C–557–165, and may instruct CBP to assess antidumping or countervailing duties at the applicable rate. For companies with their own company-specific rate under the China orders, the cash deposit rate will be the company-specific rate. Where certification and documentation requirements have been met, Commerce intends to instruct CBP to suspend the entry and require a cash deposit of zero percent for estimated antidumping and countervailing duties.

For unliquidated entries (and entries for which liquidation has not become final) of paper plates from Malaysia that were entered, or withdrawn from warehouse on or after August 22, 2025, made prior to the publication of this preliminary determination, the importer will need to file a post-summary correction with CBP in accordance with CBP's regulations, regarding conversion of such entries from non-AD/CVD type entries to AD/CVD type entries (*e.g.,* from type 01 to type 03). Importers must report those AD/CVD type entries using the third-country case numbers identified above.

These suspension of liquidation and cash deposit requirements will remain in effect until further notice.

Certifications

To administer the preliminary affirmative country-wide determination of circumvention for Malaysia, Commerce has established importer and exporter certifications, which will allow an exporter and importer to certify that specific entries of paper plates from Malaysia are not subject to the collection of cash deposits pursuant to this preliminary affirmative country-wide determination of circumvention because the merchandise is not made with Chinese-origin paperboard or is made with an input other than paperboard (*see* Appendices III and IV

[8] *See* Memorandum, ''Extension of Deadline for the Preliminary Determination in the Circumvention Inquiry Pertaining to Malaysia,'' dated February 18, 2026.

[9] *See* Memorandum, ''Extension of Deadline for the Preliminary Determination in the Circumvention Inquiry Pertaining to Malaysia,'' dated May 20, 2026.

[10] *See* Memorandum, ''Extension of Deadline for the Preliminary Determination in the Circumvention Inquiry Pertaining to Malaysia,'' dated June 2, 2026.

[11] *See* Memorandum, ''Decision Memorandum for the Preliminary Determination in the Circumvention Inquiry of the Antidumping and Countervailing Duty Orders on Certain Paper Plates from the People's Republic of China,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[12] *Id.* at 3–4.

[13] *See Initiation Notice.*

[14] *See AD Order,* 90 FR at 13141.

[15] *See CVD Order,* 90 FR at 13136.

to this notice). Companies participating in this certification regime must be able to track the inputs used to make both subject and non-subject merchandise. This ability to track inputs may be subject to verification.

All entries of paper plates produced in Malaysia are subject to certification requirements. Entries of paper plates for which the importer and exporter have met the certification and documentation requirements described below and in Appendices II–IV of this notice will not be subject to the cash deposit requirements, but will still be subject to the suspension of liquidation under the two third-country case numbers provided above. Such suspended entries may be subject to an administrative review of the *Orders* for the period in which the entry is made. Note that, as described in Appendix II and in the accompanying Preliminary Decision Memorandum, certain Malaysian producers and exporters of paper plates are not eligible to participate in this certification program at this time.[16]

Verification

As provided in 19 CFR 351.226(f)(3), Commerce intends to verify certain information relied upon in making its preliminary determination.

Public Comment

Pursuant to 19 CFR 351.226(f)(4), case briefs or other written comments should be submitted to the Assistant Secretary for Enforcement and Compliance no later than 14 days after the date of the publication of this notice.[17] Rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than seven days after the deadline for case briefs.[18] Parties who submit case or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) a statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[19]

As provided under 19 CFR 351.309(c)(2) and (d)(2), in prior proceedings we have encouraged interested parties to provide a public executive summary of their brief that should be limited to five pages total, including footnotes. In this proceeding, we instead request that interested parties provide at the beginning of their briefs a public, executive summary for each issue raised in their briefs.[20] Further, we request that interested parties limit their executive summary of each issue to no more than 450 words, not including citations. We intend to use the executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final determination in this proceeding. We request that interested parties include footnotes for relevant citations in the executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).[21]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the date of publication of this notice in the **Federal Register**, filed electronically via ACCESS. Hearing requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants and whether any participant is a foreign national; and (3) a list of the issues to be discussed. Issues raised in the hearing will be limited to issues raised in the respective comments.[22] If a request for a hearing is made, Commerce intends to hold the hearing at a date and time to be determined and will notify the parties through ACCESS.[23] Parties should confirm the date, time, and location of the hearing two days before the scheduled date.

All submissions, including affirmative and rebuttal comments, as well as hearing requests, should be filed using ACCESS. An electronically-filed document must be received successfully in its entirety by ACCESS by 5:00 p.m. Eastern Time on the established deadline.

U.S. International Trade Commission (ITC) Notification

Consistent with section 781(e) of the Act, Commerce will notify the ITC of this preliminary determination to include the merchandise subject to this circumvention inquiry within the *Orders.* Pursuant to section 781(e) of the Act, the ITC may request consultations concerning Commerce's proposed inclusion of the inquiry merchandise. If, after consultations, the ITC believes that a significant injury issue is presented by the proposed inclusion, it will have 60 days from the date of notification by Commerce to provide written advice.

Notification to Interested Parties

This determination is issued and published in accordance with section 781(b) of the Act and 19 CFR 351.226(g)(1).

Dated: July 6, 2026.

Christian L. Bush,

Deputy Assistant Secretary for Policy and Negotiations.

Appendix I

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the *Orders*
IV. Merchandise Subject to the Circumvention Inquiry
V. Period of Circumvention Inquiry
VI. Surrogate Country and Methodology for Valuing Factors of Production from Non-Market Economy Sources and Processing in China
VII. Use of Facts Available and Adverse Inferences
VIII. Statutory and Regulatory Framework for a Circumvention Inquiry
IX. Analysis of Statutory Criteria for the Circumvention Inquiry
X. Summary of Analysis
XI. Suspension of Liquidation Prior to Initiation
XII. Verification
XIII. Country-Wide Affirmative Determination of Circumvention
XIV. Certification Process
XV. Suspension of Liquidation and Cash Deposit Requirements
XVI. Recommendation

Appendix II

Certification Requirements

The importer is required to complete and maintain the applicable importer certification, and maintain a copy of the applicable exporter certification, and retain all supporting documentation for both certifications. With the exception of the entries described below, the importer certification must be completed, signed, and dated by the time the entry summary is filed for the relevant entry.

The importer, or the importer's agent, must submit the importer's certification, the exporter's certification, the commercial invoice, and documentation regarding the country-of-origin of the paperboard or the type of input (if not paperboard) used in production of the paper plates to CBP at the time that the entry summary is filed by uploading these documents into the document imaging system (DIS) in the Automated Commercial Environment (ACE). Where the importer uses a broker to facilitate the entry process, the importer should obtain the entry summary number from the broker. Agents of the importer, such as a broker, however, are not permitted to certify on

[16] *See* Appendix II; *see also* Preliminary Decision Memorandum at Section XIV: Certification Process.

[17] *See* 19 CFR 351.309(f)(4).

[18] *See* 19 CFR 351.309(d); *see also Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings,* 88 FR 67069, 67077 (September 29, 2023) (*APO and Service Final Rule*).

[19] *See* 19 CFR 351.309(c)(2) and (d)(2).

[20] We use the term ''issue'' here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

[21] *See APO and Service Final Rule.*

[22] *See* 19 CFR 351.310.

[23] *See* 19 CFR 351.310(d).

behalf of the importer. Consistent with CBP's procedures, an importer shall identify certified entries by using the importer's additional declaration (record 54), AD/CVD Certification Designation (type code 06) when filing an entry summary.[24]

The exporter is required to complete and maintain the applicable exporter certification and provide the importer with a copy of that certification and all supporting documentation (*e.g.,* invoice, purchase order, production records, *etc.*). With the exception of the entries described below, the exporter certification must be completed, signed, and dated by the time of shipment of the relevant entry. The exporter certification should be completed by the party selling the paper plates that were manufactured in Malaysia and exported to the United States.

Additionally, the claims made in the certifications and supporting documentation are subject to verification by Commerce or CBP. Importers and exporters are required to maintain the certifications and supporting documentation until the later of: (1) the date that is five years after the latest entry date of the entries covered by the certification; or (2) the date that is three years after the conclusion of any litigation in United States courts regarding such entries.

For all paper plates from Malaysia that were entered, or withdrawn from warehouse, for consumption during the period August 22, 2025 (the date of publication of the initiation of this circumvention inquiry), through July 10, 2026, where the entry has not been liquidated (and entries for which liquidation has not become final), the importer and exporter certifications should be completed and signed as soon as practicable, but not later than August 7, 2026. The importer's certification, the exporter's certification, the commercial invoice, and documentation supporting the country of origin of the paperboard or the type of input if not paperboard used to produce the paper plates should be uploaded to the DIS in ACE as soon as practicable, but not later than August 7, 2026. For such unliquidated entries made prior to the publication of this preliminary determination which are suspended under the antidumping and/or countervailing duty orders, the importer or exporter each have the option to complete a blanket certification covering multiple entries, individual certifications for each entry, or a combination thereof.

As discussed in the Preliminary Decision Memorandum, companies determined to be circumventing the *Orders,* including Feihong Malaysia, are currently ineligible to certify that they used non-Chinese origin paperboard or an input other than paperboard for production of paper plates exported to the United States. If any company, including Feihong Malaysia, wishes to participate in this certification regime, it may request a certification review in the form of an administrative review. Upon reviewing any selected respondent in a future administrative review segment, or upon a company's request for a certification review within the context of the administrative review segment, Commerce will evaluate each individual company's certification eligibility, which may be subject to verification. Following such a review, Commerce will instruct CBP to continue accepting entries from this company as subject to the *Orders,* to continue to suspend the liquidation of the entry, and to not require a cash deposit, *i.e.,* impose a cash deposit rate equal to zero percent. These entries will remain suspended and be subject to an administrative review of the *Orders* for the corresponding period, and potential verification of these entries and their accompanying certifications and supporting documentation.

This certification regime is not available for companies to which Commerce has applied facts available with an adverse inference in this determination. Accordingly, as discussed in the Preliminary Decision Memorandum, Commerce preliminarily determines that Huiming is ineligible to certify that individual entries include paper plates that are not made of Chinese-origin paperboard or are made with an input other than paperboard. Commerce may reconsider the eligibility of Huiming in the certification process if it demonstrates in a future segment of this proceeding (*e.g.,* an administrative review) that the paper plates it produces in Malaysia are not produced using Chinese-origin paperboard and that it is capable of tracking its inputs.

Interested parties may comment on these certification requirements, and on the certification language contained in this notice in their case briefs.

Appendix III

Importer Certification

I hereby certify that:

A. My name is {IMPORTING COMPANY OFFICIAL'S NAME} and I am an official of {IMPORTING COMPANY}, located at {ADDRESS OF IMPORTING COMPANY};

B. I have direct personal knowledge of the facts regarding the importation into the Customs territory of the United States of paper plates produced in Malaysia that entered under entry summary number(s), identified below, and are covered by this certification. ''Direct personal knowledge'' refers to facts the certifying party is expected to have in its own records. For example, the importer should have direct personal knowledge of the importation of paper plates, including the exporter's and/or foreign seller's identity and location;

C. If the importer is acting on behalf of the first U.S. customer, include the following sentence as paragraph C of this certification:

The paper plates covered by this certification were imported by {IMPORTING COMPANY} on behalf of {U.S. CUSTOMER}, located at {ADDRESS OF U.S. CUSTOMER};

If the importer is not acting on behalf of the first U.S. customer, include the following sentence as paragraph C of this certification:

{NAME OF IMPORTING COMPANY} is not acting on behalf of the first U.S. customer.

D. The paper plates covered by this certification were shipped to {NAME OF PARTY IN THE UNITED STATES TO WHOM THE MERCHANDISE WAS FIRST SHIPPED}, located at {U.S. ADDRESS TO WHICH MERCHANDISE WAS SHIPPED}.

E. I have personal knowledge of the facts regarding the production of the imported products covered by this certification. ''Personal knowledge'' includes facts obtained from another party, (*e.g.,* correspondence received by the importer (or exporter) from the producer regarding the source of paper (paperboard) or other inputs used to produce the imported paper plates);

F. This certification applies to the following entries (repeat this block as many times as necessary):

Entry Summary #:
Entry Summary Line Item #:
Foreign Seller:
Foreign Seller's Address:
Foreign Seller's Invoice #:
Foreign Seller's Invoice Line Item #:
Paper Plates Producer:
Paper Plates Producer's Address:
Name of Producer of paperboard input:
Address of Producer of paperboard input:
Country of Origin of paperboard input:

G. The paper plates covered by this certification are not produced using paperboard produced in China;

H. I understand that {IMPORTING COMPANY} is required to maintain a copy of this certification and sufficient documentation supporting this certification (*i.e.,* documents maintained in the normal course of business, or documents obtained by the certifying party, for example, certificates of origin, product data sheets, mill test reports, productions records, invoices, *etc.*) until the later of: (1) the date that is five years after the date of the latest entry covered by the certification or; (2) the date that is three years after the conclusion of any litigation in the United States courts regarding such entries;

I. I understand that {IMPORTING COMPANY} is required to maintain a copy of the exporter's certification (attesting to the production and exportation of the imported merchandise identified above), and any supporting documentation provided to the importer by the exporter, until the later of: (1) the date that is five years after the date of the latest entry covered by the certification; or (2) the date that is three years after the conclusion of any litigation in United States courts regarding such entries;

J. I understand that {IMPORTING COMPANY}is required to submit a copy of the importer and exporter certifications, the commercial invoice, and country-of-origin documentation for the paperboard input used to produce the paper plates at the time of entry summary by uploading these documents into the Document Imaging System in the Automated Commercial Environment, and to provide U.S. Customs and Border Protection (CBP) and/or the U.S. Department of Commerce (Commerce) with the importer certification, a copy of the exporter's certification, and any supporting documentation provided to the importer by the exporter, upon request of either agency. Consistent with CBP's procedures, importers

[24] *See* Cargo System Messaging Service #59384253, dated February 12, 2024; *see also Announcing an Importer's Additional Declaration in the Automated Commercial Environment Specific to Antidumping/Countervailing Duty Certifications,* 89 FR 7372 (February 2, 2024).

shall identify certified entries by using importers' additional declaration (record 54) AD/CVD Certification Designation (type code 06) when filing entry summary.

K. I understand that the claims made herein, and the substantiating documentation, are subject to verification by CBP and/or Commerce;

L. I understand that entries of paper plates from Malaysia that are accompanied by deficient certifications may be subject to antidumping and/or countervailing duties.

M. I understand that failure to maintain the required certification and supporting documentation, or failure to substantiate the claims made herein, or not allowing CBP and/or Commerce to verify the claims made herein, may result in a *de facto* determination that all entries to which this certification applies are within the scope of the antidumping duty (AD) and countervailing duty (CVD) orders on paper plates from China. I understand that such finding will result in:

(i) suspension of liquidation of all unliquidated entries (and entries for which liquidation has not become final) for which these requirements were not met;

(ii) the importer being required to post the antidumping duty and countervailing duty cash deposits determined by Commerce; and

(iii) the importer no longer being allowed to participate in the certification process.

N. I understand that agents of the importer, such as brokers, are not permitted to make this certification;

This certification was completed and signed on, or prior to, the date of the entry summary if the entry date is after July 10, 2026. If the entry date is on or before July 9, 2026, this certification was completed, signed, and uploaded to CBP's ACE DIS by no later than August 7, 2026.

O. I am aware that U.S. law (including, but not limited to, 18 U.S.C. 1001) imposes criminal sanctions on individuals who knowingly and willfully make material false statements to the U.S. government.

Signature

{NAME OF COMPANY OFFICIAL}

{TITLE OF COMPANY OFFICIAL}

{DATE}

Appendix IV

Exporter Certification

The party that made the sale to the United States should fill out the exporter certification.

I hereby certify that:

A. My name is {COMPANY OFFICIAL'S NAME} and I am an official of {NAME OF FOREIGN COMPANY THAT MADE THE SALE TO THE UNITED STATES); located at {ADDRESS OF FOREIGN COMPANY THAT MADE THE SALE TO THE UNITED STATES);

B. I have direct personal knowledge of the facts regarding the production and exportation of the paper plates and the paperboard input to the paper plates for which sales are identified below. ''Direct personal knowledge'' refers to facts the certifying party is expected to have in its own records. For example, an exporter should have direct personal knowledge of the producer's identity and location;

C. The paper plates covered by this certification were shipped to {NAME OF PARTY IN THE UNITED STATES TO WHOM MERCHANDISE WAS FIRST SHIPPED}, located at {U.S. ADDRESS TO WHICH MERCHANDISE WAS SHIPPED};

D. The paper plates covered by this certification were not produced using paperboard produced in China;

E. This certification applies to the following sales to {NAME OF U.S. CUSTOMER}, located at {ADDRESS OF U.S. CUSTOMER} (repeat this block as many times as necessary):

Foreign Seller's Invoice # to U.S. Customer:
Foreign Seller's Invoice to U.S. Customer Line item #:
Aluminum Containers Producer Name:
Aluminum Containers Producer's Address:
Producer's Invoice # to Foreign Seller: (*If the foreign seller and the producer are the same party, put NA here.*)
Name of Producer of paperboard input:
Address of Producer of paperboard input:
Country of Origin of paperboard input:

F. The paper plates covered by this certification were shipped to {NAME OF U.S. PARTY TO WHOM MERCHANDISE WAS SHIPPED}, located at {U.S. ADDRESS TO WHICH MERCHANDISE WAS SHIPPED};

G. I understand that {NAME OF FOREIGN COMPANY THAT MADE THE SALE TO THE UNITED STATES} is required to maintain a copy of this certification and sufficient documentation supporting this certification (*i.e.,* documents maintained in the normal course of business, or documents obtained by the certifying party, for example, product data sheets, mill test reports, productions records, invoices, *etc.*) until the later of: (1) the date that is five years after the latest date of the entries covered by the certification; or (2) the date that is three years after the conclusion of any litigation in the United States courts regarding such entries;

H. I understand that {NAME OF FOREIGN COMPANY THAT MADE THE SALE TO THE UNITED STATES} is required to provide the U.S. importer with a copy of this certification, the commercial invoice, and country-of-origin documentation for the paperboard input used to produce the paper plates, and is required to provide U.S. Customs and Border Protection (CBP) and/or the U.S. Department of Commerce (Commerce) with this certification, and any supporting documents, upon request of either agency;

I. I understand that the claims made herein, and the substantiating documentation, are subject to verification by CBP and/or Commerce;

J. I understand that failure to maintain the required certification and supporting documentation, or failure to substantiate the claims made herein, or not allowing CBP and/or Commerce to verify the claims made herein, may result in a *de facto* determination that all sales to which this certification applies are within the scope of the antidumping duty and countervailing duty orders on paper plates from China. I understand that such a finding will result in:

(i) suspension of all unliquidated entries (and entries for which liquidation has not become final) for which these requirements were not met;

(ii) the importer being required to post the antidumping duty and countervailing duty cash deposits determined by Commerce; and

(iii) the seller/exporter no longer being allowed to participate in the certification process.

K. I understand that agents of the seller/exporter, such as freight forwarding companies or brokers, are not permitted to make this certification.

L. This certification was completed and signed, and a copy of the certification was provided to the importer, on, or prior to, the date of shipment if the shipment date is after July 10, 2026. If the shipment date is on or before July 9, 2026, this certification was completed and signed, and a copy of the certification was provided to the importer, by no later than August 7, 2026; and

M. I am aware that U.S. law (including, but not limited to, 18 U.S.C. 1001) imposes criminal sanctions on individuals who knowingly and willfully make material false statements to the U.S. government.

Signature

{NAME OF COMPANY OFFICIAL}

{TITLE OF COMPANY OFFICIAL}

{DATE}

[FR Doc. 2026–13974 Filed 7–9–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Initiation of Review of Management Plan for Greater Farallones and Cordell Bank National Marine Sanctuaries; Request for Information

AGENCY: Office of National Marine Sanctuaries (ONMS), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Initiation of a management plan review; request for information.

SUMMARY: NOAA is reviewing the management plans of the Greater Farallones and Cordell Bank National Marine Sanctuaries (GFNMS/CBNMS) to evaluate progress toward the sanctuaries' goals and to develop a unified management plan for both sanctuaries. NOAA is requesting information from individuals, organizations, Tribes, and government agencies on the priority activities that NOAA should address. In addition to receiving written comments through electronic submission, NOAA will provide an opportunity for oral comment at a meeting of the sanctuaries' advisory councils. NOAA currently does not anticipate proposing changes to regulations as part of this management plan review process.

DATES: NOAA will consider all written comments that are received by 5 p.m. Pacific Daylight Time (PDT) on August 24, 2026. NOAA will also accept oral comments during a public meeting of the advisory councils for GFNMS/CBNMS on Friday, July 31, 2026 at 10 a.m.–1 p.m. PDT at 1199 East Beach, San Francisco, CA 94129. Please check the website (*https://farallones.noaa.gov/management/mpr/)* for the most up-to-date information on the meeting. NOAA may end the comment period at the advisory council meeting before the time noted above if all those participating have completed their oral comments.

ADDRESSES: You may submit comments by any of the following methods:

- *Electronic Submission:* Submit electronic comments via the Federal eRulemaking Portal, visit *https://www.regulations.gov* and type [NOAA–NOS–2025–0023] in the Search box.
- *Mail:* Written comments may also be mailed to Greater Farallones and Cordell Bank National Marine Sanctuaries (Attn: Management Plan Review), 991 Marine Dr., San Francisco, CA, 94129.
- *Public Meeting:* Provide oral or written comments during a public meeting, as described under **DATES**. Additional information about how to participate in the meeting is available at *https://farallones.noaa.gov/management/mpr/*.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period may not be considered by NOAA. All written comments received are a part of the public record, and the entirety of the comment, including the name of the commenter, email address, attachments, and other supporting materials will be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information such as account numbers or Social Security numbers and do not submit comments that contain profanity, vulgarity, threats, or other inappropriate language. NOAA will accept anonymous comments (enter N/A in the required fields to remain anonymous).

FOR FURTHER INFORMATION CONTACT: Brian Johnson, Deputy Superintendent, Greater Farallones and Cordell Bank National Marine Sanctuaries, at *farallones@noaa.gov* (include ''MPR'' in the subject line) or 415–530–5353. Please do not submit comments to this email address or phone number.

SUPPLEMENTARY INFORMATION:

I. Background

NOAA manages GFNMS/CBNMS as a unit of the National Marine Sanctuary System under the National Marine Sanctuaries Act (NMSA; 16 U.S.C. 1431 *et seq*). The system comprises 18 underwater parks spanning over 629,000 square miles of ocean and Great Lakes waters. Several Federal agencies share jurisdiction over the GFNMS/CBNMS area and its resources; these include, but are not limited to, the U.S. Department of the Interior's Bureau of Ocean Energy Management and Bureau of Safety and Environmental Enforcement, which have primary jurisdiction over offshore energy exploration and development; [1] the U.S. Fish and Wildlife Service (USFWS), which has responsibility for the conservation and recovery of threatened and endangered species within its jurisdiction (pursuant to the Endangered Species Act; ESA) and management of sea otters (pursuant to the Marine Mammal Protection Act; MMPA); the U.S. Environmental Protection Agency, which regulates discharges of pollutants into navigable waters; NOAA's National Marine Fisheries Service, which manages U.S. fisheries under the Magnuson-Stevens Act and has responsibility for conservation and recovery of threatened and endangered species within its jurisdiction (pursuant to the ESA) and management of cetaceans and pinnipeds (pursuant to the MMPA); and the U.S. Coast Guard, which is responsible for national security, emergency response, and law enforcement.

NOAA designated GFNMS in 1981 at 1,282 square miles and then expanded the sanctuary to its current size of 3,295 square miles in 2015. The sanctuary boundaries extend from the mean high tide line, with exceptions, to the continental margin at or about the 10,000-foot depth contour, and includes Estero Americano, Estero de San Antonio, Tomales Bay, and Bolinas Lagoon, as well as the waters surrounding the Farallon Islands. The Farallon Islands are managed by the USFWS as a national wildlife refuge. GFNMS boundaries also abut Cordell Bank and Monterey Bay national marine sanctuaries and portions of Point Reyes National Seashore, which is managed by the National Park Service. GFNMS also encompasses 17 zoned areas, established and managed by the state of California: 8 marine reserves (no-take zones) and 9 marine conservation areas (limited-take areas) that collectively compose 129.39 square miles (3.9%) of sanctuary waters. In addition, NOAA has established seven Special Wildlife Protection Zones (SWPZ) in GFNMS (see 15 CFR part 922, subpart H, Appendices D, E, and F), which are defined as areas containing high abundances of white sharks, breeding pinnipeds (seals and sea lions), or high abundances of breeding birds that are sensitive to human-caused disturbance, including federally listed and specially protected species. NOAA's regulations for GFNMS include specific provisions for each SWPZ, including overflight zones, cargo vessel prohibition zones, and a white shark approach prohibition zone. The regulations also include a motorized personal watercraft prohibition zone, and a seagrass protection zone in Tomales Bay.

NOAA designated CBNMS in 1989 at 529 square miles and later expanded it in 2015 to 1,286 square miles. The sanctuary is entirely offshore, with its southern boundary located 42 miles north of San Francisco, its eastern boundary located six miles from shore, and its western boundary located 30 miles from shore. CBNMS protects soft seafloor habitat, a rocky bank, deep sea canyons, and communities of wildlife throughout. Its surface waters are feeding areas for local and migratory seabirds, marine mammals, and turtles. The centerpiece of the sanctuary is Cordell Bank, a four-and-a-half mile by nine-and-a-half mile rocky undersea feature located 22 miles west of the Point Reyes headlands. This feature has dense aggregations of corals, sponges, other invertebrates, and fish. The sanctuary provides additional protections for the sensitive habitat of the bank, where it is prohibited to take benthic invertebrates or algae or alter the submerged lands within the 50-fathom isobath.

Subsection 304(e) of the NMSA requires the Secretary of Commerce, through NOAA, to periodically ''evaluate the substantive progress toward implementing the management plan and goals for the sanctuary,'' and to ''revise the management plan and regulations as necessary to fulfill the purposes and policies of [the NMSA]'' (16 U.S.C. 1434(e)). This review ensures that national marine sanctuaries continue to best conserve, protect and enhance their nationally significant resources. ONMS administers GFNMS/CBNMS as a single management unit given the sanctuaries' complementary program activities, coordinated

[1] On April 3, 2026, the Department of the Interior announced a phased transition to combine the functions of the Bureau of Ocean Energy Management and the Bureau of Safety and Environmental Enforcement into a new Marine Minerals Administration. ''Transition to the Marine Minerals Administration,'' *available at https://www.doi.gov/mma-reunification* (April 3, 2026).

regulatory regimes, and overlapping pressures. As such, while they remain separate national marine sanctuaries from a legal standpoint, NOAA intends to develop a single unified management plan.

This joint GFNMS/CBNMS management plan review process is composed of four major stages: (1) information collection and preliminary scoping, including through this request for information; (2) preparation and release of a draft management plan and, as applicable, any draft environmental analysis conducted under the National Environmental Policy Act (NEPA); (3) public review and comment on the draft document(s); and (4) preparation and release of a final management plan and, as applicable, any final environmental analysis document, and any final amendments to sanctuary regulations, if applicable. In developing the new unified management plan, NOAA will identify, align with, and comply with any applicable local, state and federal statutory and regulatory requirements. As part of stage (2), NOAA will consider and determine whether NEPA requires the preparation of a document, such as an environmental assessment or environmental impact statement, for this action.

At this time NOAA also does not expect to undertake any rulemaking actions as part of this management plan review process. If public scoping reveals additional information that suggests a need for regulatory changes, NOAA would further consider whether any regulatory changes are necessary.

This document also advises the public that NOAA intends to fulfill any applicable consultation responsibilities under Section 7 of the Endangered Species Act (ESA), 16 U.S.C. 1536, Essential Fish Habitat (EFH) under the Magnuson-Stevens Act, 16 U.S.C. 1855(b), Section 106 of the National Historic Preservation Act (NHPA) (54 U.S.C. 306108), Federal Consistency review under the Coastal Zone Management Act (CZMA), 16 U.S.C. 1456(c), and government-to-government Tribal consultation responsibilities under Executive Order 13175.

II. Condition Reports

To inform the management plan review, NOAA has released updated condition reports for both national marine sanctuaries. The GFNMS Condition Report, released in June 2024, assesses the period from 2011–2022. The CBNMS Condition Report, released in June 2023, assesses the period from 2009–2021. Both reports present summary information describing the status and trends of sanctuary resources, covering the broad categories of human activities and pressures, water quality, habitat, living resources, and maritime heritage resources. The reports also include the status and trends of ecosystem services—the ways humans derive benefits from different ecosystem attributes that they care about for their lives and livelihoods. The GFNMS report is available at: *https://sanctuaries.noaa.gov/science/condition/gfnms/*.

The CBNMS report is available at: *https://sanctuaries.noaa.gov/science/condition/cbnms/*.

III. Preliminary Priorities and Public Comments

NOAA is particularly interested in receiving public comment on the following priority activities as they relate to the management plan review. This list does not preclude or in any way limit the consideration of additional topics raised through public comments, government to government consultations, or discussions with partner agencies. Consistent with the policies and principles of Executive Order 14313 of July 3, 2025, NOAA aims to prioritize responsible conservation, restore our lands and waters, and protect our Nation's outdoor heritage for the enjoyment of the American people.

- *Research, monitor, protect, and restore coastal habitats, with a focus on kelp forests, sandy shores, and rocky shores.* This priority activity addresses the loss of kelp and lack of recovery since 2014, sandy shore erosion and sediment imbalances, and pressures on rocky shore habitats from trampling, marine debris, and removal of species. Targeted activities may include, among others, research on methodologies for kelp restoration and monitoring, development of sediment models and nature-based solutions to address erosion and sediment imbalances, monitoring of sandy shore and rocky shore habitat, removal of marine debris, and multi-agency and community engagement.
- *Improve understanding of, and protect and restore, deep sea habitats with a focus on areas that are sensitive and unique, slow to recover and are at the highest risk of injury.* This priority activity addresses data gaps and management needs that exist for deep sea habitats of GFNMS/CBNMS including areas with rare structure-forming corals, rare sponges, and unique geological features. Targeted activities may include, among others, seafloor mapping, remotely-operated vehicle surveys, and engagement with management agencies and the Pacific Fishery Management Council.
- *Research and monitor the open ocean, with a focus on species, variability, ecosystem health, and environmental changes.* This priority activity addresses information needs to understand and protect the largest habitat type of GFNMS/CBNMS, the open ocean, the status of which is fundamental to habitat quality and species health through the sanctuaries, and which is vulnerable to environmental change and pollution. Targeted activities may include, among others, continuing long-term monitoring through the Applied California Current Ecosystem Studies project, continued deployments of oceanographic and acoustic moorings to track status and trends, partnerships to study environmental change, and multi-agency engagement for water quality monitoring and addressing stressors.
- *Prevent harm to wildlife and support healthy populations in the sanctuaries, with a focus on marine mammals and birds.* This priority activity addresses human disturbances to wildlife, such as those from overflights, ships strikes, and oil spills. Targeted activities may include, among others, monitoring of wildlife populations to understand status and trends, and community engagement to reduce stressors to wildlife.
- *Increase public awareness, appreciation, and sustainable use of sanctuaries, with a focus on volunteers, school and community education, and visitor facilities and exhibits.* This priority activity aims to enhance public awareness, understanding, appreciation, and sustainable use of sanctuary resources. Targeted activities may include, among others, school programs, visitor center programs, community lectures, and public communication through digital media and exhibits.
- *Protect and restore Bolinas Lagoon and Tomales Bay, with a focus on habitat and ecosystem function.* This priority activity addresses stressors that affect the ecosystem health of these two important estuarine areas, such as land use impacts; habitat degradation; disturbance from structures, vessels, or moorings; marine debris; and invasive species. Targeted activities may include, among others, continuing vessel management and marine debris removal projects to allow for passive restoration, and multi-jurisdictional engagement on visitor use issues and restoration projects.

In addition to these priority activities, NOAA must ensure that the sanctuaries respond to emergencies, assess damages to sanctuary resources, support law

enforcement, facilitate uses that are compatible with the primary objective of resource protection, and administer permits to protect America's natural, cultural, and historic resources as required by the NMSA. NOAA must also ensure that there are adequate facilities, infrastructure, and operational assets to support the priorities.

NOAA is also interested in receiving input on:

- The effectiveness of current NOAA programs, including resource protection, education and outreach, and research and monitoring for GFNMS/CBNMS;
- NOAA's implementation of GFNMS/CBNMS regulations and issuance of permits; and
- The effectiveness of NOAA's personnel and infrastructure (*e.g.,* staffing, offices, visitor centers, vessels, exhibits, etc.) for meeting mission requirements associated with GFNMS/CBNMS.

Authority: 16 U.S.C. 1431 *et seq.*

John Armor,

Director, Office of National Marine Sanctuaries, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. 2026–13932 Filed 7–9–26; 8:45 am]

BILLING CODE 3510–NK–P

DEPARTMENT OF DEFENSE

Department of the Air Force

Notice Is Given of the Names of Members of the Performance Review Board for the Department of the Air Force

AGENCY: Department of the Air Force.

ACTION: Notice.

SUMMARY: Notice is given of the names of members of the 2026 Performance Review Board for the Department of the Air Force.

DATES: June 22, 2026.

FOR FURTHER INFORMATION CONTACT: Please direct any written comments or requests for information to Ms. Jacquelyn Salkeld, Department of the Air Force Civilian Senior Executive Management Office, SAF/MRL, 1660 Air Force Pentagon, Washington, DC 20330–1040, (Primary POC: PH: 703–693–6447; or via email at *jacquelyn.salkeld.2@us.af.mil*).

SUPPLEMENTARY INFORMATION: Pursuant to 5 U.S.C. 4314(c)(1–5), the Department of the Air Force announces the appointment of members to the Air Force's Senior Executive Service Performance Review Board. Appointments are made by the authorizing official. Each board member shall review and evaluate performance scores provided by the Senior Executive's rater/immediate supervisor. Performance standards must be applied consistently across the Air Force. The board will make final recommendations to the authorizing official relative to the performance of the executive.

The members of the 2025 Performance Review Board for the Air Force are:

1. Honorable Richard Anderson (Chair), Assistant Secretary of the Air Force for Manpower and Reserve Affairs
2. General Shawn Bratton (Co-Chair), Vice Chief, Space Operations, United States Space Force
3. General John Lamontagne (Co-Chair), Vice Chief, United States Air Force
4. LTG Richard Zellman, Deputy Commander, United States Space Command
5. Mr. William Bailey, Principal Deputy Assistant Secretary, Acquisition, Technology & Logistics, Office of the Secretary of the Air Force
6. Ms. Shannon McGuire, Principal Deputy General Counsel for the Department of the Air Force
7. Mr. John Stoneburg, Executive Director to the Assistant Secretary of the Air Force for Manpower and Reserve Affairs
8. Mr. Edwin Oshiba, Administrative Assistant, Office of the Secretary of the Air Force
9. Ms. Katharine Kelley, Deputy Chief of Space Operations for Human Capital, United States Space Force
10. Acting, Assistant Deputy Chief of Staff for Manpower, Personnel and Services
11. Ms. Kathy Watern, Executive Director, Air Force Materiel Command
12. Mr. Sean Dalton (Legal Advisor), Deputy General Counsel for Fiscal, Ethics, and Administrative Law
13. Ms. Avis McAllister (Legal Advisor), Associate General Counsel of the Air Force

Robert E. Bivins,

Air Force Federal Register Liaison Officer.

[FR Doc. 2026–13914 Filed 7–9–26; 8:45 am]

BILLING CODE 3911–44–P

DEPARTMENT OF DEFENSE

Department of the Air Force

Notice of Federal Advisory Committee Meeting

AGENCY: Board of Visitors of the U.S. Air Force Academy (BoV AFA), Department of the Air Force.

ACTION: Notice of partially closed Federal advisory committee meeting.

SUMMARY: The Department of Defense is publishing this notice to announce that the following Federal advisory committee meeting of the Board of Visitors of the U.S. Air Force Academy (BoV AFA) will take place.

DATES: Open to the public Monday, July 20, 2026 from approximately 1:20 p.m. to 3:15 p.m. Eastern Time Zone (ET). Closed to the public from approximately 1:00 p.m. to 1:20 p.m. ET.

ADDRESSES: The meeting will occur virtually. The link for the virtual meeting accessible to the public can be found at: *https://www.usafa.edu/about/bov/* and will be active approximately thirty minutes before the start of the meeting.

FOR FURTHER INFORMATION CONTACT: *Designated Federal Officer:* Dr. Raquel Rimpola, *USAFA.HQ.BOV@us.af.mil,* 703–693–2767, 1660 Air Force Pentagon, Washington, DC 20330–1660.

Alternate Designated Federal Officer: Ms. Blaire Brush, *USAFA.HQ.BOV@us.af.mil,* 2304 Cadet Drive, Suite 3200, USAF Academy, CO 80840–5025.

USAFA BoV Website: https://www.usafa.edu/about/bov/. Contains information on the Board of Visitors, link to the virtual meeting, and approved meeting agenda.

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of the Federal Advisory Committee Act (FACA) (5 U.S.C. 1001 *et seq.*), the Government in the Sunshine Act (5 U.S.C. 552b), and 41 CFR 102–3.140 and 102–3.150.

Pursuant to 41 CFR 102–3.140d, the committee is not obligated to allow a member of the public to speak or otherwise address the committee during the meeting and members of the public attending the committee meeting will not be permitted to present questions from the floor or speak to any issue under consideration of the committee.

Purpose of the Meeting: In accordance with 10 U.S.C. 9455(e)(1), the BoV AFA provides independent advice and recommendations to the Secretary of War, through the Secretary of the Air Force, on matters relating to the U.S. Air Force Academy (USAFA), including morale, discipline, and social climate, the curriculum, instruction, physical equipment, fiscal affairs, academic methods, and other matters relating to the USAFA that the BoV AFA decides to consider. This is a 2026 Organizational Meeting of the BoV AFA.

The closed meeting from 1:00 p.m. to 1:20 p.m. ET on July 20, 2026, will consist of discussions of personnel

actions that are pre-decisional in nature of which premature disclosure may significantly impact the implementation of a proposed action. For this reason, a portion of this meeting will be closed to the public, as the discussion of such information cannot be adequately segregated from other topics, which precludes opening the closed meeting to the public. The Principal Deputy Assistant Secretary of the Air Force for Manpower and Reserve Affairs, in consultation with the Office of General Counsel, has determined in writing that the meeting shall be partially closed to the public because the discussions during the closed meeting will be concerned with matters protected under section 552b(c)(9) of title 5, U.S.C.

Authority: 5 U.S.C. 552b.

Written Statements: Pursuant to 41 CFR 102–3.105(j) and section 102–3.140 and section 1009(a)(3) of FACA, any member of the public wishing to provide input to the BoV AFA may submit a written statement. The public or interested organizations may submit written comments or statements to the Board about its mission and/or the topics to be addressed in the open sessions of this public meeting. Written comments or statements should be submitted to the Alternate Designated Federal Officer via electronic mail, at the email address listed in the **FOR FURTHER INFORMATION CONTACT** section in the following formats: Adobe Acrobat and/or Microsoft Word. The comment or statement must include the author's name, title, affiliation, address, and daytime telephone number. Written comments or statements being submitted in response to the agenda set forth in this notice must be received at least five (5) business days prior to the meeting so they may be made available to the BoV Chairman for consideration prior to the meeting. Written comments or statements received after July 13, 2026, may not be provided to the BoV until its next meeting. Please note that because the BoV operates under FACA, all written comments will be treated as public documents and will be made available for public inspection.

Disability and Language Accommodations: Please direct any requests for disability or language accommodations to the Alternate Designated Federal Officer in the **FOR FURTHER INFORMATION CONTACT** section above.

Robert E. Bivins,

Air Force Federal Register Liaison Officer.

[FR Doc. 2026–13913 Filed 7–9–26; 8:45 am]

BILLING CODE 3911–44–P

DEPARTMENT OF DEFENSE

Department of the Army

[Docket ID: USA–2026–HQ–0463]

Privacy Act of 1974; System of Records

AGENCY: Department of the Army, Department of Defense (DoD).

ACTION: Notice of a modified system of records.

SUMMARY: In accordance with the Privacy Act of 1974, the Department of the Army is modifying and reissuing a current system of records titled, Defense Casualty Information Processing System (DCIPS), A0600–8–1c AHRC DoD. This system of records was established to collect and maintain records on the management of casualty and mortuary affairs across DoD. This system of records notice (SORN) is being updated to incorporate the DoD standard routine uses (A through J), and to add a new routine use (M) to allow for sharing with the Executive Office of the President for the purpose of responding to inquiries from and support the families of service members. The Army is also modifying additional sections to improve clarity and reflect changes.

DATES: This system of records is effective upon publication; however, comments on the Routine Uses will be accepted on or before August 10, 2026. The Routine Uses are effective at the close of the comment period, unless comments have been received from interested members of the public that require modification and republication of the notice.

ADDRESSES: You may submit comments, identified by docket number and title, by either of the following methods:

- *Federal Rulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Department of Defense, Office of the Director of Administration and Management, Oversight and Compliance Directorate, Regulatory Division, 4800 Mark Center Drive, Attn: Mailbox 24, Suite 05F16, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name and docket number for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *https://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Ms. Joyce Luton, Department of the Army, Army Records Management Directorate: Attention Army Privacy and Civil Liberties Office, 9301 Chapek Road (Building 1458), Fort Belvoir, VA 22060–5605; *usarmy.belvoir.hqda-cio.mbx.armd-apclb-pia-sorn-ssnj@army.mil;* or by calling (520) 673–3981.

SUPPLEMENTARY INFORMATION:

I. Background

The DCIPS serves as the single joint military casualty and mortuary affairs information processing system. It supports the accounting and reporting of casualties and eligible family members, tracks associated benefits, coordinates mortuary affairs activities, and facilitates the return of personal effects and human remains. Subject to public comment, the Army proposes to update this SORN to add the standard DoD routine uses (routine uses A through J) and a new routine use for data sharing with the Executive Office of the President (routine use M). Additionally, the following sections of this SORN are being modified: (1) the System Location to reflect the latest Department organizational locations, (2) the System Manager to update organizational names and addresses, (3) the Authorities for Maintenance of the System to add new authorities and update the ones that have changed, (4) the Policies and Practices for Storage of Records to reflect updates to maintenance procedures and practices in accordance with current Department policy and procedures, (5) the Administrative, Technical, and Physical Safeguards to reflect latest security procedures and practices in accordance with current Department policy and procedures, (6) and the Contesting and Notification Procedures to reflect the latest regulations.

DoD SORNs are published in the **Federal Register** and are available from the address in **FOR FURTHER INFORMATION CONTACT** or at the Oversight and Compliance Directorate, Privacy and Civil Liberties Division website at *https://pclt.defense.gov/DIRECTORATES/Privacy-and-Civil-Liberties-Directorate/Privacy/SORNs/.*

II. Privacy Act

Under the Privacy Act, a ''system of records'' is a group of records under the control of an agency from which information is retrieved by the name of an individual or by some identifying number, symbol, or other identifying particular assigned to the individual. In the Privacy Act, an individual is defined as a U.S. citizen or lawful permanent resident.

In accordance with 5 U.S.C. 552a(r) and Office of Management and Budget (OMB) Circular No. A–108, DoD has provided a report of this system of records to the OMB and to Congress.

Dated: July 7, 2026.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

SYSTEM NAME AND NUMBER:

Defense Casualty Information Processing System (DCIPS), A0600–8–1c AHRC DoD.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Department of Defense (Department or DoD), located at 1000 Defense Pentagon, Washington, DC 20301–1000, and other Department installations, offices, or mission locations. Information may also be stored within a government-certified cloud, implemented, and overseen by the Department's Chief Information Officer (CIO), 6000 Defense Pentagon, Washington, DC 20301–6000.

SYSTEM MANAGER(S):

A. Office of the Under Secretary of Defense, Personnel and Readiness, Military Severely Injured Joint Support Operations Center, 4800 Mark Center Drive, Alexandria, VA 22350–9000. *whs.mc-alex.esd.mbx.osd-js-foia-requester-service-center@mail.mil.*

B. Commander, U.S. Army Human Resources Command, Casualty and Mortuary Affairs. Operations Division (CMAOD), 1600 Spearhead Division Avenue, Fort Knox, KY 40122–5001. *usarmy.belvoir.hqda-esa.mbx.rmda-foia-public-liaison@army.mil.*

C. Commander, Headquarters Air Force Personnel Center, Casualty Services Branch (DPFCS), 550 C Street W, Randolph Air Force Base, TX 78150–4703. *daf.foia@us.af.mil.*

D. Commander, Navy Personnel Command, Casualty Assistance Division (PERS–130), 5720 Integrity Drive, Millington, TN 38055–3130. *usn.ncr.dns.mbx.don-foia-pa@us.navy.mil.*

E. Commandant of the Marine Corps Headquarters, U.S. Marine Corps, Manpower and Reserve Affairs, Casualty Section (MFPC), 3280 Russell Road, Quantico, VA 22134–5101. *hqmcfoia@usmc.mil.*

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 136, Under Secretary of Defense for Personnel and Readiness; 10 U.S.C 7013, Secretary of the Army, 10 U.S.C. 8013, Secretary of the Navy, 10 U.S.C. 8043, Commandant of the Marine Corps, 10 U.S.C. 9013, Secretary of the Air Force; 10 U.S.C. 1475–1491, Death Benefits; DoD Directive 1300.22, Mortuary Affairs Policy; DoD Instructions (DoDI) 1300.15, Military Funeral Support; DoDI 1300.18, DoD Personnel Casualty Matters, Policies, and Procedures; Office of the Assistant Secretary of Defense Memorandum, Subject: Defense Casualty Information Processing System, dated Oct 22, 1999; and E.O. 9397 SSN, as amended.

PURPOSE(S) OF THE SYSTEM:

To provide DoD with a single joint military casualty information processing system; to provide support for the management of casualty and mortuary affairs by the Services Casualty and Mortuary Affairs Offices; to respond to inquiries; to provide statistical data comprising type, number, place and cause of incident to DoD Services' members; and to support the families of service members.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Department of Defense military personnel (active component and reserve component) and their family members; DoD civilian personnel, retired service members, non-DoD civilians, and other individuals that are reported as casualties.

CATEGORIES OF RECORDS IN THE SYSTEM:

A. Biographical Information: Individual's name, Social Security Number (SSN), date of birth, sex, race, religion, citizenship, DNA tracking information, employment information, financial information, mailing/home address, marital status, medical information, mother's maiden name, mother's middle name, other names used, personal cell telephone number, personal email address, place of birth.

B. Contact Information: Home of record, and other pertinent information, emergency contact, home contact and address information, personal telephone number.

C. Military Information: Branch of service, organization, duty, Army rank and military occupational specialty (MOS), Air Force Specialty Code (AFSC) and rank, Navy rank and rate, Marine Corp rank and specialty code, personnel records, inquiries from other agencies and individuals, disability information, internal system ID number.

D. Casualty Information: biometrics; casualty information (cause, circumstances, injuries observed postmortem, injury/illness description, location of death, status, and treatment facility); cemetery contact and address information, funeral, genealogy information.

E. Beneficiary Information: Correspondence with family members, child information, Dependency and Indemnity Compensation beneficiary information, Servicemembers' Group Life Insurance (SGLI) beneficiary information, spouse's truncated SSN.

F. Law Enforcement Information: Incarcerated next-of-kin, legal status.

RECORD SOURCE CATEGORIES:

Records and information stored in this system of records are obtained from casualty reports and investigations received from commander, medical personnel, medical examiners, and other related official sources.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, as amended, all or a portion of the records or information contained herein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

A. To contractors, grantees, experts, consultants, students, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for the Federal Government when necessary to accomplish an agency function related to this system of records.

B. To the appropriate Federal, State, local, territorial, tribal, foreign, or international law enforcement authority or other appropriate entity where a record, either alone or in conjunction with other information, indicates a violation or potential violation of law, whether criminal, civil, or regulatory in nature.

C. To any component of the Department of Justice for the purpose of representing the DoD, or its components, officers, employees, or members in pending or potential litigation to which the record is relevant and necessary.

D. In an appropriate proceeding before a court, grand jury, or administrative or adjudicative body or official, when the DoD or other Agency representing the DoD determines that the records are relevant and necessary to the proceeding; or in an appropriate proceeding before an administrative or adjudicative body when the adjudicator determines the records to be relevant to the proceeding.

E. To the National Archives and Records Administration (NARA) for the purpose of records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

F. To a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of, and at the request of, the individual who is the subject of the record.

G. To appropriate agencies, entities, and persons when (1) the DoD suspects or confirms a breach of the system of records; (2) the DoD determines as a result of the suspected or confirmed breach there is a risk of harm to individuals, the DoD (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the DoD's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

H. To another Federal agency or Federal entity, when the DoD determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

I. To another Federal, State or local agency, in coordination with an Office of Inspector General, for the purpose of conducting an audit, investigation, inspection, evaluation, or other review as authorized by the Inspector General Act of 1978, as amended.

J. To such recipients and under such circumstances and procedures as are mandated by Federal statute or treaty.

K. To the Department of Veterans Affairs, Social Security Administration, Office of Personnel Management, Department of Labor, Department of Homeland Security (including the U.S. Coast Guard), and other Federal Agencies in connection with eligibility, notification and assistance in obtaining benefits due.

L. To authorize family members (*e.g.*, immediate Next of Kin (NOK)) or other authorized representatives of the injured or deceased DoD personnel to aid in the arrangement of bedside travel, medical and supportive care, and/or settlement of the member's estate.

M. To the Executive Office of the President, White House Office Presidential Correspondence, to respond to inquiries from and support the families of service members. When this routine use is utilized, information disclosed will typically include only confirmation of the names of NOK, NOK status, and NOK contact information.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records may be stored electronically or on paper in secure facilities in a locked drawer behind a locked door. The records may be stored on magnetic discs, tape, or digital media; in agency-owned cloud environments; or in vendor Cloud Service Offerings certified under the Federal Risk and Authorization Management Program (FedRAMP).

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records may be retrieved by individual's name and/or SSN or the last four digits of the spouse's SSN.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records are maintained in accordance with the NARA approved disposition authority N1–AU–09–030.

A. For Primary System Manager (Army): Records are permanent. Keep in current file area until no longer needed for conducting business, then retire to Records Holding Area (RHA)/Army Electronic Archive (AEA). Transfer a snapshot of the DCIPS Master File to AEA annually at the end of the fiscal year. The AEA will transfer a snapshot of DCIPS to NARA one year after the signature by the Archivist of the United States. Thereafter, the AEA will transfer a snapshot of DCIPS to NARA every two years. Legal custody of each snapshot will transfer to NARA when the record is 25 years old.

B. For local/service level casualty offices: Keep in current file area until record is 2 years old, and then destroy.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

DoD safeguards records in this system of records according to applicable rules, policies, and procedures, including all applicable DoD automated systems security and access policies. DoD administrative safeguards include policies requiring the use of controls to minimize the risk of compromise of personally identifiable information (PII) in paper and electronic form and restrict access to those individuals who have a need-to-know and appropriate clearances. Additionally, DoD has established security audit and accountability policies and procedures which support the safeguarding of PII and detection of incidents involving PII (breaches). DoD also employs administrative controls including mandatory cyber assurance and privacy training for individuals who will have access; identification, marking, and safeguarding of PII. Personnel, including contractors, must pass a background investigation and receive a security clearance, when necessary. Personnel must also sign nondisclosure documents. DoD routinely employs technical safeguards such as the following: multifactor authentication including presentation of a Common Access Card (CAC) and password; and use of a physical token. Other technological controls are employed such as network encryption to protect data transmitted over the network; disk encryption securing disks storing data; key management services to safeguard encryption keys; masking of sensitive data as practicable; detection and electronic alert systems for access to servers and other network infrastructure; and electronic intrusion detection systems in DoD facilities. Computerized records in a controlled area accessible only to authorized personnel. Records are maintained in a controlled facility and physical entry is restricted by the use of locks, guards, and is accessible only to authorized personnel. Physical and electronic access is restricted to designated individuals having a need for access in the performance of official duties and who are properly screened and cleared for need-to-know.

RECORD ACCESS PROCEDURES:

Individuals seeking access to their records should address written inquiries to the appropriate service-level system manager listed in the ''System Manager(s)'' section. For verification purposes, individuals should provide their full name, SSN, last four only if spouse, any details which may assist in locating records, and their signature. In addition, the requester must provide either a notarized statement or an unsworn declaration made in accordance with 28 U.S.C. 1746, in the appropriate format:

If executed outside the United States: ''I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature).''

If executed within the United States, its territories, possessions, or commonwealths: ''I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature).''

CONTESTING RECORD PROCEDURES:

The DoD rules for accessing records, contesting contents, and appealing initial Component determinations are

contained in 32 CFR part 310, or may be obtained from the system manager.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether information about themselves is contained in this system of records should follow the instructions for Record Access Procedures above.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

May 03, 2011, 76 FR 24865.

[FR Doc. 2026–13931 Filed 7–9–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF EDUCATION

National Assessment Governing Board

Committee and Quarterly Board Meetings

AGENCY: National Assessment Governing Board, Department of Education.

ACTION: Notice of open and closed meetings.

SUMMARY: This notice sets forth the agenda, time, and instructions to access the National Assessment Governing Board's (hereafter referred to as the Board or Governing Board) standing committee meetings and quarterly Governing Board meeting. This notice provides information to members of the public who may be interested in attending the meetings and/or providing written comments related to the work of the Governing Board. The meetings will be held either in person and/or virtually, as noted below. Members of the public, whether participating in person or virtually must register in advance. A registration link will be posted on the Governing Board's website, *www.nagb.gov,* no later than five (5) business days prior to each meeting.

DATES: The Quarterly Board Meeting and Standing Committee meetings will be held on the following dates:

Quarterly Board Meeting

August 6, 2026, from 9:30 a.m. to 5:30 p.m., EDT

August 7, 2026, from 9:15 a.m. to 12:00 p.m., EDT

Standing Committee Meetings

Executive Committee

August 6, 2026, from 8:15 a.m. to 9:30 a.m., EDT

Assessment Development Committee

August 6, 2026, from 3:45 p.m. to 5:30 p.m., EDT

Committee on Standards, Design and Methodology

August 6, 2026, from 3:45 p.m. to 5:30 p.m., EDT

Reporting and Dissemination Committee

August 6, 2026, from 3:45 p.m. to 5:30 p.m., EDT

Nominations Committee

August 7, 2026, from 8:00 a.m. to 9:00 a.m., EDT

ADDRESSES: TBD.

FOR FURTHER INFORMATION CONTACT: Angela Scott, Designated Federal Officer (DFO) for the Governing Board, 400 Maryland Avenue SW, Washington, DC 20202, telephone: (202) 245–6234, email: *Angela.Scott@ed.gov.*

SUPPLEMENTARY INFORMATION:

Statutory Authority and Function: The Governing Board is established under the National Assessment of Educational Progress Authorization Act (20 U.S.C. 9621). Information on the Governing Board and its work can be found at *www.nagb.gov.* Notice of the meetings is required under section 1009(a)(2) of 5 U.S.C. chapter 10 (commonly known as the Federal Advisory Committee Act). The Governing Board formulates policy for the National Assessment of Educational Progress (NAEP) administered by the National Center for Education Statistics (NCES). The Governing Board's responsibilities include:

(1) selecting the subject areas to be assessed; (2) developing appropriate student achievement levels; (3) developing assessment objectives and testing specifications that produce an assessment that is valid and reliable, and are based on relevant widely accepted professional standards; (4) developing a process for review of the assessment which includes the active participation of teachers, curriculum specialists, local school administrators, parents, and concerned members of the public; (5) designing the methodology of the assessment to ensure that assessment items are valid and reliable, in consultation with appropriate technical experts in measurement and assessment, content and subject matter, sampling, and other technical experts who engage in large scale surveys; (6) measuring student academic achievement in grades 4, 8, and 12 in the authorized academic subjects; (7) developing guidelines for reporting and disseminating results; (8) developing standards and procedures for regional and national comparisons; (9) taking appropriate actions needed to improve the form, content use, and reporting of results of an assessment; and (10) planning and executing the initial public release of NAEP results.

Standing Committee Meetings

The Governing Board's standing committees will meet to conduct regularly scheduled work. Standing committee meeting agendas and meeting materials will be posted on the Governing Board's website, *www.nagb.gov,* no later than five (5) business days prior to the meetings. Members of the public may attend the open sessions and may register via the website. Minutes of prior standing committee meetings are available at *https://www.nagb.gov/governing-board/quarterly-board-meetings.html.*

Standing Committee Meetings

Thursday, August 6, 2026

Executive Committee (In-Person)

8:15 a.m.–8:45 a.m. (EDT), Open Session
8:45 a.m.–9:30 a.m. (EDT), Closed Session

The Executive Committee will meet in open session on Thursday, August 6, 2025, from 8:15 a.m. to 8:45 a.m., followed by a closed session from 8:45 a.m. to 9:30 a.m. During the open session from 8:15 a.m. to 8:45 a.m., the committee will discuss the nomination of the Governing Board's Vice Chair for the 2026–2027 term, receive updates from the Governing Board's Executive Director, review the NAGB budget and discuss the Trends in Urban Districts Assessment (TUDA).

The committee will meet in closed session from 8:45 a.m. to 9:30 a.m., to discuss the NAEP Civics Framework and nominees for the Civics panel. This session will be closed because the discussion will involve internal personnel policies and personal information. Public disclosure of this information would constitute a clearly unwarranted invasion of privacy. These discussions are protected from public disclosure under exemptions 2 and 6 of the Government Sunshine Act, 5 U.S.C. 552b(c) .

Assessment Development Committee (In-Person)

3:45 p.m.–5:30 p.m. (EDT), Closed Session

The Assessment Development Committee will convene in closed session on Thursday, August 6, 2026, from 3:45 p.m. to 5:30 p.m. From 3:45 p.m. to 4:15 p.m., the committee will review concept sketches for the 2030

NAEP Mathematics at grade 8. From 4:15 p.m. to 5:30 p.m., the committee will receive an update regarding contracts for the NAEP Civics Framework and Content Advisory Group. This meeting will be closed to the public because it will involve discussion of unreleased assessment information and confidential budget and procurement information. Public disclosure of this information would reveal unreleased assessment content, and proprietary contract costs of the current NAEP contractors, independent government cost estimates for future assessments, and would have an adverse financial effect and significantly impede the implementation of future assessments if conducted in open session. These matters are protected from public disclosure under exemption 9(B) of the Government Sunshine Act, 5 U.S.C. 552b.

Committee on Standards, Design and Methodology (In-Person)

3:45 p.m.–4:30 p.m. (EDT), Open Session
4:30 p.m.–5:30 p.m. (EDT) Closed Session

The Committee on Standards, Design and Methodology will meet on Thursday, August 6, 2026, in open session from 3:45 p.m. to 4:30 p.m. to discuss the recently awarded contract to revise the Reading and Math Reporting Achievement Level Descriptions.

The committee will meet in closed session from 4:30 p.m. to 5:30 p.m. to receive briefings on 2026 methodology efforts involving preliminary data that is not ready to be released to the public. Public disclosure of this data would significantly impede the implementation of the assessment and compromise its integrity. These matters are protected from public disclosure under exemption 3 of the Government Sunshine Act, 5 U.S.C. 552b.

Reporting and Dissemination Committee (In-Person)

3:45 p.m.–5:30 p.m. (EDT), Open Session

The Reporting and Dissemination Committee will meet on Thursday, August 6, 2026, in open session from 3:45 p.m. to 5:30 p.m. After opening remarks by the Committee Chair, committee members will learn about the release of the NAEP Long-Term Trend reading and math results for 9-year-olds and 13-year-olds as well as other communications efforts since the May 2026 quarterly meeting. The committee will then discuss the purpose and content of the NAEP student, teacher, and school administrator questionnaires.

Friday, August 7, 2026

Nominations Committee (In-Person)

8:00 a.m.–9:00 a.m. (EDT), Closed Session

The Nominations Committee will meet in closed session on Friday, August 7, 2026, from 8:00 a.m. to 9:00 a.m. to receive an update on member appointments for terms beginning October 1, 2026, and preparation for the 2027 nominations cycle. The discussion pertains solely to internal personnel rules and practices of an agency and information of a personal nature where disclosure would constitute a clearly unwarranted invasion of privacy. As such the discussions are protected by exemptions 2 and 6 of the Government Sunshine Act, 5 U.S.C. 552b(c).

Quarterly Governing Board Meeting

The plenary sessions of the Governing Board's August 2026 quarterly meeting will be held on the following dates and times:

Thursday, August 6, 2026

9:30 a.m.–3:35 p.m. (EDT) (Hybrid Meeting)
9:30 a.m.–10:30 a.m. (EDT), Open Session
10:30 a.m.–11:30 a.m. (EDT), Closed Session
11:30 a.m.–3:35 p.m. (EDT), Open Session

On Thursday, August 6, 2026, the Board will meet in open session from 9:30 a.m. to 10:30 a.m. From 9:30 a.m. to 9:45 a.m. Mark White, Chair of the Governing Board, will welcome members, review and approve the August 2026 agenda, and approve the May 2026 meeting minutes. The Board will consider the recommendation by the Executive Committee and vote on the nominee to serve as Governing Board Vice Chair for the term October 1, 2026–September 30, 2027. From 9:45 a.m. to 10:00 a.m., Lesley Muldoon, Governing Board Executive Director, will provide updates on the Board's work. Matthew Soldner, Acting Commissioner, NCES, will report on key activities at NCES from 10:00 a.m. to 10:15 a.m.

Following a transitional break from 10:15 a.m. to 10:30 a.m., the Board will convene in closed session from 10:30 a.m. to 11:30 a.m. to receive an update from Matthew Soldner and Gina Ruehl, NCES, on the NAEP Budget and Assessment Schedule. These discussions will include confidential budget, procurement, and unreleased assessment information. Public disclosure of this information would reveal proprietary contract costs of the current NAEP contractors, independent government cost estimates for future assessments, and unreleased assessment content, and would have an adverse financial effect and significantly impede the implementation of future assessments if shared in open session. These matters are protected from public disclosure under exemption 9(B) of the Government Sunshine Act, 5 U.S.C. 552b.

The Governing Board will reconvene in open session from 11:30 a.m. to 3:35 p.m. From 11:30 a.m. to 12:45 p.m., the Board will receive an update and discuss the Next Generation NAEP project. Following a fifteen-minute transition break, the Board will convene in Next Generation NAEP small group sessions from 1:00 p.m. to 2:20 p.m. The Governing Board will reconvene in the plenary session from 2:30 p.m. to 3:15 p.m. to debrief the work of the small group sessions, followed by a member discussion on topics of interest from 3:15 p.m. to 3:35 p.m. The plenary session on Thursday, August 6, 2026, will adjourn at 3:35 p.m.

Friday, August 7, 2026

9:15 a.m.–12:00 p.m. (EDT) (Hybrid Meeting)
9:15 a.m.–10:45 a.m. (EDT), Closed Session
10:45 a.m.–12:00 p.m. (EDT), Open Session

On Friday, August 7, 2026, the Board will convene in closed session from 9:15 a.m. to 10:45 a.m. and in open session from 10:45 a.m. to 12:00 p.m. From 9:15 a.m. to 10:45 a.m., the Board will discuss the participation of students with disabilities in NAEP. This session must be closed because the presentation and discussion will include embargoed information regarding participation and exclusion rates for the 2026 NAEP assessment administration, which must remain confidential. Public disclosure of this data would significantly impede the implementation of the assessment and compromise its integrity. These matters are protected from public disclosure under exemption 3 of the Government Sunshine Act, 5 U.S.C. 552b.

After a short transitional break to open session, the Board will receive a briefing on the NAEP State Mapping Study from 10:45 a.m. to 11:30 a.m. and outgoing members will deliver farewell remarks from 11:30 a.m. to 12:00 p.m. The August 2026 Governing Board meeting will adjourn at 12:00 p.m.

Instructions for Accessing and Attending the Meetings

Registration: Members of the public may attend open sessions of the standing committee meetings and the full Governing Board on August 6–7, 2026, either in person or virtually. A link to the final meeting agenda and information on how to register for the open and closed sessions will be posted on the Governing Board's website, *www.nagb.gov,* no later than five (5) business days prior to the meeting. Registration is required to attend the meeting, whether in person or virtually.

Public Comment: Written comments related to the work of the Governing Board and its standing committees may be submitted to the attention of the DFO, either via email to *Angela.Scott@ed.gov* or in hard copy to the address listed above in the For Further Information Contact section. Written comments related to the standing committee meetings and the full Governing Board meeting should be submitted no later than close of business five days prior to each meeting and should reference the relevant agenda item.

Access to Records of the Meeting: Pursuant to 5 U.S.C. 1009, the public may inspect the meeting materials and other Governing Board records at 400 Maryland Avenue SW, Washington, DC 20202, by emailing *Angela.Scott@ed.gov* to schedule an appointment. The official verbatim transcripts of the open meeting sessions will be available for public inspection no later than 30 calendar days following each meeting. Requests for the verbatim transcriptions may be made via email to the DFO.

Reasonable Accommodations: The meeting location is accessible to individuals with disabilities. If you need auxiliary aid or service to participate in the meeting (for example, an interpreter, assistive listening device, or materials in alternate format), notify the DFO listed in this notice by close of business on July 29, 2026.

Electronic Access to this Document: The official version of this document is the one published in the **Federal Register**. Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available through GovInfo at *www.govinfo.gov.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF, you must have Adobe Acrobat Reader, which is available free at the Adobe website. You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Authority: Pub. L. 107–279, title III, section 301—National Assessment of Educational Progress Authorization Act (20 U.S.C. 9621).

Lesley Muldoon,

Executive Director, National Assessment Governing Board (NAGB), U. S. Department of Ed.

[FR Doc. 2026–13951 Filed 7–9–26; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Energy Information Administration

Agency Information Collection Extension

AGENCY: U.S. Energy Information Administration (EIA), Department of Energy (DOE).

ACTION: Notice and request for comments.

SUMMARY: EIA invites public comment on the proposed collection of information, EIA–914, *Monthly Crude Oil and Lease Condensate, and Natural Gas Production Report,* as required under the Paperwork Reduction Act of 1995. EIA is requesting a three-year extension of Form EIA–914 *Monthly Crude Oil and Lease Condensate, and Natural Gas Production Report.* The survey collects monthly data on production and sales of natural gas, and crude oil and lease condensate. The data provide timely and useful information on the nation's production and sales of crude oil and natural gas.

DATES: EIA must receive all comments on this proposed information collection no later than September 8, 2026. If you anticipate any difficulty in submitting comments within that period, contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice as soon as possible.

ADDRESSES: You may submit comments, identified by OMB control number 1905–0205, by email at *EIA-FRNcomments@eia.gov.* Include the OMB control number listed in the subject line of the message.

FOR FURTHER INFORMATION CONTACT: If you need additional information, please contact: Debra Coaxum, U.S. Energy Information Administration Clearance Officer, at (202)586–7876. The *form* and *instructions* are available on EIA's website at: *https://www.eia.gov/survey/#eia-914.*

SUPPLEMENTARY INFORMATION: This information collection request contains:

(1) *OMB No.:* 1905–0205;

(2) *Information Collection Request Title:* Monthly Crude Oil and Lease Condensate, and Natural Gas Production Report;

(3) *Type of Request:* Thee-year extension of the currently approved Form EIA–914.

(4) *Purpose:* Form EIA–914 *Monthly Crude Oil and Lease Condensate, and Natural Gas Production Report* collects monthly data on natural gas production, and crude oil and lease condensate production, and crude oil and lease condensate in 17 states/areas (Arkansas, California (including State Offshore), Colorado, Federal Offshore Gulf of America, Kansas, Louisiana (including State Offshore), Montana, New Mexico, North Dakota, Ohio, Oklahoma, Pennsylvania, Texas (including State Offshore), Utah, West Virginia, Wyoming, and Other States (defined as all remaining states except Alaska and includes Federal Offshore Pacific). The data appear in the EIA publications, *Monthly Energy Review, Petroleum Supply Annual* volumes, *Petroleum Supply Monthly, Natural Gas Annual,* and *Natural Gas Monthly.*

(5) *Annual Estimated Number of Respondents:* 400.

(6) *Annual Estimated Number of Total Responses:* 4,800.

(7) *Annual Estimated Number of Burden Hours:* 14,400.

(8) *Annual Estimated Reporting and Recordkeeping Cost Burden:* $1,367,136 (14,400 burden hours times $94.94). EIA estimates that respondents will have no additional costs associated with the surveys other than the burden hours and that the information is maintained during the normal course of business.

Comments are invited on whether or not: (a) The proposed collection of information is necessary for the proper performance of agency functions, including whether the information will have a practical utility; (b) EIA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used, is accurate; (c) EIA can improve the quality, utility, and clarity of the information it will collect; and (d) EIA can minimize the burden of the collection of information on respondents, such as automated collection techniques or other forms of information technology.

Statutory Authority: 15 U.S.C. 772(b) and 42 U.S.C. 7101 *et seq.*

Signed in Washington, DC, on July 08, 2026.

Pushpal Mukhopadhyay,

Director, Office of Statistical Methods and Research, U. S. Energy Information Administration.

[FR Doc. 2026–13986 Filed 7–9–26; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG26–270–000.

Applicants: AP Solar 4, LLC.

Description: AP Solar 4, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 7/6/26.

Accession Number: 20260706–5208.

Comment Date: 5 p.m. ET 7/27/26.

Take notice that the Commission received the following Complaints and Compliance filings in EL Dockets:

Docket Numbers: EL26–87–000.

Applicants: Maryland Energy Administration, et al. v. *Baltimore Gas and Electric Company, et al.*

Description: Complaint of *Maryland Energy Administration, et al.* v. *Baltimore Gas and Electric Company, et al.*

Filed Date: 7/2/26.

Accession Number: 20260702–5208.

Comment Date: 5 p.m. ET 7/22/26.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER11–3861–017.

Applicants: Empire Generating Co, LLC.

Description: Triennial Market Power Analysis for Northeast Region of Empire Generating Co, LLC.

Filed Date: 6/26/26.

Accession Number: 20260626–5290.

Comment Date: 5 p.m. ET 8/25/26.

Docket Numbers: ER17–242–023.

Applicants: Gavin Power, LLC.

Description: Triennial Market Power Analysis for Northeast Region of Gavin Power, LLC.

Filed Date: 6/26/26.

Accession Number: 20260626–5277.

Comment Date: 5 p.m. ET 8/25/26.

Docket Numbers: ER26–2563–001.

Applicants: Atlas Solar Manager, LLC.

Description: Tariff Amendment: Re-Filing of Second Amended and Restated Shared Facilities Agreement (Sub #2) to be effective 4/23/2026.

Filed Date: 7/6/26.

Accession Number: 20260706–5191.

Comment Date: 5 p.m. ET 7/27/26.

Docket Numbers: ER26–3104–000.

Applicants: California Independent System Operator Corporation.

Description: Compliance filing: 2026–07–07 Petition for Limited Waiver—Settlement Statement Dispute Deadlines to be effective N/A.

Filed Date: 7/7/26.

Accession Number: 20260707–5051.

Comment Date: 5 p.m. ET 7/28/26.

Docket Numbers: ER26–3105–000.

Applicants: Tri-State Generation and Transmission Association, Inc.

Description: § 205(d) Rate Filing: Amendment to Service Agreement No. 804 to be effective 7/2/2026.

Filed Date: 7/7/26.

Accession Number: 20260707–5056.

Comment Date: 5 p.m. ET 7/28/26.

Docket Numbers: ER26–3106–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: 4824R1 Temple Solar GIA to be effective 6/18/2026.

Filed Date: 7/7/26.

Accession Number: 20260707–5058.

Comment Date: 5 p.m. ET 7/28/26.

Docket Numbers: ER26–3107–000.

Applicants: Tri-State Generation and Transmission Association, Inc.

Description: Tariff Amendment: Notice of Cancellation of Facilities Use Agreement, La Plata to be effective 9/6/2026.

Filed Date: 7/7/26.

Accession Number: 20260707–5064.

Comment Date: 5 p.m. ET 7/28/26.

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: July 7, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026–13956 Filed 7–9–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC26–32–000]

Commission Information Collection Activity (Ferc–555); Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the currently approved information collection, FERC–555: Preservation of Records for Public Utilities and Licensees, Natural Gas Companies, and Oil Pipeline Companies (OMB Control No 1902–0098). There are no proposed changes to the reporting requirements.

DATES: Comments on the collections of information are due September 8, 2026.

ADDRESSES: Please submit comments via email to *DataClearance@FERC.gov.* You must specify the Docket No. (IC26–32–000) and the FERC Information Collection number (FERC–555) in your email. If you are unable to file electronically, comments may be filed by USPS mail or by hand (including courier) delivery:

- *Mail via U.S. Postal Service only, addressed to:* Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.
- *Hand (including courier) delivery to:* Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

Docket: To view comments and issuances in this docket, please visit *https://elibrary.ferc.gov/eLibrary/search.*

FOR FURTHER INFORMATION CONTACT: Kayla Williams may be reached by email at *DataClearance@FERC.gov,* or by telephone at (202) 502–6468.

SUPPLEMENTARY INFORMATION:

Type of Request: Three-year extension of the FERC–555 information collection

requirements with no changes to the current recordkeeping requirements.

Title: Preservation of Records for Public Utilities and Licensees, Natural Gas Companies, and Oil Pipeline Companies.

OMB Control No.: 1902–0098.

Abstract: The Commission collects the information to carry out its responsibilities described in sections 301, 304, and 309 of the Federal Power Act (FPA),[1] sections 8, 10, and 16 of the Natural Gas Act (NGA),[2] and in the Interstate Commerce Act (ICA).[3]

The regulations for preservation of records at 18 CFR parts 125, 225, and 356 establish retention periods and other requirements for applicable records. These requirements apply to the public utilities, licensees, natural gas companies, and oil pipeline companies that are subject to the Commission's jurisdiction. In general, FERC's regulations require jurisdictional companies to maintain the following types of records:

- Corporate;
- Information Technology Management;
- General Accounting;
- Personnel and Payroll;
- Transportation;
- Tariffs and Rates;
- Insurance;
- Operations and Maintenance;
- Plant and Depreciation;
- Purchase and Stores;
- Revenue Accounting and Collection;
- Tax;
- Treasury; and
- Miscellaneous.

Regulated entities use these records as the basis for required rate filings and reports to the Commission. The Commission's audit staff may use the records during compliance reviews, and the Commission's enforcement staff may use the information during investigations. In addition, the Commission's staff may use the records for special analyses on subjects such as jurisdictional entities' responses to extreme weather events.

Types of Respondents: Electric utilities, licensees, natural gas companies, and oil pipeline companies.

Estimate of Annual Burden:[4] The Commission estimates the annual burden and cost for the information collection as follows.

Number of respondents	Annual number of responses per respondent	Total number of responses	Average burden hrs. & cost per response[5]	Total annual burden hours & total annual cost
(1)	(2)	(1) * (2) = (3)	(4)	(3) * (4) = (5)
667	1	667	5,218 hrs.; $532,236	3,480,406 hrs.; $355,001,412.

Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Dated: July 7, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–13960 Filed 7–9–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP26–957–000.
Applicants: Texas Eastern Transmission, LP.
Description: § 4(d) Rate Filing: Negotiated Rates—Con Ed to NRG 9005027 eff 7–1–26 to be effective 7/1/2026.
Filed Date: 7/1/26.
Accession Number: 20260701–5234.
Comment Date: 5 p.m. ET 7/13/26.

Docket Numbers: RP26–958–000.
Applicants: Columbia Gulf Transmission, LLC.
Description: § 4(d) Rate Filing: Administrative Housekeeping Filing 2026 to be effective 8/1/2026.
Filed Date: 7/1/26.
Accession Number: 20260701–5275.
Comment Date: 5 p.m. ET 7/13/26.

Docket Numbers: RP26–959–000.
Applicants: Gas Transmission Northwest LLC.
Description: § 4(d) Rate Filing: GTN NR Agmts, Eff. July 1, 2026 to be effective 7/1/2026.
Filed Date: 7/1/26.
Accession Number: 20260701–5287.
Comment Date: 5 p.m. ET 7/13/26.

Docket Numbers: RP26–960–000.
Applicants: NEXUS Gas Transmission, LLC.
Description: § 4(d) Rate Filing: Negotiated Rates Various Releases eff 7–01–2026 to be effective 7/1/2026.
Filed Date: 7/1/26.
Accession Number: 20260701–5294.
Comment Date: 5 p.m. ET 7/13/26.

Docket Numbers: RP26–961–000.
Applicants: West Texas Gas Utility, LLC.
Description: Annual Purchased Gas Cost Reconciliation Report of West Texas Gas Utility, Inc.
Filed Date: 7/1/26.
Accession Number: 20260701–5313.
Comment Date: 5 p.m. ET 7/13/26.

Docket Numbers: RP26–962–000.
Applicants: Algonquin Gas Transmission, LLC.
Description: § 4(d) Rate Filing: Negotiate Rates Various Releases eff 7–01–2026 to be effective 7/1/2026.
Filed Date: 7/1/26.
Accession Number: 20260701–5319.
Comment Date: 5 p.m. ET 7/13/26.

Docket Numbers: RP26–963–000.
Applicants: Trailblazer Pipeline Company LLC.
Description: § 4(d) Rate Filing: TPC 2026–07–01 GT&C Sections 38 and 40 Revisions to be effective 8/1/2026.
Filed Date: 7/1/26.
Accession Number: 20260701–5325.
Comment Date: 5 p.m. ET 7/13/26.

Docket Numbers: RP26–964–000.
Applicants: MIGC LLC.
Description: Compliance filing: Fuel tracker filing 2026 to be effective N/A.

[1] 16 U.S.C. 825, 825c and 825h.

[2] 15 U.S.C. 717g, 717i, and 717*o*.

[3] 49 U.S.C. 60502.

[4] Burden is defined as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a federal agency. See 5 CFR 1320 for additional information on the definition of information collection burden.

[5] FERC estimates that industry hourly costs are similar to the Commission FY 2026 average salary plus benefits of $213,003 per year (or $102/hour).

Filed Date: 7/1/26.

Accession Number: 20260701–5361.

Comment Date: 5 p.m. ET 7/13/26.

Docket Numbers: RP26–973–000.

Applicants: Mountain Valley Pipeline, LLC.

Description: § 4(d) Rate Filing: Negotiated Rate Agreement—7/7/2026 to be effective 7/7/2026.

Filed Date: 7/6/26.

Accession Number: 20260706–5169.

Comment Date: 5 p.m. ET 7/20/26.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern Time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

Filings in Existing Proceedings

Docket Numbers: PR25–11–004.

Applicants: Matterhorn Express Pipeline, LLC.

Description: § 284.123 Rate Filing: Third Revised Statement of Operating Conditions to be effective 10/1/2024.

Filed Date: 7/6/26.

Accession Number: 20260706–5164.

Comment Date: 5 p.m. ET 7/27/26.

Any person desiring to protest in any the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern Time on the specified comment date.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502–6595 or *OPP@ferc.gov.*

Dated: July 7, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026–13957 Filed 7–9–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2711–025]

Northern States Power Company; Notice of Application Ready for Environmental Analysis and Soliciting Comments, Recommendations, Terms and Conditions, and Prescriptions

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Subsequent License.

b. *Project No.:* 2711–025.

c. *Date filed:* November 30, 2023.

d. *Applicant:* Northern States Power Company (Northern States Power).

e. *Name of Project:* Trego Hydroelectric Project (Trego Project).

f. *Location:* On the Namekagon River in Washburn County, Wisconsin.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791 (a)–825(r).

h. *Applicant Contact:* Donald Hartinger, Director of Renewable Operation-Hydro, Xcel Energy, 414 Nicollet Mall, 2, Minneapolis, MN 55401; phone (651) 261–7668; or Matthew Miller, Environmental Analyst, Xcel Energy, 1414 W Hamilton Ave., P.O. Box 8, Eau Claire, WI 54702–0008; phone 715–737–1353.

i. *FERC Contact:* Laura Washington (202) 502–6072, *Laura.Washington@ferc.gov.*

j. *Deadline for filing comments, recommendations, terms and conditions, and prescriptions:* on or before 5:00 p.m. Eastern Time on September 8, 2026; reply comments are due on or before 5:00 p.m. Eastern Time on October 20, 2026.

The Commission strongly encourages electronic filing. Please file comments, recommendations, terms and conditions, and prescriptions using the Commission's eFiling system at *https://ferconline.ferc.gov/FERCOnline.aspx.* Commenters can submit brief comments up to 10,000 characters, without prior registration, using the eComment system at *https://ferconline.ferc.gov/QuickComment.aspx.* For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy via U.S. Postal Service to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number P–2711–025.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application has been accepted for filing and is ready for environmental analysis at this time.

l. *The Trego Project consists of the following existing facilities:* (1) a 435.2-acre reservoir; (2) a 642-foot-long, 43.5-foot-high concrete dam; (3) a 59.5-foot-long, 74-feet-high powerhouse containing two James Leffel Company vertical Francis-type turbines with a total generating capacity of 1.2 megawatts; (4) a tailwater; and (5) a 49-foot-long transmission line.

m. A copy of the application can 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 (*i.e.,* P–2711). For assistance, contact FERC Online Support. A copy is also available for inspection and reproduction at the address in item h above.

All filings must (1) bear in all capital letters the title ''COMMENTS'', ''REPLY COMMENTS'', ''RECOMMENDATIONS,'' ''TERMS AND CONDITIONS,'' or ''PRESCRIPTIONS;'' (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name of the person submitting the filing; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. Each filing must be accompanied by proof of service on all persons listed on the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

You may also register online at *https://ferconline.ferc.gov/FERCOnline.aspx* to be notified via

email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

n. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502–6595 or *OPP@ferc.gov.*

o. The applicant must file the following on or before 5:00 p.m. Eastern Time on September 8, 2026: (1) a copy of the water quality certification; (2) a copy of the request for certification, including proof of the date on which the certifying agency received the request; or (3) evidence of waiver of water quality certification.

p. Final amendments to the application must be filed with the Commission on or before 5:00 p.m. Eastern Time August 6, 2026.

(Authority: 18 CFR 2.1.)

Dated: July 7, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–13958 Filed 7–9–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2417–067]

Northern States Power Company; Notice of Application Ready for Environmental Analysis and Soliciting Comments, Recommendations, Terms and Conditions, and Prescriptions

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Subsequent License.

b. *Project No.:* 2417–067.

c. *Date filed:* November 30, 2023.

d. *Applicant:* Northern States Power Company (Northern States Power).

e. *Name of Project:* Hayward Hydroelectric Project (Hayward Project).

f. *Location:* On the Namekagon River in Sawyer County, Wisconsin.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791 (a)–825(r).

h. *Applicant Contact:* Donald Hartinger, Director of Renewable Operation-Hydro, Xcel Energy, 414 Nicollet Mall, 2, Minneapolis, MN 55401; phone (651) 261–7668; or Matthew Miller, Environmental Analyst, Xcel Energy, 1414 W Hamilton Ave., P.O. Box 8, Eau Claire, WI 54702–0008; phone 715–737–1353.

i. *FERC Contact:* Laura Washington (202) 502–6072, *Laura.Washington@ferc.gov.*

j. *Deadline for filing comments, recommendations, terms and conditions, and prescriptions:* on or before 5:00 p.m. Eastern Time on September 8, 2026; reply comments are due on or before 5:00 p.m. Eastern Time on October 20, 2026.

The Commission strongly encourages electronic filing. Please file comments, recommendations, terms and conditions, and prescriptions using the Commission's eFiling system at *https://ferconline.ferc.gov/FERCOnline.aspx.* Commenters can submit brief comments up to 10,000 characters, without prior registration, using the eComment system at *https://ferconline.ferc.gov/QuickComment.aspx.* For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy via U.S. Postal Service to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number P–2417–067.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application has been accepted for filing and is ready for environmental analysis at this time.

l. *The Hayward Project consists of the following existing facilities:* (1) a 246.9-acre reservoir; (2) a 442-foot-long the concrete overflow dam; (3) a 18-foot-wide, 24-foot long powerhouse with intake channel containing one S. Morgan Smith vertical Francis-Type turbine with a total installed capacity of 0.168 megawatts; (4) a tailrace; and (5) a 150-foot-long underground transmission line.

m. A copy of the application can 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 (*i.e.,* P–2417). For assistance, contact FERC Online Support. A copy is also available for inspection and reproduction at the address in item h above.

All filings must (1) bear in all capital letters the title ''COMMENTS'', ''REPLY COMMENTS'', ''RECOMMENDATIONS,'' ''TERMS AND CONDITIONS,'' or ''PRESCRIPTIONS;'' (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name of the person submitting the filing; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. Each filing must be accompanied by proof of service on all persons listed on the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

You may also register online at *https://ferconline.ferc.gov/FERCOnline.aspx* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

n. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502–6595 or *OPP@ferc.gov.*

o. *The applicant must file the following on or before 5:00 p.m. Eastern Time on September 8, 2026:* (1) a copy of the water quality certification; (2) a copy of the request for certification, including proof of the date on which the certifying agency received the request; or (3) evidence of waiver of water quality certification.

p. Final amendments to the application must be filed with the Commission on or before 5:00 p.m. Eastern Time August 6, 2026.

(Authority: 18 CFR 2.1)

Dated: July 7, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–13959 Filed 7–9–26; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL OPRM–FAD–230]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information 202–993–3272 or *https://www.epa.gov/nepa.*

Weekly receipt of Environmental Impact Statements (EIS)

Filed June 26, 2026 10 a.m. EST

Through July 6, 2026 10 a.m. EST

Pursuant to CEQ Guidance on 42 U.S.C. 4332.

Notice: Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: *https://cdxapps.epa.gov/cdx-enepa-II/public/action/eis/search.*

EIS No. 20260080, Final, USACE, LA, Final GRR SEIS Mississippi River, Baton Rouge to the Gulf of Mexico Mississippi River-Gulf Outlet, Louisiana New Industrial Canal Lock and Connecting Channels Project, Review Period Ends: 08/10/2026, Contact: Mark H. Lahare 504–862–1344.

Dated: July 6, 2026.

Nancy Abrams,

Deputy Director, Federal Activities Division.

[FR Doc. 2026–13961 Filed 7–9–26; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1247; FR ID 355740]

Information Collection Being Submitted for Review and Approval to Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice; request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Pursuant to the Small Business Paperwork Relief Act of 2002, the FCC seeks specific comment on how it might further reduce the information collection burden for small business concerns with fewer than 25 employees. The Commission may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments and recommendations for the proposed information collection should be submitted on or before August 10, 2026.

ADDRESSES: Comments should be sent 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. Your comment must be submitted into *www.reginfo.gov* per the above instructions for it to be considered. In addition to submitting in *www.reginfo.gov* also send a copy of your comment on the proposed information collection to Nicole Ongele, FCC, via email to *PRA@fcc.gov* and to *Nicole.Ongele@fcc.gov.* Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Nicole Ongele at (202) 418–2991. To view a copy of this information collection request (ICR) submitted to OMB: (1) go to the web page *http://www.reginfo.gov/public/do/PRAMain,* (2) look for the section of the web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the Title of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the FCC invited the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology. Pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4), the FCC seeks specific comment on how it might further reduce the information collection burden for small business concerns with fewer than 25 employees.

OMB Control Number: 3060–1247.

Title: Part 32 Uniform System of Accounts.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 854 respondents; 1,696 responses.

Estimated Time per Response: 20–40 hours.

Frequency of Response: On occasion, and annual reporting requirements; recordkeeping requirements.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in sections 10, 201, 219–220, 224, and 403 of the Communications Act of 1934, as amended; 47 U.S.C. 160, 201, 219–220, 224, and 403.

Total Annual Burden: 51,360 hours.

Total Annual Cost: No cost.

Needs and Uses: On February 24, 2017, the Commission released the Part 32 Order, WC Docket No. 14–130, CC Docket No. 80–286, FCC 17–15, which minimized the compliance burdens imposed by the Uniform System of Accounts (USOA) on price cap and rate-of-return telephone companies, while ensuring that the Commission retains access to the information it needs to fulfill its regulatory duties. The Commission consolidated Class A and Class B accounts by eliminating the current classification of carriers, which divides incumbent LECS into two classes for accounting purposes based on annual revenues. Carriers subject to Part 32's USOA are now only required to keep Class B accounts.

Pursuant to the Part 32 Order, price cap carriers may elect to use generally accepted accounting principles (GAAP) for all regulatory accounting purposes if they: (1) Establish an ''Implementation Rate Difference'' (IRD) which is the difference between pole attachment rates calculated under Part 32 and under GAAP as of the last full year preceding

the carrier's initial opting out of Part 32 accounting requirements; and (2) adjust their annually-computed GAAP-based pole attachment rates by the IRD for a period of 12 years after the election. Alternatively, price cap carriers may elect to use GAAP accounting for all purposes other than those associated with pole attachment rates and continue to use the Part 32 accounts and procedures applicable to pole attachment rates for up to 12 years. A price cap carrier may be required to submit pole attachment accounting data to the Commission for three years following the effective date of the rule permitting a price cap carrier to elect GAAP accounting. If a pole attacher informs the Commission of a suspected problem with pole attachment rates, the Commission will require the price cap carrier to file its pole attachment data for the state in question. This requirement may be extended for an additional three years, if necessary.

The Commission reduced the accounting requirements for telephone companies with a continuing obligation to comply with Part 32 in a number of areas. Telephone companies may: (1) Carry an asset at its purchase price when it was acquired, even if its value has increased or declined when it goes into regulated service; (2) reprice an asset at market value after a merger or acquisition consistent with GAAP; (3) use GAAP principles to determine Allowance-for-Funds-Used-During Construction; and (4) employ the GAAP standard of materiality. Rate-of-return carriers receiving cost-based support must determine materiality consistent with the general materiality guidelines promulgated by the Auditing Standards Board. Price cap carriers with a continuing Part 32 accounting obligation must maintain continuing property records necessary to track substantial assets and investments in an accurate, auditable manner. The carriers must make such property information available to the Commission upon request. Carriers subject to Part 32 must continue to comply with the USOA's depreciation procedures and its rules for cost of removal-and-salvage accounting.

Pursuant to the October 24, 2018 Rate-of-Return Business Data Services Report and Order, WC Docket No. 17–144, FCC 18–146, rate-of-return carriers currently receiving model-based or other fixed high-cost support may voluntarily elect to transition their business services offerings from rate-of-return to incentive regulation. Thus, electing carriers that choose to use GAAP instead of the Uniform System of Accounts are relieved of virtually all of the filing and recordkeeping requirements of the Uniform System of Accounts, with the sole exception of the same data provisioning requirements for the calculation of pole attachment rates as price cap carriers.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2026–13995 Filed 7–9–26; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Meeting of the Advisory Board on Radiation and Worker Health, National Institute for Occupational Safety and Health

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

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, the Centers for Disease Control and Prevention (CDC) announces the following meeting of the Advisory Board on Radiation and Worker Health (ABRWH). This is a hybrid meeting, accessible both in person and virtually. It is open to the public, limited only by the space available and the number of audio conference lines and internet conference access, with a public comment period. The public is welcome to submit written comments in advance of the meeting to the contact person below. The public is also welcome to listen to the meeting by joining the audio conference (information below). The audio conference line has 150 ports for callers.

DATES: The meeting will be held on August 26, 2026, from 9 a.m. to 6:15 p.m., EDT and on August 27, 2026, from 9 a.m. to 4:45 p.m. A public comment session will be held on August 26, 2026 at 5:15 p.m., EDT, and will conclude at 6:15 p.m., EDT, or following the final call for public comment, whichever comes first. Written comments must be received on or before August 19, 2026.

ADDRESSES: Marriott Tampa Westshore, 1001 N. Westshore Blvd., Tampa, FL. Telephone: (813) 287–2555. The conference room accommodates approximately 120. You may submit comments by mail to: Rashaun Roberts, Ph.D., Designated Federal Officer, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention, 1090 Tusculum Avenue, Mailstop C–24, Cincinnati, Ohio 45226. Email: *ocas@cdc.gov*.

Written comments received in advance of the meeting will be included in the official record of the meeting.

Meeting Information: The USA toll-free dial-in numbers are: +1 404 718 3800 (U.S. East Coast) and +1 888 994 4478 (U.S. West Coast). The meeting ID is: 281 371 000 189 653; passcode is: 717 151 903#, and the Web conference by Teams meeting connection is: *https://teams.microsoft.com/meet/281371000189653?p=uEEPP0SJXJbsxoTRJY*.

FOR FURTHER INFORMATION CONTACT: Rashaun Roberts, Ph.D., Designated Federal Officer, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention, 1090 Tusculum Avenue, Mailstop C–24, Cincinnati, Ohio 45226, Telephone: (513) 533–6800, Email: *ocas@cdc.gov*.

SUPPLEMENTARY INFORMATION:

Background: The Advisory Board was established under the Energy Employees Occupational Illness Compensation Program Act of 2000 to advise the President on a variety of policy and technical functions required to implement and effectively manage the compensation program. Key functions of the Advisory Board include providing advice on the development of probability of causation guidelines, which have been promulgated by the Department of Health and Human Services (HHS) as a final rule; advice on methods of dose reconstruction, which have also been promulgated by HHS as a final rule; advice on the scientific validity and quality of dose estimation and reconstruction efforts being performed for purposes of the compensation program; and advice on petitions to add classes of workers to the Special Exposure Cohort (SEC). In December 2000, the President delegated responsibility for funding, staffing, and operating the Advisory Board to HHS, which subsequently delegated this authority to the CDC. NIOSH implements this responsibility for CDC.

The charter was issued on August 3, 2001, renewed at appropriate intervals, and rechartered under Executive Order 14109 (September 29, 2023) on March 22, 2024. Unless continued by the President, the Advisory Board will terminate on September 30, 2027, consistent with Executive Order 14354 of September 29, 2025.

Purpose: The Advisory Board is charged with (a) providing advice to the Secretary, HHS, on the development of guidelines under Executive Order 13179; (b) providing advice to the Secretary, HHS, on the scientific

validity and quality of dose reconstruction efforts performed for this program; and (c) upon request by the Secretary, HHS, advising the Secretary on whether there is a class of employees at any Department of Energy facility who were exposed to radiation but for whom it is not feasible to estimate their radiation dose, and on whether there is reasonable likelihood that such radiation doses may have endangered the health of members of this class.

Matters to Be Considered: The agenda will include discussions on the following: NIOSH program update, Department of Labor program update, Department of Energy program update, and Special Exposure Cohort (SEC) Issues; SEC Petitions Updates, Carborundum WG Update, SEC Issues, Hanford, Pinellas Plant, Los Alamos National Laboratory workgroup updates, procedure reviews finalization/ document approvals and board work sessions. Agenda items are subject to change as priorities dictate. For additional information, please contact Toll Free 1–800–232–4636.

The Director, Office of Strategic Business Initiatives, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Kalwant Smagh,

Director, Office of Strategic Business Initiatives, Office of the Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2026–13920 Filed 7–9–26; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–3479–FN]

Medicare and Medicaid Programs; Application From The Joint Commission for Continued CMS Approval of Its Home Health Agency (HHA) Accreditation Program

AGENCY: Centers for Medicare & Medicaid Services (CMS), Department of Health and Human Services (HHS).

SUMMARY: This notice announces our decision to approve The Joint Commission for continued CMS recognition as a national accrediting organization for home health agencies that wish to participate in the Medicare or Medicaid programs.

DATES: The decision announced in this notice is applicable from March 31, 2026 through March 31, 2032.

FOR FURTHER INFORMATION CONTACT: Joy Webb, (410) 786–1667. Kristen Shifflett, (410) 786–4166.

SUPPLEMENTARY INFORMATION:

I. Background

Under the Medicare program, eligible beneficiaries may receive covered services from a home health agency (HHA), provided certain requirements are met. Sections 1861(m) and (o) of the Social Security Act (the Act) establish distinct criteria for facilities seeking designation as HHAs. Regulations concerning provider agreements are set out at 42 CFR part 489, and those pertaining to survey and certification activities are at 42 CFR part 488. The regulations at 42 CFR part 484 specify the minimum conditions that an HHA must meet to participate in the Medicare program.

Generally, to enter into an agreement, an HHA must first be certified by a State survey agency (SA) as complying with the conditions or requirements set forth in part 484 of our regulations. Thereafter, the HHA is subject to regular surveys by an SA to determine whether it continues to meet these requirements.

Section 1865(a)(1) of the Act provides that, if a provider entity demonstrates through accreditation by a Centers for Medicare & Medicaid Services (CMS)-approved national accrediting organization (AO) that all applicable Medicare requirements are met or exceeded, we will deem those provider entities as having met such requirements. Accreditation by an AO is voluntary and is not required for Medicare participation.

If an AO is recognized by the Secretary of the Department of Health and Human Services (the Secretary) as having standards for accreditation that meet or exceed Medicare requirements, any provider entity accredited by the national accrediting body's approved program would be deemed to meet the Medicare requirements. A national AO applying for approval of its accreditation program under part 488, subpart A, must provide CMS with reasonable assurance that the AO requires the accredited provider entities to meet requirements that are at least as stringent as the Medicare requirements. Our regulations concerning the approval of AOs are set forth at §§ 488.4, 488.5, and 488.5(e)(2)(i). The regulations at § 488.5(e)(2)(i) require an AO to reapply for continued approval of its accreditation program every 6 years or sooner, as determined by CMS.

The Joint Commission's most recent term of approval for its HHA accreditation program expired March 31, 2026. Due to the Government shutdown, there was a delay in publishing a proposed notice announcing receipt of The Joint Commission's application, providing a 30-day public comment period, and announcing The Joint Commission's application approval.

II. Application Approval Process

Section 1865(a)(3)(A) of the Act provides a statutory timetable to ensure that our review of applications for CMS-approval of an accreditation program is conducted in a timely manner. The Act provides us with 210 days from the date of receipt of a complete application, along with any necessary documentation to make the determination, to complete the application process. Within 60 days after receiving a complete application, we must publish a notice in the **Federal Register** that identifies the national accrediting body making the request, describes the request, and provides no less than a 30-day public comment period. At the end of the 210-day period, we must publish a notice in the **Federal Register** approving or denying the application.

III. Provisions of the Proposed Notice

On April 3, 2026, we published a proposed notice in the **Federal Register** (91 FR 16944), announcing The Joint Commission's request for continued approval of its Medicare HHA accreditation program. CMS approves or denies an AO's application based on an assessment of the factors that follow, which may include, but are not limited to, a review of the information required to be submitted by the AO, interviews with AO staff, an evaluation of the AO's survey process and findings, and other activities necessary to determine that the AO meets the requirements set forth at §§ 488.4 and 488.5. Under section 1865(a)(2) of the Act and our regulations at § 488.5 and § 488.8(h), we reviewed The Joint Commission's Medicare HHA accreditation application in accordance with the criteria specified by our regulations, which include, but are not limited to the following:

- The AO's (1) corporate policies; (2) financial viability; (3) ability to investigate and respond appropriately to allegations of violations of the Medicare program requirements; and (4) survey review and decision-

making process for the purposes of deemed status.
- Survey processes to confirm that they are comparable to the State agencies' survey processes and the AO can adequately assess whether a provider or supplier, meets or exceeds the Medicare program requirements.
- The composition of the survey team.
- Procedures for monitoring accredited HHAs that have been found to be out of compliance with the AO's program requirements.
- The AO's ability to report deficiencies to the surveyed HHA and respond to the HHA's plan of correction in a timely manner.
- Verification of the AO's agreement to provide us with a copy of the most current accreditation survey, together with any other information related to the survey as we may require, including corrective action plans.

IV. Analysis of and Responses to Public Comments on the Proposed Notice

In accordance with section 1865(a)(3)(A) of the Act, the April 3, 2026, proposed notice solicited public comments regarding whether The Joint Commission's requirements met or exceeded the Medicare conditions of participation (CoPs) for HHAs. No comments were received in response to our proposed notice.

V. Provisions of the Final Notice

A. Differences Between The Joint Commission's Standards and Requirements for Accreditation and Medicare Conditions and Survey Requirements

We assessed The Joint Commission's HHA accreditation requirements and survey process in comparison to the Medicare CoPs in part 484, and the survey and certification process requirements in parts 488 and 489 of our rules. Our review and evaluation of The Joint Commission's HHA application, which was conducted as described in section III. of this final notice, yielded no findings, as of the date of this notice, that required The Joint Commission to revise their application.

B. Term of Approval

Based on our review and observations described in sections III., IV., and V. of this final notice, we approve The Joint Commission as a national accreditation organization for HHAs that request participation in the Medicare program. The decision announced in this final notice is effective March 31, 2026 through March 31, 2032 (6 years). In accordance with § 488.5(e)(2)(i), the term of the approval will not exceed 6 years.

VI. Collection of Information and Regulatory Impact Statement

This document does not impose information collection requirements, that is, reporting, recordkeeping or third-party disclosure requirements. Consequently, there is no need for review by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

The Administrator of CMS, Mehmet Oz, having reviewed and approved this document, authorizes Chyana Woodyard, who is the Federal Register Liaison, to electronically sign this document for purposes of publication in the **Federal Register**.

Chyana Woodyard,

Federal Register Liaison, Centers for Medicare & Medicaid Services.

[FR Doc. 2026–13918 Filed 7–9–26; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[Office of Management and Budget #:0970–0154]

Submission for Office of Management and Budget Review; Income Withholding for Support

AGENCY: Office of Child Support Enforcement, Administration for Children and Families, U.S. Department of Health and Human Services.

ACTION: Request for public comments.

SUMMARY: The Office of Child Support Enforcement (OCSE), Administration for Children and Families (ACF), is requesting the Office of Management and Budget (OMB) to extend approval of the Income Withholding for Support (IWO), with changes, for an additional three years. The current OMB approval expires August 31, 2026.

DATES: *Comments due* August 10, 2026.

ADDRESSES: The public may view and comment on this information collection request at: *https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202607-0970-002.* You can also obtain copies of the proposed collection of information by emailing *InfoCollection@acf.hhs.gov.* Identify all emailed requests by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: The IWO is the required, standard form used to order and notify employers and income providers to withhold child support payments from an obligor's income. It is also used to notify employers and other income providers where to remit the payments, as well as other information needed to correctly withhold payments so that children and families receive the support to which they are entitled.

OCSE revised the IWO form *to* add checkboxes pertaining to detail for the respondent to check, if applicable; revised links; clarified language and definitions; changed Office of Child Support Services to OCSE; and added fields, such as a daily pay amount, to the record specifications.

Respondents: Courts, private attorneys, custodial parties, or their representatives, employers, and other entities that provide income to noncustodial parents.

Annual Burden Estimates: The burden estimates were updated to reflect current estimates for the annual number of respondents and responses over the next three years. The burden reduction accounts for decreases in the number of new hire reports submitted and decreases in the number of proactive matches generated from the Federal Case Registry for participants in child support cases. Additionally, more employers using electronic IWO (e-IWO) has decreased the burden with processing paper documents. Response times also reflect clearer instructions. Estimated burden was added to account for the time states will need to update programming as a result of proposed changes, but overall, the ongoing total estimated annual burden associated with this information collection has been reduced by 30 percent.

Information collection title	Total number of respondents	Annual number of responses per respondent	Average burden hours per response	Annual burden hours
Income withholding order/notice (Courts, private attorneys, custodial parties or their representatives)	3,439,580	1	0.083	285,485

Information collection title	Total number of respondents	Annual number of responses per respondent	Average burden hours per response	Annual burden hours
Income withholding orders/termination of employment/income status (Employers and other income withholders)	1,214,289	5.23	0.033	209,574
Electronic income withholding orders/termination of employment/income status (Employers and other income withholders)	48,978	41.56	0.008	16,284
State Programming	18	1	534	9,612
Estimated Annual Burden Total				520,955

We are also requesting to extend approval of the currently approved IWO for one additional year to allow states to program their systems to accommodate the proposed changes to the form, sample form, instructions, and e-IWO Record Layout. Once the system is programmed, states will then be required to use the revised version of the IWO and e-IWO.

(Authority: 42 U.S.C. 666(a)(1), (a)(8), and (b)(6).)

Mary C. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2026–13910 Filed 7–9–26; 8:45 am]

BILLING CODE 4184–41–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[Office of Management and Budget #: 0970–0519]

Submission for Office of Management and Budget Review; National Human Trafficking Training and Technical Assistance Center Evaluation Package

AGENCY: Office on Trafficking in Persons, Administration for Children and Families, U.S. Department of Health and Human Services.

ACTION: Request for public comments.

SUMMARY: The Office on Trafficking on Persons (OTIP), Administration for Children and Families (ACF), U.S. Department of Health and Human Services, is requesting to reinstate Office of Management and Budget (OMB) approval of an information collection, with proposed changes: National Human Trafficking Training and Technical Assistance Center (NHTTAC) Evaluation Package (OMB #: 0970–0519). The OMB number was discontinued due to delays in publishing the first **Federal Register** Notice. Data collection has been put on hold until this information collection is reinstated.

DATES: *Comments due* August 10, 2026.

ADDRESSES: The public may view and comment on this information collection request at: *https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202607-0970-003.* You can also obtain copies of the proposed collection of information by emailing *infocollection@acf.hhs.gov.* Identify all emailed requests by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: OTIP's NHTTAC delivers training and technical assistance (T/TA) to inform and deliver a public health response to trafficking. In applying a public health approach, NHTTAC builds the capacity of professionals, organizations, and communities to identify and respond to the complex needs of all individuals who have experienced trafficking or who have increased risk for trafficking and address the root causes that put individuals, families, and communities at risk of trafficking. These efforts ultimately help improve the availability and delivery of coordinated and trauma-informed services before, during, and after an individual's trafficking exploitation.

NHTTAC hosts a variety of services, programs, and facilitated T/TA sessions to improve service provision to people who have experienced trafficking or who have increased risk factors for trafficking, including the Stop, Observe, Ask, and Respond (SOAR) to Health and Wellness training; specialized T/TA; NHTTAC Customer Support; and information through resources and materials about trafficking. This information collection is intended to collect feedback from participants to assess a diverse range of T/TA provided by NHTTAC. Revisions have been made in order to reduce respondent burden where applicable. Additionally, since this collection was last renewed, the SOAR Demonstration Grant Program went into effect. The program's goal is to fund the implementation of SOAR trainings and related capacity building efforts to identify, treat, and respond to clients who have experienced human trafficking in healthcare settings. Feedback from SOAR Demonstration Grant Program recipients who participate in NHTTAC SOAR offerings is obtained through instruments approved within this NHTTAC Evaluation Package (0970–0519). Burden estimates have been adjusted to account for these SOAR Demonstration Grant Program participants where applicable.

Respondents: NHTTAC T/TA participants include OTIP grant recipients, including SOAR Demonstration Grant program recipients, individuals with lived experience, professionals who interact with and provide services to individuals who have experienced trafficking or are at risk of trafficking, including healthcare, behavioral health, public health, and human service practitioners, organizations, and communities.

Respondents: NHTTAC T/TA participants include OTIP grant recipients, including SOAR Demonstration Grant program recipients, individuals with lived experience, professionals who interact with and provide services to individuals who have experienced trafficking or are at risk of trafficking, including healthcare, behavioral health, public health, and human service practitioners, organizations, and communities.

ANNUAL BURDEN ESTIMATES

Instrument	Total number of respondents	Total number of responses per respondent	Average burden hours per response	Total burden hours	Annual burden hours
Universal T/TA Participant Feedback	1,500	1	0.43	645	215
Long Version (full form); Short Version (partial form)	225,000	1	0.10	22,500	7,500
Intensive T/TA Participant Feedback	600	1	1.17	702	234
Follow-Up Feedback	8,000	1	0.50	4,000	1,333
Qualitative Guide	2,000	1	1.50	3,000	1,000
Network Survey	600	1	1.00	600	200
Client Satisfaction Survey	1,000	1	0.08	80	27
Resources Feedback	500	1	0.08	40	13
Requester Feedback	200	1	0.12	24	8
Estimated Total Annual Burden Hours					10,530

Authority: 22 U.S.C. 7104 and 22 U.S.C. 7105(c)(4).

Mary C. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2026–13922 Filed 7–9–26; 8:45 am]

BILLING CODE 4184–73–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Charter Re-Establishment for the National Advisory Committee on Rural Health and Human Services

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: In accordance with the Federal Advisory Committee Act, HHS hereby gives notice that the National Advisory Committee on Rural Health and Human Services (NACRHHS) has been re-established. The effective date of the charter re-establishment is July 17, 2026.

FOR FURTHER INFORMATION CONTACT: Sarah Heppner, Federal Office of Rural Health Policy, HRSA, 5600 Fishers Lane, Rockville, Maryland 20857; 301–443–0835 or *FORHPIOAA@hrsa.gov.*

SUPPLEMENTARY INFORMATION: NACRHHS is authorized by Section 222 of the Public Health Service (PHS) Act (42 U.S.C. 217a). NACRHHS provides advice and recommendations to the Secretary of HHS (Secretary) on issues related to how HHS and its programs serve rural communities. The Committee will focus attention and existing resources on rural health and human service challenges, such as the provision and financing of health care and human services in rural areas.

The re-established charter for the NACRHHS was approved on June 22, 2026. The charter appears to comply with FACA, GSA Final Rule, and current Secretariat guidance. Re-establishment of the NACRHHS charter gives authorization for the committee to operate until July 17, 2028.

A copy of the NACRHHS charter is available on the NACRHHS website at *https://www.hrsa.gov/advisory-committees/rural-health.* A copy of the charter also can be obtained by accessing the FACA database that is maintained by the Committee Management Secretariat under the General Services Administration. The website address for the FACA database is *http://www.facadatabase.gov/.* The public interest determination language is included below.

Information on the following factors for the committee is provided to the Secretariat to demonstrate that reestablishing the committee is in the public interest:

1. Annual budget: $492,358.

a. Federal personnel on a full-time equivalent (FTE) basis: 1.5 FTEs.

b. Other Federal internal costs: $285,358.

c. Proposed payments to members: $27,000.

d. Proposed number of members: 15.

e. Reimbursable costs: $30,000.

2. If applicable, the total dollar value of grants expected to be recommended during the fiscal year: N/A.

3. Criteria for selecting members to ensure the committee has the necessary expertise and fairly balanced membership: Members of the Committee shall be Special Government Employees and knowledgeable in the fields of delivery, financing, research, development, and administration of health care and human services in rural areas. Members shall include representatives from rural community-based organizations, rural health care and human service providers and administrators, and other rural interest groups. Committee members should reflect a broad array of expertise, including Titles XVIII, IX, and XXI of the Social Security Act, and have knowledge of the range of rural-focused health programs under the purview of the Secretary of Health and Human Services. Members should also be knowledgeable in the fields of rural human and social services, including issues related to Native Americans, transportation, children and family services, social work, services for the elderly, and rural economic development. Approximately two thirds of the members should be rural health experts and approximately one third should be rural human services experts. Membership balance is not static, and the points of view needed may change depending on the emerging priorities for rural communities.

The Department will give close attention to geographic distribution to reflect the broad array of perspectives across the country. Appointments shall be made without discrimination on the basis of age, race, sex, religion, or socioeconomic status.

The Committee's membership aims to represent the diversity of the United States by drawing on the wide range of expertise and experience available in the rural population.

4. List of all other Federal advisory committees of the agency:

Advisory Commission on Childhood Vaccines

Advisory Committee on Interdisciplinary, Community-Based Linkages

Advisory Council on Blood Stem Cell Transplantation

Council on Graduate Medical Education

National Advisory Council on Nurse Education and Practice

National Advisory Council on the National Health Service Corps

National Advisory Council on Migrant Health

5. Justification that the information or advice provided by the Federal advisory committee or subcommittee is not available from another Federal advisory committee, another Federal Government source, or any other more cost-effective and less burdensome source: The NACRHHS is the only federal advisory committee focused solely on identifying and addressing emerging rural health and human services needs. No other committee at the U.S. Department of Health and Human Services prioritizes the health and wellbeing of rural Americans and solicits their direct feedback on concerns and solutions. The NACRHHS meetings held in rural communities provide a forum to elevate the opinion and experience of rural Americans needed to expand on increasingly complex issues to improve rural health and human services. Obtaining this advice and information would be much more difficult to obtain through written submissions or one-on-one conversations. Each of the Committee members represents a significant portion of the rural health care and human service field, both professionally and regionally, and this kind of voice does not exist outside of the Committee. Outside of an advisory committee, the Department often hears from professional associations and interest groups that are more affected by self-interest than the needs of rural communities. The Committee meetings, staffed by the Federal Office of Rural Health Policy (FORHP), offer the Secretary the best objective advice on pressing rural health and human service issues. Further, this Committee is the only Committee that brings together rural health leaders across the federal government such as the Centers for Medicare & Medicaid Services, Health Resources and Services Administration, Indian Health Service, Centers for Disease Control and Prevention, Substance Abuse and Mental Health Services Administration, Administration for Community Living, U.S. Department of Agriculture (USDA), and the U.S. Department of Veterans Affairs to learn about these emerging rural health needs and inform collaboration and program efficiencies across the federal government.

6. If the justification relates to a committee renewal, a summary of the previous accomplishments of the committee and the reasons it needs to continue: Established in 1987, NACRHHS developed over 627 recommendations and informed agency-wide initiatives to improve rural health care, including playing an instrumental role in developing President Trump's 2020 Rural Action Plan.

The Trump Administration advanced several of the Committee's recommendations, such as recommending the Secretary develop guidelines and implement safety and treatment protocols in rural hospitals and clinics to respond to obstetric complications. The Trump Administration also implemented the NACRHHS recommendation to work with USDA, the Commerce Department, and the Federal Communications Commission to help rural home-based childcare providers gain access to high-speed, low-cost broadband services for training and education. Most recently, CDC began to implement an NACRHHS recommendation to ensure annual overdose death rates due to opioids include a rural-urban cut to ensure policy relevant data captures rural needs and trends.

NACRHHS needs to continue to ensure formal coordination and collaboration of rural health and human service initiatives that advance Administration priorities across the federal government. Further, it will ensure government-wide rural health and human service initiatives are informed by the subject-matter expertise provided by NACRHHS members, who serve as rural health leaders in their communities, as well as feedback from rural communities themselves.

7. Explanation of why the committee/subcommittee is essential to the conduct of agency business: Section 711 of the Social Security Act charges FORHP to advise the Secretary on key rural health issues. NACRHHS relies on FORHP for its operations and rural health expertise to produce reports and policy briefs to the Secretary on key rural health and human services issues. These rural health policy briefs help to keep the Secretary informed of emerging rural health issues that arise in real time. Further, NACRHHS is the only federal advisory committee that gathers the leading rural health and human services agencies to collaborate on initiatives that promote continued education and government-wide program efficiencies. With FORHP staff overseeing the operations of NACRHHS, the agency will continue to meet its mission and legal requirement to advise the Secretary on rural health and human service issues and innovative policy recommendations, as well as coordinate rural health and human service activities across the Department. NACRHHS provides regular and structured opportunities for the public to weigh in directly with the Secretary and the foremost rural health and human service experts. The public (rural communities themselves), with the support and direction of the Secretary, drives the agenda and focus areas for NACRHHS. A key component of NACRHHS' operations include several in-person site visits to rural health and human service providers and tribes. These site visits allow Committee members to see local challenges and innovations first-hand and elevate their findings to the Secretary. They also provide an opportunity for HHS to hear from the community regarding rural policy and program perspectives. Given their small size and geographic isolation, rural communities face unique challenges that should be considered as HHS develops regulations and programmatic decisions that could have a significant impact on these communities.

In conclusion, this public interest determination affirms that reestablishing the committee serves the public interest, is essential to conducting agency business, and will provide information not already available through another advisory committee or source within the federal government.

Maria G. Button,

Director, Executive Secretariat.

[FR Doc. 2026–13962 Filed 7–9–26; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Public Comment Request; Information Collection Request Title: Healthy Start Evaluation and Quality Improvement, OMB No. 0915–0338—Revision

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice.

SUMMARY: In compliance with the requirement for opportunity for public comment on proposed data collection projects of the Paperwork Reduction Act of 1995, HRSA announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the ICR to OMB, HRSA seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on this ICR should be received no later than September 8, 2026.

ADDRESSES: Submit your comments to *paperwork@hrsa.gov* or mail the HRSA Information Collection Clearance Officer, Room 13N82, 5600 Fishers Lane, Rockville, Maryland 20857.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, email *paperwork@hrsa.gov* or call Samantha Miller, the HRSA Information Collection Clearance Officer, at (301) 443–3983.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the ICR title for reference.

Information Collection Request Title: Healthy Start Evaluation and Quality Improvement, OMB No. 0915–0338—Revision.

Abstract: The National Healthy Start Program, authorized by 42 U.S.C. 254c–8 (§ 330H of the Public Health Service Act), seeks to improve maternal and infant health outcomes and reduce infant mortality and other adverse perinatal outcomes. Established in 1991 as a demonstration project with 15 grantees, the program has expanded to 114 grantees serving communities in 37 states, the District of Columbia, and Puerto Rico. Healthy Start operates in communities experiencing disproportionately high rates of infant mortality and adverse birth outcomes and provides outreach; case management; care coordination; health education; and other supportive services to women, infants, children up to 18 months of age, fathers, and families. Healthy Start programs tailor services to meet the unique needs of their communities. Serving as comprehensive care hubs, they provide outreach, one-on-one case management, care coordination, clinical services (*e.g.,* behavioral health care, midwifery care), and individual and group-based health and parenting education. Programs work across health care and social service systems to help pregnant women and families access prenatal and postpartum care, mental health therapy, substance use treatment, nutrition and breastfeeding support, transportation, and other essential resources that contribute to healthier pregnancies and improved infant and maternal health outcomes.

Over the past few years, HRSA has sought to implement a uniform set of data elements for monitoring and conducting an evaluation to assess grantees' progress towards these program goals. Under the current OMB approval, the data collection instruments for the program's reporting requirements include four participant-level screening tools: (1) Demographic, (2) Background, (3) Prenatal, and (4) Parent/Child forms.

In this proposed revision, HRSA plans to retain the participant-level tools as approved by OMB in 2020 and updated in 2024; however, HRSA does introduce minor changes to the forms. These changes are limited to: (1) clarifying instructions, (2) updating response options to replace obsolete categories, (3) separating response options to better reflect current program priorities, and (4) adding fields to capture the month of infant birth and/or death. The purpose of these revisions is to improve the quality and usability of the data collection instruments, reduce respondent burden, and enhance the accuracy of tracking infant birth and death outcomes. The revised instructions were developed in response to grantee feedback and are expected to reduce confusion and improve consistency in form completion.

Need and Proposed Use of the Information: The purpose of the revised data collection instruments will be to assess grantee and participant-level progress towards meeting Healthy Start program performance measures and other key indicators central to the program's mission. Findings from monitoring and evaluation efforts will provide actionable evidence to support continuous program improvement and inform decision-making. The data will also enhance understanding of participant characteristics; behaviors; and health outcomes; enabling assessment of how these factors, in combination with Healthy Start interventions, influence program outcomes.

Likely Respondents: For the Demographic; Background; Prenatal; and Parent/Child participant-level forms respondents include preconceptive, pregnant, and postpartum women, as well as fathers/partners. Additionally, a small number of forms may be completed by non-enrolled guardians (*e.g.,* foster parents, grandparents) of children in the program.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose, or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
Demographic Form	76,975	1	76,975	.17	13,086
Background Form	44,600	1	44,600	.42	18,732
Prenatal Form	31,500	1	31,500	.25	7,875
Parent/Child Form	39,100	1	39,100	.42	16,422
Total	192,175	.....	192,175	.....	56,115

Note: Total Burden Hours are rounded up to the nearest whole number.

HRSA specifically requests comments on: (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques

or other forms of information technology to minimize the information collection burden.

Maria G. Button,

Director, Executive Secretariat.

[FR Doc. 2026–13911 Filed 7–9–26; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2026–0115]

Information Collection Request to Office of Management and Budget; OMB Control Number: 1625–0079

AGENCY: Coast Guard, DHS.

ACTION: Sixty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the U.S. Coast Guard intends to submit an Information Collection Request (ICR) to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting an extension of its approval for the following collection of information: 1625–0079, Standards of Training, Certification and Watchkeeping for Seafarers (STCW), International Convention; with change. Our ICR describes the information we seek to collect from the public. Before submitting this ICR to OIRA, the Coast Guard is inviting comments as described below.

DATES: Comments must reach the Coast Guard on or before September 8, 2026.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2026–0115] to the Coast Guard at *https://www.regulations.gov.* See the ''Public participation and request for comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

A copy of the ICR is available through the docket on the internet at *https://www.regulations.gov.* Additionally, copies are available from: Commandant (CG–C5I–P), Attn: Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave. SE, STOP 7710, Washington, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: A.L. Craig, Office of Privacy Management, telephone (571) 607–4058, or email *hqs-dg-m-cg-61-pii@uscg.mil.*

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C., chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) the practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology.

In response to your comments, we may revise this ICR or decide not to seek an extension of approval for the Collection without change. We will consider all comments and material received during the comment period.

We encourage you to respond to this request by submitting comments and related materials. Comments must contain the OMB Control Number of the ICR and the docket number of this request, USCG–2026–0115, and must be received by September 8, 2026.

Submitting Comments

We encourage you to submit comments through the Federal eRulemaking Portal at *https://www.regulations.gov.* If your material cannot be submitted using *https://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. Documents mentioned in this notice as being available in the docket, and all public comments, are in our online docket at *https://www.regulations.gov* and can be viewed by following that website's instructions. If you go to the online docket and sign up for email alerts, you will be notified when comments are posted.

We accept anonymous comments. Comments we post to *https://www.regulations.gov* will include any personal information you have provided. For more about privacy and submissions in response to this document, see DHS's eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

Information Collection Request

Title: Standards of Training, Certification and Watchkeeping for Seafarers (STCW), International Convention.

OMB Control Number: 1625–0079.

Summary: This information is necessary to ensure compliance with the international requirements of the STCW Convention and to maintain an acceptable level of quality in activities associated with training and assessment of merchant mariners.

Need: 46 U.S.C. Chapter 71 authorizes the Coast Guard to issue regulations related to licensing of merchant mariners. These regulations are contained in 46 CFR chapter I, subchapter B.

Forms: None.

Respondents: Owners and operators of vessels, training institutions, and mariners.

Frequency: On occasion.

Hour Burden Estimate: The estimated burden has increased from 23,200 hours to 24,580 hours a year, due to an increase in the estimated annual number of respondents.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended.

Dated: June 10, 2026.

Bradley E. White,

Chief, Office of Privacy Management, U.S. Coast Guard.

[FR Doc. 2026–13942 Filed 7–9–26; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2026–0116]

Information Collection Request to Office of Management and Budget; OMB Control Number: 1625–0066

AGENCY: Coast Guard, DHS.

ACTION: Sixty-Day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the U.S. Coast Guard intends to submit an Information Collection Request (ICR) to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting an

extension of its approval for the following collection of information: 1625–0066, Vessel and Facility Response Plans (Domestic and Int'l), and Additional Response Requirements for Prince William Sound; without change. Our ICR describes the information we seek to collect from the public. Before submitting this ICR to OIRA, the Coast Guard is inviting comments as described below.

DATES: Comments must reach the Coast Guard on or before September 8, 2026.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2026–0116] to the Coast Guard at *https://www.regulations.gov.* See the ''Public participation and request for comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

A copy of the ICR is available through the docket on the internet at *https://www.regulations.gov.* Additionally, copies are available from: Commandant (CG–PM), Attn: Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave. SE, STOP 7710, Washington, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: A.L. Craig, Office of Privacy Management, telephone (571) 607–4058, or email *hqs-dg-m-cg-61-pii@uscg.mil.*

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C., chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) the practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology.

In response to your comments, we may revise this ICR or decide not to seek an extension of approval for the Collection without change. We will consider all comments and material received during the comment period.

We encourage you to respond to this request by submitting comments and related materials. Comments must contain the OMB Control Number of the ICR and the docket number of this request, USCG–2026–0116, and must be received by September 8, 2026.

Submitting Comments

We encourage you to submit comments through the Federal eRulemaking Portal at *https://www.regulations.gov.* If your material cannot be submitted using *https://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. Documents mentioned in this notice as being available in the docket, and all public comments, are in our online docket at *https://www.regulations.gov* and can be viewed by following that website's instructions. If you go to the online docket and sign up for email alerts, you will be notified when comments are posted.

We accept anonymous comments. Comments we post to *https://www.regulations.gov* will include any personal information you have provided. For more about privacy and submissions in response to this document, see DHS's eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

Information Collection Request

Title: Vessel and Facility Response Plans (Domestic and Int'l), and Additional Response Requirements for Prince William Sound.

OMB Control Number: 1625–0066.

Summary: The Oil Pollution Act of 1990 (OPA 90) required the development of Vessel and Facility Response Plans to minimize the impact of oil spills. OPA 90 also required additional response requirements for Prince William Sound. Shipboard Oil Pollution Emergency Plans and Shipboard Marine Pollution Emergency Plans are required of other vessels to minimize impacts of oil spills.

Need: This information is needed to ensure that vessels and facilities are prepared to respond in event of a spill incident. The information is reviewed by the Coast Guard to assess the effectiveness of the response plan.

Forms: N/A.

Respondents: Owners and operators of vessels and facilities.

Frequency: On occasion.

Hour Burden Estimate: The estimated burden increases from 88,381 to 103,080 hours per year due to population and wage rate updates, removal of VRP Search Tool burdens, and addition of Interim Operating Authorization burdens.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended.

Dated: June 10, 2026.

Bradley E. White,

Chief, Office of Privacy Management, U.S. Coast Guard.

[FR Doc. 2026–13943 Filed 7–9–26; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2026–0112]

Information Collection Request to Office of Management and Budget; OMB Control Number: 1625–0042

AGENCY: Coast Guard, DHS.

ACTION: Sixty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the U.S. Coast Guard intends to submit an Information Collection Request (ICR) to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting an extension of its approval for the following collection of information: 1625–0042, Requirements for Lightering of Oil and Hazardous Material Cargoes, and Advance Notice of Transfer; without change. Our ICR describes the information we seek to collect from the public. Before submitting this ICR to OIRA, the Coast Guard is inviting comments as described below.

DATES: Comments must reach the Coast Guard on or before September 8, 2026.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2026–0112] to the Coast Guard using the Federal eRulemaking Portal at *https://www.regulations.gov.* See the ''Public participation and request for comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

A copy of the ICR is available through the docket on the internet at *https://www.regulations.gov.* Additionally, copies are available from:

COMMANDANT (CG–PM), ATTN: PAPERWORK REDUCTION ACT MANAGER, U.S. COAST GUARD, 2703 MARTIN LUTHER KING JR. AVE. SE, STOP 7710, WASHINGTON, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: A.L. Craig, Office of Privacy Management, telephone (571) 607–4058, or email *hqs-dg-m-cg-61-pii@uscg.mil*.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C., chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) the practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology.

In response to your comments, we may revise this ICR or decide not to seek an extension of approval for the Collection without change. We will consider all comments and material received during the comment period.

We encourage you to respond to this request by submitting comments and related materials. Comments must contain the OMB Control Number of the ICR and the docket number of this request, USCG–2026–0112, and must be received by September 8, 2026.

Submitting Comments

We encourage you to submit comments through the Federal eRulemaking Portal at *https://www.regulations.gov*. If your material cannot be submitted using *https://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. Documents mentioned in this notice as being available in the docket, and all public comments, are in our online docket at *https://www.regulations.gov* and can be viewed by following that website's instructions. If you go to the online docket and sign up for email alerts, you will be notified when comments are posted.

We accept anonymous comments. Comments we post to *https://www.regulations.gov* will include any personal information you have provided. For more about privacy and submissions in response to this document, see DHS's eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

Information Collection Request

Title: Requirements for Lightering of Oil and Hazardous Material Cargoes, and Advance Notice of Transfer.

OMB Control Number: 1625–0042.

Summary: The information for this report allows the U.S. Coast Guard to provide timely response to an emergency and minimize the environmental damage from an oil or hazardous material spill. The information also allows the Coast Guard to control the location and procedures for lightering activities. It also provides advance notice of transfers at certain facilities.

Need: 46 U.S.C. 3715 authorizes the Coast Guard to establish lightering regulations. 33 CFR 156.200 to 156.330 and 156.400 to 156.430 prescribes the Coast Guard regulations for lightering, including pre-arrival notice, reporting of incidents and operating conditions. 46 U.S.C. 70011 authorizes the Coast Guard to prescribe advance notice of transfer regulations. 33 CFR 156.118 prescribe the regulations.

Forms: CG–4020, 4 Hour Advance Notice of Transfer.

Respondents: Owners, masters and agents of lightering vessels, and facility representatives.

Frequency: On occasion.

Hour Burden Estimate: The estimated burden increased from 899 hours to 913 hours a year, due to an increase in the estimated annual number of responses.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended.

Dated: June 10, 2026.

Bradley E. White,

Chief, Office of Privacy Management, U.S. Coast Guard.

[FR Doc. 2026–13972 Filed 7–9–26; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7110–N–04; OMB Control No.: 2502–0605]

Comprehensive Listing of Transactional Documents for Mortgagors, Mortgagees and Contractors

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development (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:* September 8, 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: Darian Ziegler, PRA Liaison, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Darian Ziegler, PRA Liaison, Office of Housing, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email *Darian.Ziegler@hud.gov,* telephone (202) 402–5535. 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 Ms. Ziegler.

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: Comprehensive Listing of Transactional Documents for Mortgagors, Mortgagees and Contractors.

OMB Approval Number: 2502–0605.

OMB Expiration Date: January 31, 2026.

Type of Request: Reinstatement with a change of a currently approved collection.

Form Number: Form Number: HUD–9001–ORCF, HUD–9002–ORCF, HUD–9003–ORCF, HUD–9004–ORCF, HUD–9005–ORCF, HUD–9005a–ORCF, HUD–9006–ORCF, HUD–9007–ORCF, HUD–9007a–ORCF, HUD–9009–ORCF, HUD–90010–ORCF, HUD–90011–ORCF, HUD–9444–ORCF, HUD–90012–ORCF, HUD–90013–ORCF, HUD–90014–ORCF, HUD–90015–ORCF, HUD–90016–ORCF, HUD–90017–ORCF, HUD–90018–ORCF, HUD–90021–ORCF, HUD–92471–ORCF, HUD–92470–ORCF, HUD–9442–ORCF, HUD–90023–ORCF, HUD–91123–ORCF, HUD–91124–ORCF, HUD–91125–ORCF, HUD–91127–ORCF, HUD–91129–ORCF, HUD–92328–ORCF, HUD–92403–ORCF, HUD–92408–ORCF, HUD–92415–ORCF, HUD–92437–ORCF, HUD–92441–ORCF, HUD–92441a–ORCF, HUD–92442–ORCF, HUD–92448–ORCF, HUD–92450–ORCF, HUD–92452–ORCF, HUD–92452A–ORCF, HUD–92455–ORCF, HUD–92456–ORCF, HUD–92479–ORCF, HUD–92485–ORCF, HUD–92554–ORCF, HUD–93305–ORCF, HUD–95379–ORCF, HUD–2–ORCF, HUD–935.2D–ORCF, HUD–941–ORCF, HUD–9445–ORCF, HUD–9839–ORCF, HUD–90022–ORCF, HUD–90024–ORCF, HUD–91116–ORCF, HUD–91126–ORCF, HUD–91130–ORCF, HUD–92264a–ORCF, HUD–92434–ORCF, HUD–90020–ORCF, HUD–92322–ORCF, HUD–92002–ORCF, HUD–92003–ORCF, HUD–92211–ORCF, HUD–92331–ORCF, HUD–92333–ORCF, HUD–92334–ORCF, HUD–92335–ORCF, HUD—92336—ORCF, HUD–92337–ORCF, HUD–92339–ORCF, HUD–92340–ORCF, HUD–92341–ORCF, HUD–92342–ORCF, HUD–92343–ORCF, HUD–2205A–ORCF, HUD–91110–ORCF, HUD–91111–ORCF, HUD–91112–ORCF, HUD–91118–ORCF, HUD–91710–ORCF, HUD–92023–ORCF, HUD–92070–ORCF, HUD–92071–ORCF, HUD–92223–ORCF, HUD–92323–ORCF, HUD–92324–ORCF, HUD–92330–ORCF, HUD–92330A–ORCF, HUD–92420–ORCF, HUD–92435–ORCF, HUD–92466–ORCF, HUD–92466A–ORCF, HUD–92468–ORCF, HUD–94000–ORCF, HUD–94000–ORCF–ADD, HUD–94000B–ORCF, HUD–94001–ORCF, HUD–94001–ORCF–RI, HUD–90034–ORCF, HUD–90035–ORCF, HUD–90036–ORCF, HUD–90037–ORCF, HUD–9443–ORCF, HUD–91071–ORCF, HUD–91128–ORCF, HUD–92412–ORCF, HUD–92414–ORCF, HUD–92464–ORCF, HUD–92476–ORCF, HUD–92476B–ORCF, HUD–92476C–ORCF, HUD–92472–ORCF, HUD–91117–ORCF, HUD–91725–ORCF, HUD–91725–INST–ORCF, HUD–91725–CERT–ORCF, HUD–92325–ORCF, HUD–92327–ORCF, HUD–1044–D–ORCF, HUD–2537–ORCF, HUD–2747–ORCF, HUD–9250–ORCF, HUD–9807–ORCF, HUD–90019–ORCF, HUD–90029–ORCF, HUD–90030–ORCF, HUD–90031–ORCF, HUD–90032–ORCF, HUD–90033–ORCF, HUD–92080–ORCF, HUD–92117–ORCF, HUD–92228–ORCF, HUD–92266–ORCF, HUD–92266B–ORCF, HUD–92417–ORCF, HUD–93332–ORCF, HUD–93333–ORCF, HUD–93334–ORCF, HUD–93479–ORCF, HUD–93480–ORCF, HUD–93481–ORCF, HUD–93486–ORCF, HUD–92473–ORCF, HUD–92474–ORCF, HUD–92475–ORCF, HUD–2510R–ORCF, HUD–90038–ORCF, HUD–92469–ORCF, HUD–91116A–ORCF, HUD–92211A–ORCF, HUD–92323A–ORCF, HUD–92324A–ORCF, HUD–92333A–ORCF, HUD–92334A–ORCF, HUD–92338–ORCF, HUD–92340A–ORCF, HUD–92434A–ORCF, HUD–92441B–ORCF, HUD–92467–ORCF, HUD–92467A–ORCF, HUD–94000A–ORCF, HUD–94001A–ORCF.

Description of the need for the information and proposed use: The issuance of this notice is modeled on the public review and input process that HUD utilized in the establishment of the healthcare facility documents for Section 232 of the National Housing Act (Section 232) program. The collection includes documents comprising the application for FHA mortgage insurance of residential care facilities, and for servicing of the mortgages. The information is submitted from HUD-approved mortgagees, sponsors, mortgagors and contractors. The included documents are necessary for the application, review, commitment, initial/final endorsement, administration, servicing, technical oversight and audit of the Office of Residential Care Facilities projects pursuant to FHA Programs 232, 241, 223(f), 223(a)(7), 223(d) and 232(i) as authorized by the National Housing Act (sections 232, 241).

Respondents: Businesses or other for profits.

Estimated Number of Respondents: 6,489.

Estimated Number of Responses: 28,579.

Frequency of Response: 768.

Average Hours per Response: 4.98.

Total Estimated Burden: 52,204.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

C. Authority

Section 2 of the Paperwork Reduction Act of 1995, 44 U.S.C. 3507.

Paul M. Olin,

Acting General Deputy Assistant Secretary, Office of Housing.

[FR Doc. 2026–13934 Filed 7–9–26; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7110–N–03; OMB Control No.: 2502–0626]

60-Day Notice of Proposed Information Collection: Tenant Education and Outreach Program

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, 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:* September 8, 2026.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal.

Written comments and recommendations for the proposed information collection can be submitted within 60 days of publication of this notice to regulations.gov. Interested persons are also invited to submit comments regarding this proposal by name and/or OMB Control Number and can be sent to: Darian Ziegler, PRA Liaison, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Darian Ziegler, PRA Liaison, Office of Housing, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email *Darian.Ziegler@hud.gov,* telephone (202) 402–5535. 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 Ms. Ziegler.

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: Tenant Education and Outreach Program.

OMB Approval Number: 2502–0626.

Type of Request: Reinstatement with change.

Forms Number: HUD–9001, HUD–9002, HUD–9003, HUD–9004, HUD–9005. HUD–50080 TEO, HUD–50080 TSUB, HUD–91186 TEO and HUD–91186 TSUB.

Description of the need for the information and proposed use: The collection of this information is necessary to the Department to assist HUD in determining applicant eligibility and capacity to award and administer the HUD TEO grant funds within statutory and program criteria. A thorough evaluation of an applicant's submission is necessary to protect the Government's financial interest.

Respondents: Businesses, Nonprofit organizations, For Profit organizations, and Individuals/Households.

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
HUD 9003-Subaward Application form.	30	1	30	2	60	71.33	$4,279.80
HUD 9004-Subaward Cooperative Agreement.	30	1	30	3	90	71.33	$6,419.70
HUD 9005-Intermediary Cooperative Agreement.	1	1	1	5	5	71.33	$356.65
HUD 50080 TEO-Intermediary Expense Report.	1	12	12	16	192	46.33	$8,895.36
HUD 50080 TSUB-Subrecipient Expense Report.	30	12	360	5	1800	46.33	$83,394.00
HUD 91186 TE0-Intermediary Budget.	1	1	1	10	10	46.33	$463.30
HUD 91186 TSUB-Subrecipient Budget.	30	1	30	10	300	46.33	$13,899.00
Form SF424-Application for Federal Assistance.	25	1	25	0	0	0	0
Form SF424 B-Applicant & Recipient Assurances & Certifications.	25	1	25	0	0	0	0
Form HUD 2880 Applicant/Recipient Disclosure/Update Report.	25	1	25	0	0	0	0
Form SFLLL-Disclosure of Lobbying Activities.	25	1	25	0	0	0	0
Form SF424 A-Budget Information-Non-Construction Programs.	25	1	25	0	0	0	0
Certification Regarding Lobbying (Lobbying Form).	25	1	25	0	0	0	0
Total	574	40	918	54.50	2619	446.14	$123,594.77

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

C. Authority

Section 2 of the Paperwork Reduction Act of 1995, 44 U.S.C. 3507.

Paul M. Olin,

Acting General Deputy Assistant Secretary Office of Housing.

[FR Doc. 2026–13933 Filed 7–9–26; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7106–N–23]

Privacy Act of 1974; System of Records

AGENCY: Office of the Chief Information Officer and Infrastructure and Operations (IOO), HUD.

ACTION: Notice of a modified system of records.

SUMMARY: Pursuant to the provisions of the Privacy Act of 1974, as amended, the Department of the Housing and Urban Development (HUD), Office of the Chief Information Officer (OCIO) and Infrastructure and Operations (IOO), is issuing a public notice of its intent to modify the Privacy Act System of Records Notice (SORN) titled ''Voice of the Customer (VoC)''. The Voice of the Customer (VoC) system of records, originally maintained by the Office of the Chief Financial Officer (OCFO), has been transferred to the OCIO. The VoC platform supports HUD's implementation of the Government Service Delivery Improvement Act and the Executive Order 14058, *Transforming Federal Customer Experience and Service Delivery to Rebuild Trust in Government,* issued on December 13, 2021. It enables customers to provide feedback on HUD's services and allows the Department to analyze customer interactions to identify opportunities for service improvement and to build public trust. This modification updates the System Location, Authority for Maintenance of the System, Purpose, Categories of Records in the System, Record Source Categories, and Technical and Physical Safeguards. Details of these modifications are outlined in the **SUPPLEMENTARY INFORMATION** section.

DATES: Comments will be accepted on or before August 10, 2026. This proposed action will be effective on the date following the end of the comment period unless comments are received which result in a contrary determination.

ADDRESSES: You may submit comments, identified by docket number or by one of the following methods:

Federal e-Rulemaking Portal: http://www.regulations.gov. Follow the instructions provided on that site to submit comments electronically.

Fax: 202–619–8365.

Email: privacy@hud.gov.

Mail: Attention: Privacy Office; Kimberly Morton, Acting Chief Privacy Officer; The Executive Secretariat, 451 7th Street SW, Room 10139; Washington, DC 20410–0001.

Instructions: All submissions received must include the agency name and docket number for this rulemaking. All comments received will be posted without change to *http://www.regulations.gov* including any personal information provided.

Docket: For access to the docket to read background documents or comments received go to *http://www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Kimberly Morton, Acting Chief Privacy Officer; 451 7th Street SW, Room 10139; Washington, DC 20410–1000; telephone number 804–822–4801 (this is not a toll-free number). HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit *https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs*.

SUPPLEMENTARY INFORMATION: HUD updates the System of Records Notice (SORN) for the Voice of the Customer (VoC) to reflect the following changes:

- *System Number:* Updated to reflect on the new Program Office. OCIO is taking over the system from OCFO to align with HUD's Chief Information Officer being designated by the Secretary as the Department's Lead Service Delivery Improvement Official in accordance with the Government Service Delivery Improvement Act of 2025.
- *System Location:* Updated to reflect the current hosting environment and physical address.
- *System Manager:* Updated to reflect changes in personnel managing this system.
- *Authority for Maintenance of the System:* Updated to include the Government Service Delivery Improvement Act.
- *Purpose:* Updated to clarify the VoC system's role in collecting customer feedback to support service improvement and align with Executive Order 14058.
- *Categories of Records in the System:* Updated to include the customer feedback surveys and call record transcripts.
- *Record Source Categories:* Updated to clarify the source of records is customer feedback surveys and call record transcripts.
- *Administrative, Technical and Physical Safeguards:* Updated to reflect Qualtrics' FedRAMP-authorized security Controls, HUD access requirements, and enhance data protection.

SYSTEM NAME AND NUMBER:

Voice of the Customer (VoC), HUD/OCIO–06.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Qualtrics, LLC—333 River Park Dr., Provo, UT 84604–5787; hosted within Amazon Web Services (AWS) GovCloud US-West.

SYSTEM MANAGER(S):

Joseph P. Carter, Director of Customer Experience, Office of the Chief Information Officer, Department of Housing and Urban Development, 1670 Broadway, Floor 25, Denver, CO 80202; telephone number 202–402–5980.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 2 of The Department of Housing and Urban Development Act of 1965, 42 U.S.C. 3531; the Government Service Delivery Improvement Act, 5 U.S.C. 321 *et seq.*; and Executive Order 14058, on Transforming Federal Customer Experience and Service

Delivery to Rebuild Trust in Government.

PURPOSES OF THE SYSTEM:

The Voice of the Customer (VoC) Customer Experience (CX) is a FedRAMP authorized Software as a Service (SaaS) solution that supports enterprise-wide Customer Experience Management (CXM). The VoC system, serviced by Qualtrics, enables HUD and its program offices to design and distribute surveys of varying complexity, manage customer feedback centrally, and conduct qualitative and quantitative analysis on both collected and imported data.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of the Public, HUD Employees, and contractors.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, Email address (work/personal), Phone Number (work/personal), zip code (work/home), customer feedback surveys, and call record transcripts.

RECORD SOURCE CATEGORIES:

Records are obtained from individuals who participated in customer feedback surveys (including from Salesforce HUD Central) and/or interacted with a HUD contact center (*i.e.,* call record transcripts from Salesforce HUD Central).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

(1) To the National Archives and Records Administration, Office of Government Information Services (OGIS), to the extent necessary to fulfill its responsibilities in 5 U.S.C. 552(h), to review administrative agency policies, procedures and compliance with the Freedom of Information Act (FOIA), and to facilitate OGIS' offering of mediation services to resolve disputes between persons making FOIA requests and administrative agencies.

(2) To a congressional office from the record of an individual, in response to an inquiry from the congressional office made at the request of that individual.

(3) To contractors, grantees, experts, consultants, Federal agencies, and non-Federal entities, including, but not limited to, State and local governments and other research institutions or their parties, and entities and their agents with whom HUD has a contract, service agreement, grant, cooperative agreement, or other agreement for the purposes of statistical analysis and research in support of program operations, management, performance monitoring, evaluation, risk management, and policy development, to otherwise support the Department's mission, or for other research and statistical purposes not otherwise prohibited by law or regulation. Records under this routine use may not be used in whole or in part to make decisions that affect the rights, benefits, or privileges of specific individuals. The entity receiving information under this routine use may not further disclose the records in an identifiable form.

(4) To contractors, grantees, experts, consultants and their agents, or others performing or working under a contract, service, grant, cooperative agreement, or other agreement with HUD, when necessary to accomplish an agency function related to a system of records. Disclosure requirements are limited to only those data elements considered relevant to accomplishing an agency function.

(5) To contractors, experts and consultants with whom HUD has a contract, service agreement, or other assignment of the Department, when necessary to utilize relevant data for the purpose of testing new technology and systems designed to enhance program operations and performance.

(6) To appropriate agencies, entities, and persons when (1) HUD suspects or has confirmed that there has been a breach of the system of records, (2) HUD has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, HUD (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with HUD's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

(7) To another Federal agency or Federal entity, when HUD determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

(8) To appropriate Federal, State, local, tribal, or other governmental agencies or multilateral governmental organizations responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where HUD determines that the information would assist in the enforcement of civil or criminal laws and when such records, either alone or in conjunction with other information, indicate a violation or potential violation of law.

(9) To a court, magistrate, administrative tribunal, or arbitrator in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, mediation, or settlement negotiations, or in connection with criminal law proceedings; when HUD determines that use of such records is relevant and necessary to the litigation and when any of the following is a party to the litigation or have an interest in such litigation: (a) HUD, or any component thereof; or (b) any HUD employee in his or her official capacity; or (c) any HUD employee in his or her individual capacity where HUD has agreed to represent the employee; or (d) the United States, or any agency thereof, where HUD determines that litigation is likely to affect HUD or any of its components.

(10) To any component of the Department of Justice or other Federal agency conducting litigation or in proceedings before any court, adjudicative, or administrative body, when HUD determines that the use of such records is relevant and necessary to the litigation and when any of the following is a party to the litigation or have an interest in such litigation: (a) HUD, or any component thereof; or (b) any HUD employee in his or her official capacity; or (c) any HUD employee in his or her individual capacity where the Department of Justice or agency conducting the litigation has agreed to represent the employee; or (d) the United States, or any agency thereof, where HUD determines that litigation is likely to affect HUD or any of its components.

(11) To the Office of Management and Budget, in order to comply with Circular A–11, part 6, Section 280 reporting requirements. Records provided under this routine use will be de-identified and may become publicly available on *performance.gov*.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records are mainlined in electronic media only.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are retrieval by name and work email addresses.

POLICIES AND PRACTICIES FOR RETENTION AND DISPOSAL OF RECORDS:

GRS 6.5.010 Public Customer Service Records, Disposition Authority DAA–GRS–2017–0002–0001. Temporary—Destroy 1 year after resolved, or when no longer needed for business use, whichever is appropriate.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Voice of the Customer (VoC) Customer Experience (CX) uses Qualtrics, which is FedRAMP authorized Software as a Service (SaaS) system for enterprise-wide Customer Experience Management (CXM). Qualtrics is responsible for implementing administrative, technical, and physical security and privacy controls. HUD employees and contractors must first authenticate through the HUD network using their PIV card and PIN before accessing the system. Qualtrics provides secure, role-based access to systems and data. Qualtrics's data access controls and authorizations determine what a user can and cannot do after logging in. Qualtrics supports a fine-grained authorization model, allowing an administrator to grant access based on user groups/roles, organization hierarchy, and data permissions. Predefined roles can automatically mask personal or other sensitive data, obscuring fields from unauthorized users. This masking feature supports compliance with the Health Insurance Portability and Accountability Act (HIPAA) and other regulations. Records are secured with the data at rest encryption (via AWS volume encryption is applied) and data in transit encryption (via data transmission over https protocols).

RECORD ACCESS PROCEDURES:

Individuals requesting records of themselves should address written inquiries to the Department of Housing and Urban and Development, 451 7th Street SW, Washington, DC 20410–0001. For verification, individuals should provide their full name, current address, and telephone number. In addition, the requester must provide either a notarized statement or an unsworn declaration made under 24 CFR 16.4.

CONTESTING RECORD PROCEDURES:

The HUD rule for contesting the content of any record pertaining to the individual by the individual concerned is published in 24 CFR 16.8 or may be obtained from the system manager.

NOTIFICATION PROCEDURES:

Individuals requesting notification of records of themselves should address written inquiries to the Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410–0001. For verification purposes, individuals should provide their full name, office or organization where assigned, if applicable, and current address and telephone number. In addition, the requester must provide either a notarized statement or an unsworn declaration made under 24 CFR 16.4.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

Docket No. FR–7092–N–34, 89 FR 63212, August 2, 2024.

Kimberly Morton,

Acting Chief Privacy Officer, Office of Administration.

[FR Doc. 2026–13969 Filed 7–9–26; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6548–N–04]

Credit Watch Termination Initiative; Terminations of Direct Endorsement (DE) Approval

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development (HUD).

ACTION: Notice.

SUMMARY: This notice advises of the cause and effect of terminations of Direct Endorsement (DE) approval taken by HUD's Federal Housing Administration (FHA) against HUD-approved mortgagees through the FHA Credit Watch Termination Initiative. This notice includes a list of mortgagees that have had their DE Approval terminated.

FOR FURTHER INFORMATION CONTACT: John Higgins, Director, Quality Assurance Division, Office of Housing, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410–8000; telephone (202) 402–6730 (this is not a toll-free number). HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit *https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs.*

SUPPLEMENTARY INFORMATION: HUD has the authority to address deficiencies in the performance of lenders' loans as provided in HUD's mortgagee approval regulations at 24 CFR 202.3. On May 17, 1999, HUD published a notice (64 FR 26769) on its procedures for terminating Origination Approval Agreements with FHA lenders and placement of FHA lenders on Credit Watch status (an evaluation period). In the notice, HUD advised that it would publish in the **Federal Register** a list of mortgagees that have had their Approval Agreements terminated. HUD Handbook 4000.1 section V.E.3.a.iii outlines current procedures for terminating Underwriting Authority of Direct Endorsement mortgagees.

Termination of Direct Endorsement Approval: HUD approval of a DE mortgagee authorizes the mortgagee to underwrite single family mortgage loans and submit them to FHA for insurance endorsement. The approval may be terminated on the basis of poor performance of FHA-insured mortgage loans underwritten by the mortgagee. The termination of a mortgagee's DE Approval is separate and apart from any action taken by HUD's Mortgagee Review Board under HUD regulations at 24 CFR part 25.

Cause: HUD regulations and policy permit HUD to terminate the DE Approval of any mortgagee having a default and claim rate for loans endorsed within the preceding 24 months that exceeds 200 percent of the default and claim rate within the geographic area served by a HUD field office, and that exceeds the national default and claim rate for insured mortgages.

Effect: Termination of DE Approval precludes the mortgagee from underwriting FHA-insured single-family mortgages within the HUD field office jurisdiction(s) listed in this notice. Mortgagees authorized to hold or service FHA-insured mortgages may continue to do so.

Loans that closed or were approved before the termination became effective may be submitted for insurance endorsement. Approved loans are those already underwritten and approved by a DE underwriter and cases covered by a firm commitment issued by HUD. Cases at earlier stages of processing cannot be submitted for insurance by the terminated mortgagee; however, the cases may be transferred for completion of processing and underwriting to another mortgagee with DE Approval in that geographic area. Mortgagees must continue to pay existing insurance premiums and meet all other obligations associated with insured mortgages.

A terminated mortgagee may apply for reinstatement if their DE Approval in

the affected area or areas has been terminated for at least six months and the mortgagee continues to be an approved mortgagee meeting the requirements of 24 CFR 202.5, 202.6, 202.7, 202.10 and 202.12. The mortgagee's application for reinstatement must be in a format prescribed by the Secretary and signed by the mortgagee. In addition, the application must be accompanied by an independent analysis of the terminated office's operations as well as its mortgage production, specifically including the FHA-insured mortgages cited in its termination notice. This independent analysis must identify the underlying cause for the mortgagee's high default and claim rate. The analysis must be prepared by an independent Certified Public Accountant (CPA) qualified to perform audits under Government Auditing Standards as provided by the Government Accountability Office. The mortgagee must also submit a written corrective action plan to address each of the issues identified in the CPA's report, along with evidence that the plan has been implemented. The application for reinstatement must be submitted through the Lender Electronic Assessment Portal (LEAP). The application must be accompanied by the CPA's report and the corrective action plan.

Action: The following mortgagees have had their DE Approval terminated by HUD:

Mortgagee name	Mortgagee home office address	HUD office jurisdictions	Termination effective date	Homeownership centers
Equity Prime Mortgage LLC	5 Concourse Pkwy, Ste. 2250, Atlanta, GA 30328–7121.	Birmingham, Chicago, Denver, Detroit, Fort Worth, Grand Rapids, Greensboro.	6/4/2026	Atlanta, Denver, Philadelphia.
AmeriTrust Mortgage Corp	2201 Spinks Road, Flower Mound, TX 75022.	Tampa, New Orleans	6/2/2026	Atlanta, Denver.
OCMBC Inc	19000 Macarthur Blvd., Ste. 200 Irvine, CA 92612–1420.	Atlanta	5/1/2026	Atlanta.

Paul M. Olin,

Acting General Deputy Assistant Secretary, Office of Housing.

[FR Doc. 2026–13945 Filed 7–9–26; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS–HQ–IA–2026–1717; FXIA16710900000–267–FF09A30000]

Wild Bird Conservation Act; Receipt of Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of permit applications; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), invite the public to comment on applications for the approval of a Cooperative Breeding Program under the Wild Bird Conservation Act (WBCA). With some exceptions, the WBCA prohibits certain activities with exotic bird species without Federal authorization. The regulations implementing WBCA also require that we invite public comment on each application requesting approval of a cooperative breeding program.

DATES: Comments will be accepted on or before August 10, 2026. Comments submitted electronically using the Federal eRulemaking Portal (see **ADDRESSES**, below) must be received by 11:59 p.m. Eastern Time on the closing date.

To ensure your comment is received and considered, you must submit it using one of the methods identified in the **ADDRESSES** section of this document. Comments submitted through any method not authorized in this document, or sent to an address not listed here, will not be considered.

ADDRESSES: *Comment submission:* All submissions must include the docket number FWS–HQ–IA–2026–1717 for this document. You must submit comments using one of the following methods:

- *Electronic submission:* Federal eRulemaking Portal at: *https://www.regulations.gov*. In the Search box, enter FWS–HQ–IA–2026–1717, which is the docket number for this action. Then click the Search button. On the resulting page, you may submit a comment by clicking on ''Comment.'' Please ensure that you have found the correct document before submitting your comments.
- *U.S. mail:* Public Comments Processing, Attn: Docket No. FWS–HQ–IA–2026–1717, Policy and Regulations Branch, U.S. Fish and Wildlife Service, MS: PRB (JAO/3W), 5275 Leesburg Pike, Falls Church, VA 22041–3803.

Comments submitted through any method not authorized in this document, or sent to an address not listed here, will not be considered. We will not accept comments via email, fax, or hand delivery. We are not required to consider comments that are submitted after the comment period ends or that are submitted via a method outside of these instructions. Comments containing profanity, vulgarity, threats, or other inappropriate content will not be considered.

We will post all comments at *https://www.regulations.gov*. You may request that we withhold personal identifying information from public review; however, we cannot guarantee that we will be able to do so. For more information, see Public Comment Procedures under **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Brenda Tapia, by phone at 703–358–2185 or via email at *DMAFR@fws.gov*. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION:

I. Public Comment Procedures

A. How do I comment on submitted applications?

We invite the public and local, State, Tribal, and Federal agencies to comment on these applications. Before issuing any of the requested permits, we will take into consideration any information that we receive during the public comment period.

You may submit your comments and materials by one of the methods in **ADDRESSES**. We will not consider comments sent by email, or to an address not in **ADDRESSES**. We will not consider or include in our administrative record comments we

receive after the close of the comment period (see **DATES**).

When submitting comments, please specify the name of the applicant and the permit number at the beginning of your comment. Provide sufficient information to allow us to authenticate any scientific or commercial data you include. The comments and recommendations that will be most useful and likely to influence agency decisions are: (1) Those supported by quantitative information or studies; and (2) those that include citations to, and analyses of, the applicable laws and regulations.

B. May I review comments submitted by others?

You may view and comment on others' public comments at *https://www.regulations.gov* unless our allowing so would violate the Privacy Act (5 U.S.C. 552a) or Freedom of Information Act (5 U.S.C. 552).

C. Who will see my comments?

If you submit a comment at *https://www.regulations.gov,* your entire comment, including any personal identifying information, will be posted on the website. If you submit a hardcopy comment that includes personal identifying information, such as your address, phone number, or email address, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. Moreover, all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

II. Background

To help the Service carry out our conservation responsibilities for affected species, and in consideration of section 112(4) of the Wild Bird Conservation Act of 1992 (16 U.S.C. 4901–4916), we invite public comments on certain permit applications before final action is taken. With some exceptions, the WBCA prohibits certain activities with exotic bird species without Federal authorization. Service regulations regarding permits for any activity otherwise prohibited by the WBCA with respect to any wild birds are available in title 50 of the Code of Federal Regulations in part 15.

III. Permit Applications

We invite comments on the following applications.

Wild Bird Conservation Act

Applicant: Vernon Padgett, Sandy Springs, GA; Permit No. PER27085074.

The applicant wishes to renew the Cooperative Breeding Program CB046 that was established to approve the import of 20 male and 20 female Yellow-bibbed lory (*Lorius chlorocercus*), 20 male and 20 female Red lory (*Eos rubra*), 20 male 20 female Chattering lory (*Lorius garrulus*), 20 male and 20 female Dusky lory (*Pseudeos fuscata*), 20 male and 20 female Cardinal lory (*Chalcopsitta cardinalis*), 20 male and 20 female Black lory (*Chalcopsitta atra*), 20 male and 20 female Yellow-streaked lory (*Chalcopsitta sintillaya*), 20 male and 20 female Black-winged lory (*Eos cyanogenia*), 20 male and 20 female Blue-streaked lory (Eos reticulata), 20 male and 20 female Violet-necked lory (*Eos squamata*), 20 male and 20 female Stella's lorikeet (*Charmosyna papou*), 20 male and 20 female Ornate lorikeet (*Trichoglossus ornatus*), and 20 male and 20 female Coconut lorikeet (*Trichoglossus haematodus)* and amend it to add 20 male and 20 female Pesquet's Parrot (*Psittrichas fulgidus*), 20 male and 20 female Fairy Lorikeet (*Charmosyna pulchella*), 20 male and 20 female Goldie's Lorikeet (*Psitteuteles goldiei*), and remove 20 male and 20 female Black Lory (*Chalcopsitta atra*) and 20 male and 20 female Violet Necked Lory (*Eos squamata*).

Applicant: Vernon Padgett, Sandy Springs, GA; Permit No. PER26823331.

The applicant wishes to renew the Cooperative Breeding Program CB045 that was established to approve the import of 20 male and 20 female Toco toucan (*Ramphastos toco*), 20 male and 20 female Channel-billed toucan (*Ramphastos vitellinus*), 20 male and 20 female Red-billed toucan (*Ramphastos tucanus*), 20 male and 20 female Green-billed toucan (*Ramphastos vitellinus*), 20 male and 20 female Green aracari (*Pteroglossus viridis*), 20 male and 20 female Saffron toucanet (*Baillonius bailloni*), 15 male and 15 female Rufous hornbill (*Buceros hydrocorax*), 15 male and 15 female Papuan hornbill (*Rhyticeros plicatus*), Wreathed hornbill (*Rhyticeros undulatus*), and 15 male and 15 female Knobbed hornbill (*Aceros cassidix*) and to amend it to add 15 male and 15 female Rhinoceros Hornbill (*Buceros rhinoceros*), 15 male and 15 female Black Hornbill (*Anthracoceros Malayanus*), 15 male and 15 female Oriental Pied Hornbill (*Anthracoceros albirostris*) and 15 male and 15 female Wrinkled Hornbill (*Aceros corrugatus*) and to remove 20 male and 20 female Green Aracari (*Pteroglossus viridis*) and 20 male and 20 female Saffron Toucanet (*Baillonius bailloni*), along with adding a new member Robert Yoshida. If the amendment is approved, the program will include Robert Yoshida as a member of CB045.

IV. Next Steps

After the comment period closes, we will make decisions regarding permit issuance. If we issue permits to any of the applicants listed in this notice, we will publish a notice in the **Federal Register**. You may locate the notice announcing the permit issuance by searching *https://www.regulations.gov* for the permit number listed above in this document. For example, to find information about the potential issuance of Permit No. 12345A, you would go to *https://www.regulations.gov* and search for ''12345A''.

V. Authority

We issue this notice under the authority of the implementing regulations and under the authority of the Wild Bird Conservation Act of 1992 (16 U.S.C. 4901–4916). This notice is provided pursuant to section 112(4) of the Wild Bird Conservation Act of 1992, 50 CFR 15.26(c).

Scott Carleton,

Acting Branch Chief, Branch of Permits, Division of Management Authority.

[FR Doc. 2026–13948 Filed 7–9–26; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7285; NPS–WASO–NAGPRA–NPS0043143; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: History Colorado, Denver, CO

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), History Colorado 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 August 10, 2026.

ADDRESSES: Send written requests for repatriation of the human remains in this notice to Chance Ward, History Colorado, 1200 Broadway, Denver CO 80203, email *Chance.Ward@state.co.us.*

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 History Colorado, 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, four individuals have been identified. No associated funerary objects are present. The individuals were transferred to History Colorado from the offices of multiple county coroners. Provenience information is minimal or absent for all individuals. Based on available information, the individuals have been determined to be likely Native American and archaeological in age. The individuals are reported to originate from locations within the present-day boundaries of Colorado. Specifically the Northwest region of Colorado. Including the counties of Chaffee, Clear Creek, Delta, Eagle, Fremont, Garfield, Grand, Gunnison, Jackson, Lake, Mesa, Moffat, Montrose, Park, Pitkin, Rio Blanco, Routt, Summit, and Ouray. No known hazardous substances were used in the treatment or preservation of the human remains.

- OAHP Case 353—From Montrose County. Two Ancestors. No funerary objects.
- OAHP Case 354—From Mesa County. One Ancestor. No funerary objects.
- OAHP Case 355—From Montrose County. One Ancestor. No funerary objects.

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

History Colorado has determined that:

- The human remains described in this notice represent the physical remains of 4 individuals of Native American ancestry.
- There is a connection between the human remains in this notice and the Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado; Ute Indian Tribe of the Uintah & Ouray Reservation, Utah; and the Ute Mountain Ute Tribe.

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 August 10, 2026. If competing requests for repatriation are received, History Colorado 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. History Colorado 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 30, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–13937 Filed 7–9–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7284; NPS–WASO–NAGPRA–NPS0043142; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: History Colorado, Denver, CO

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), History Colorado 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 August 10, 2026.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Chance Ward, NAGPRA Collections Specialist, History Colorado, 1200 Broadway, Denver, CO 80203, email *Chance.Ward@state.co.us.*

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 History Colorado, 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, 34 individuals have been identified. No associated funerary objects are present. The individuals were transferred to History Colorado from the offices of multiple county coroners. Provenience information is minimal or absent from all individuals. Based on available information, the individuals have been determined to be likely Native American and archaeological in age. The individuals are reported to originate from locations within the present-day boundaries of Colorado. Specifically the Front Range and Great Plains region of Colorado. Including the counties of Adams, Arapahoe, Baca, Bent, Boulder, Broomfield, Cheyenne, Crowley, Denver, Douglas, Elbert, El Paso, Gilpin, Huerfano, Kit Carson, Kiowa, Larimer, Las Animas, Lincoln, Logan, Morgan, Otero, Phillips, Prowers, Pueblo, Sedgwick, Washington, Weld, and Yuma. No known hazardous substances were used in the treatment or preservation of the human remains.

- OAHP Case 347—From Las Animas County. One Ancestor. No funerary objects.
- OAHP Case 348—From Southeastern Colorado. County of origin is unknown. One Ancestor. No funerary objects.
- OAHP Case 358—From Douglas County. One Ancestor. No funerary objects.
- OAHP Case 362—From Denver County. One Ancestor. No funerary objects.
- OAHP Case 365—From Jefferson County. Two Ancestors. No funerary objects.
- OAHP Case 366—From Arapahoe County. One Ancestor. No funerary objects.
- OAHP Case 370—From Weld County. Two Ancestors. No funerary objects.

- OAHP Case 371—From Arapahoe County. One Ancestor. No funerary objects.
- OAHP Case 374—From Larimer County. One Ancestor. No funerary objects.
- OAHP Case 375—From Pueblo County. One Ancestor. No funerary objects.
- OAHP Case 376—From Denver County. One Ancestor. No funerary objects.
- OAHP Case 377—From Arapahoe County. One Ancestor. No funerary objects.
- OAHP Case 378—From Pueblo County. One Ancestor. No funerary objects.
- OAHP Case 379—From Arapahoe County. One Ancestor. No funerary objects.
- OAHP Case 380—From Pueblo County. One Ancestor. No funerary objects.
- OAHP Case 382—From Larimer County. One Ancestor. No funerary objects.
- OAHP Case 383—From Jefferson County. 16 Ancestors. No funerary objects.

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

History Colorado has determined that:

- The human remains described in this notice represent the physical remains of 34 individuals of Native American ancestry.
- There is a connection between the human remains described in this notice and the Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado; Ute Indian Tribe of the Uintah & Ouray Reservation, Utah; and the Ute Mountain Ute Tribe.

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 August 10, 2026. If competing requests for repatriation are received, History Colorado 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. History Colorado 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 30, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–13938 Filed 7–9–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–DTS#–43187; PPWOCRADI0, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The National Park Service is soliciting electronic comments on the significance of properties nominated before June 27, 2026, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted by July 27, 2026.

ADDRESSES: Comments are encouraged to be submitted electronically to *National_Register_Submissions@nps.gov* with the subject line ''Public Comment on <property or proposed district name, (County) State>.'' If you have no access to email, you may send them via U.S. Postal Service and all other carriers to the National Register of Historic Places, National Park Service, 1849 C Street NW, MS 2013, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Sherry A. Frear, Chief, National Register of Historic Places/National Historic Landmarks Program, 1849 C Street NW, MS 2013, Washington, DC 20240, *sherry_frear@nps.gov,* 202–913–3763.

SUPPLEMENTARY INFORMATION: The properties listed in this notice are being considered for listing or related actions in the National Register of Historic Places. Nominations for their consideration were received by the National Park Service before June 27, 2026. Pursuant to 36 CFR 60.13, comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Nominations submitted by State or Tribal Historic Preservation Officers

Key: State, County, Property Name, Multiple Name (if applicable), Address/Boundary, City, Vicinity, Reference Number.

DISTRICT OF COLUMBIA

District of Columbia

Mozart, The, (Apartment Buildings in Washington, DC, MPS), 1630 Fuller Street NW, Washington, MP100013260

Ritz, The, (Apartment Buildings in Washington, DC, MPS), 1631 Euclid Street NW, Washington, MP100013279

MINNESOTA

St. Louis County

Alice Nettell Tower, 550 North Third Avenue, Virginia, SG100013282

NEBRASKA

Lancaster County

Felthauser, Genevieve, House, (Nebraska's Women in Trades MPS), 1740 High Street, Lincoln, MP100013278

NEVADA

Clark County

Boulder City Navy Hangar, 1401 Boulder City Parkway, Boulder City, SG100013261

NEW YORK

Erie County

Gates Manor Apartment Building, 870 Lafayette Avenue, Buffalo, SG100013291

Madison County

The Pine Woods Union Church, 6235 US Route 20, Eaton, SG100013264

Niagara County

Farmers and Mechanics Savings Bank, 116 Main Street, Lockport, SG100013290

Orleans County

Peters House, 4018 Salt Works Rd., Medina, SG100013265

Suffolk County

Hulse House, 40 Old Post Road, East Setauket, SG100013288
Edmund Wetmore Estate, 99 Sunken Meadow Road, Fort Salonga, SG100013289

Warren County

The Lake George Club, 4000 Lake Shore Drive, Diamond Point, SG100013266

Wyoming County

Perry High School, 59 Leicester Street, Perry, SG100013292

OHIO

Hamilton County

St. Leo the Great Complex, 2569 and 2573 St. Leo Place, Cincinnati, SG100013287

PENNSYLVANIA

Erie County

Joshua Bannister Farm, (Agricultural Resources of Pennsylvania c1700–1960 MPS), 7615 Knoyle Road, Erie, MP100013280

TEXAS

Limestone County

Walker, Cindy, House, 114 S Brooks Street, Mexia, SG100013268

UTAH

Summit County

Jeremy Ranch Stone Cabin Site, T1N–R3E, SECTION 34 (NW¼, NE¼), JEREMY RANCH ROAD, Park City vicinity, SG100013262

VERMONT

Orleans County

Sacred Heart School, 47 Clermont Terrace, Newport, SG100013283

WISCONSIN

Door County

Jennibel Shipwreck (Schooner), (Great Lakes Shipwreck Sites of Wisconsin MPS), In Lake Michigan 3.07 miles southwest of the Chambers Island, Town of Gibraltar, MP100013286

A request for removal has been made for the following resource(s):

MINNESOTA

Pipestone County

Stordahl Building, (Pipestone County MRA), 119 W Wall St., Jasper, OT80002120

An additional documentation has been received for the following resource(s):

NEW YORK

New York County

Hotel Chelsea (Additional Documentation), 222 W 23rd St., New York, AD77000958

Nomination(s) submitted by Federal Preservation Officers:

The State Historic Preservation Officer reviewed the following nomination(s) and responded to the Federal Preservation Officer within 45 days of receipt of the nomination(s) and supports listing the properties in the National Register of Historic Places.

WYOMING

Park County

Goff Creek, Address Restricted, Cody vicinity, SG100013263

Authority: 36 CFR 60.13.

Sherry A. Frear,

Chief, National Register of Historic Places/National Historic Landmarks Program.

[FR Doc. 2026–13985 Filed 7–9–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7287; NPS–WASO–NAGPRA–NPS0043144; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: History Colorado, Denver, CO

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), History Colorado 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 August 10, 2026.

ADDRESSES: Send written requests for repatriation of the human remains in this notice to Chance Ward, NAGPRA Collections Specialist, History Colorado, 1200 Broadway, Denver, CO 80203, email *Chance.Ward@state.co.us.*

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 History Colorado, 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, 11 individuals have been identified. No associated funerary objects are present. The individuals were transferred to History Colorado from the offices of multiple county coroners. Provenience information is minimal or absent from all individuals. Based on available information, the individuals have been determined to likely be Native American and archaeological in age. The individuals are reported to originate from locations within the present-day boundaries of Colorado. County of origin is unknown. No known hazardous substances were used in the treatment or preservation of the human remains.

- Case 373—County of origin is unknown. One Ancestor. No funerary objects.
- Case 381—County of origin unknown. 10 Ancestors. No funerary objects.

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

History Colorado has determined that:

- The human remains described in this notice represent the physical remains of 11 individuals of Native American ancestry.
- There is a connection between the human remains described in this notice and the Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado; Ute Indian Tribe of the Uintah & Ouray Reservation, Utah; and the Ute Mountain Ute Tribe.

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 August 10, 2026. If competing requests for repatriation are received, History Colorado 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. History Colorado 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 30, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–13936 Filed 7–9–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–DTS#–43122; PPWOCRADI0, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The National Park Service is soliciting electronic comments on the significance of properties nominated before June 20, 2026, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted by July 27, 2026.

ADDRESSES: Comments are encouraged to be submitted electronically to *National_Register_Submissions@nps.gov* with the subject line ''Public Comment on <property or proposed district name, (County) State>.'' If you have no access to email, you may send them via U.S. Postal Service and all other carriers to the National Register of Historic Places, National Park Service, 1849 C Street NW, MS 2013, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Sherry A. Frear, Chief, National Register of Historic Places/National Historic Landmarks Program, 1849 C Street NW, MS 2013, Washington, DC 20240, *sherry_frear@nps.gov,* 202–913–3763.

SUPPLEMENTARY INFORMATION: The properties listed in this notice are being considered for listing or related actions in the National Register of Historic Places. Nominations for their consideration were received by the National Park Service before June 20, 2026. Pursuant to 36 CFR 60.13, comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Nominations submitted by State or Tribal Historic Preservation Officers

Key: State, County, Property Name, Multiple Name (if applicable), Address/Boundary, City, Vicinity, Reference Number.

CALIFORNIA

San Diego County

Elm Courts, (San Diego Bungalow Courts MPS), 1730–1748 29th Street, San Diego, MP100013251

El Cantorral Court, (San Diego Bungalow Courts MPS), 2454–2474 Adams Avenue, San Diego, MP100013252

DISTRICT OF COLUMBIA

District of Columbia

Shrine of the Sacred Heart, 3211 Pine Street NW (3211 Sacred Heart Way), Washington, SG100013249

FLORIDA

Martin County

Downtown Stuart Historic District, Bounded by: SW Flagler Avenue; St. Lucie River; SE Denver Avenue; Flagler Park, Stuart, SG100013257

East Stuart Historic District, Martin Luther King Blvd.; 10th St; Tarpon Ave; and FEC Railway Tracks, Stuart, SG100013258

TEXAS

Fort Bend County

Patricia Welder and Hampton C. Robinson Jr. House, 3630 Hampton Drive, Missouri City, SG100013256

Matagorda County

Culver, George Burkhart, House, 625 Wightman Street, Matagorda, SG100013248

UTAH

Salt Lake County

Tenth East Senior Center, 237–239 South 1000 East, Salt Lake City, SG100013254

WISCONSIN

Door County

F.J King Shipwreck (Schooner), (Great Lakes Shipwreck Sites of Wisconsin MPS), Address Restricted, Town of Liberty Grove vicinity, MP100013253

Additional documentation has been received for the following resource(s):

WISCONSIN

Milwaukee County

Harley-Davidson Motorcycle Factory Building (Additional Documentation), (West Side Area MRA), 3700 W Juneau Ave., Milwaukee, AD86003850

Nomination(s) submitted by Federal Preservation Officers:

The State Historic Preservation Officer reviewed the following nomination(s) and responded to the Federal Preservation Officer within 45 days of receipt of the nomination(s) and supports listing the properties in the National Register of Historic Places.

ILLINOIS

Pope County

Miller Grove Archaeological Historic District, Address Restricted, Glendale vicinity, SG100013247

Authority: 36 CFR 60.13.

Sherry A. Frear,

Chief, National Register of Historic Places/National Historic Landmarks Program.

[FR Doc. 2026–13984 Filed 7–9–26; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1415 (Enforcement)]

Certain Pre-Stretched Synthetic Braiding Hair and Packaging Therefor; Notice of Commission Determination Not To Review an Initial Determination Terminating the Enforcement Proceeding Based on Withdrawal of the Enforcement Complaint; Termination of the Enforcement Proceeding

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (''the Commission'') has determined not to review an initial determination (''ID'') (Order No. 53) issued by the presiding administrative law judge (''ALJ'') granting complainant JBS Hair, Inc.'s (''JBS Hair'') unopposed motion to terminate the enforcement proceeding against respondent Dae Do Inc. d/b/a Vivace (''Vivace'') based on withdrawal of the enforcement complaint. The enforcement proceeding is terminated.

FOR FURTHER INFORMATION CONTACT: Houda Morad, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708–4716. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* General information concerning the Commission may also be obtained by accessing its

internet server at *https://www.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal, telephone (202) 205–1810.

SUPPLEMENTARY INFORMATION: On September 9, 2024, the Commission instituted this investigation based on a complaint filed by JBS Hair of Atlanta, Georgia. 89 FR 73123–24 (Sept. 9, 2024). The complaint, as supplemented, alleged violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (''section 337''), based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain pre-stretched synthetic braiding hair and packaging therefor by reason of the infringement of certain claims of U.S. Patent Nos. 10,786,026; 10,945,478 (''the '478 patent''); and 10,980,301 (''the '301 patent''). *Id.* The complaint also alleged that a domestic industry exists. The notice of investigation, as amended, named numerous respondents, including Vivace. *Id.; see also* 91 FR 35267 (June 10, 2026). The Office of Unfair Import Investigations (''OUII'') was also named as a party in the investigation. *Id.*

On February 24, 2025, the Commission found Vivace to be in default. Order No. 31 (Feb. 4, 2025), *unreviewed by* Comm'n Notice (Feb. 24, 2025). On September 29, 2025, the Commission issued a limited exclusion order and/or cease and desist orders (collectively, ''the remedial orders'') against certain defaulting respondents, including Vivace, pursuant to section 337(g)(1), 19 U.S.C. 1337(g)(1). 90 FR 47821–23 (Oct. 2, 2025).

On December 18, 2025, JBS Hair filed an enforcement complaint against Vivace requesting that the Commission institute an enforcement proceeding under Commission Rule 210.75 (19 CFR 210.75) to investigate alleged violations by Vivace of the Commission's remedial orders.

On January 22, 2026, the Commission instituted an enforcement proceeding under Commission Rule 210.75 against Vivace. 91 FR 2799–800 (Jan. 22, 2026).

On June 8, 2026, the Commission amended the complaint and notice of investigation to correct the name of Vivace from ''Vivace, Inc. d/b/a Dae Do Inc.'' to ''Dae Do Inc. d/b/a Vivace.'' *See* Order No. 51 (May 7, 2026), *unreviewed by* 91 FR 35267 (June 10, 2026).

On June 9, 2026, JBS Hair filed an unopposed motion to terminate the enforcement proceeding pursuant to Commission Rule 210.21(a)(1) (19 CFR 210.21(a)(1)) based on withdrawal of the enforcement complaint against Vivace. On June 16, 2026, OUII filed a response in support of the motion.

On June 18, 2026, the ALJ issued the subject ID (Order No. 53) granting the unopposed motion. The ID finds that ''JBS Hair has complied with the requirements of Commission Rule 210.21(a).'' ID at 1–2. In particular, the motion was filed before the issuance of the enforcement initial determination. *Id.* In addition, the motion states that ''there are no agreements, written or oral, express or implied, between the parties concerning the subject matter of this investigation.'' *Id.* at 1. Furthermore, the ID finds ''no extraordinary circumstances exist that would prevent the requested termination.'' *Id.* at 2. No petition for review of the subject ID was filed.

The Commission has determined not to review the subject ID.

The Commission's vote for this determination took place on July 8, 2026.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: July 8, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026–13993 Filed 7–9–26; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1426]

Certain Crafting Machines and Components Thereof; Notice of the Commission's Final Determination Finding a Violation of Section 337; Issuance of a General Exclusion Order, Limited Exclusion Orders, and Cease and Desist Orders; Termination of the Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has found a violation of section 337 of the Tariff Act of 1930, as amended, in this investigation and has issued a general exclusion order (''GEO'') prohibiting the importation of certain crafting machines and components thereof that infringe U.S. Patent No. D893,563 (''the D563 patent''), a limited exclusion order (''LEO'') directed to defaulting respondent LiPing Zhan (''Konduone'') with respect U.S. Patent No. 11,905,646 (''the '646 patent''), an LEO directed to defaulting respondents Bozhou Wanxingyu Technology Co. Ltd., Bozhou Zhongdaxiang Technology Co., Ltd., and Shanghai Sishun E-Commerce Co., Ltd. (collectively, the ''Vevor Respondents'') with respect to U.S. Patent No. D1,029,090 (''the D090 patent''), and cease and desist orders (''CDO'') directed to Konduone and the Vevor Respondents.

FOR FURTHER INFORMATION CONTACT: Cathy Chen, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2392. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on December 11, 2024, based on a complaint filed on behalf of Cricut, Inc. (''Cricut'') of South Jordan, Utah. 89 FR 99,905–06 (Dec. 11, 2024). The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended, 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 crafting machines and components thereof by reason of infringement of certain claims of the '646 patent, the D563 patent, the D090 patent, U.S. Patent No. 11,208,758 (''the '758 patent''), U.S. Patent No. D910,724 (''the D724 patent''), and U.S. Patent No. D926,237 (''the D237 patent''). *Id.* The complaint further alleged that an industry in the United States exists or is in the process of being established as required by the applicable Federal statute. The Commission's notice of investigation named eight (8) respondents: Bozhou Wanxingyu Technology Co. Ltd. of Bozhou, China; Bozhou Zhongdaxiang Technology Co., Ltd. of Bozhou, China; Shanghai Sishun E-Commerce Co., Ltd. of Shanghai, China; LiPing Zhan of Jingzhou, China;

Hunan Sijiu Technology, Co. Ltd. of Changsha, China; Hunan Sijiu Electronic Technology Co., Ltd. (''HSET'') of Changsha, China; Guangdong Rongtu Technology Co., Ltd. of Foshan City, China; and SainStore Technology Co., Ltd. (''SainStore'') of Dongguan City, China. *Id.* at 99,905–06. The Office of Unfair Import Investigations (''OUII'') was also named as a party. *Id.* at 99,906.

On January 31, 2025, the Commission partially terminated the investigation as to SainStore based on a consent order stipulation and issued a consent order against SainStore. Order No. 5 (Jan. 8, 2025), *unreviewed by* Comm'n Notice (Jan. 31, 2025).

On April 3, 2025, Respondent HSET was terminated from this investigation, HK Sijiu International Share Co., Ltd. of Hong Kong, China, was added to this investigation as a new respondent, and U.S. Design Patent No. D877,214 (''the D214 patent'') was also added to this investigation. Order No. 10 (Mar. 6, 2025), *unreviewed by* Comm'n Notice (Apr. 3, 2025), 90 FR 15,161–62 (Apr. 8, 2025). The target date was extended to May 13, 2026.

On April 4, 2025, claims 19 and 20 of the 758 patent were terminated from the investigation based on withdrawal of the complaint. Order No. 11 (Mar. 17, 2025), *unreviewed by* Comm'n Notice (Apr. 4, 2025).

The Vevor Respondents and Konduone were found in default pursuant to 19 CFR 210.16. Order No. 17 (May 7, 2025), *unreviewed by* Comm'n Notice (May 28, 2025). Accordingly, Respondents HK Sijiu International Share Co., Ltd., Hunan Sijiu Technology, Co. Ltd., and Guangdong Rongtu Technology Co., Ltd. (collectively, ''HTVRONT'') were the only remaining active respondents during the investigation.

On May 27, 2025, the Commission partially terminated the investigation as to the D090 patent based on a consent order stipulation and issued a consent order against HTVRONT as to that patent. Order No. 16 (Apr. 30, 2025), *unreviewed by* Comm'n Notice (May 27, 2025).

On August 5, 2025, the Commission determined not to review an ID (Order No. 21), extending the target date to August 13, 2026, at the request of the parties. Order No. 21 (July 8, 2025), *unreviewed by* Comm'n Notice (Aug. 5, 2025).

On August 27, 2025, the Chief Administrative Law Judge (''ALJ'') shortened the target date to March 11, 2026, after the parties agreed that the remainder of the investigation could be adjudicated through motion practice. Order No. 22 (Aug. 27, 2025).

On September 4, 2025, Cricut filed a motion for summary determination as to violation and remedy. Mot. No. 1426–017. In its motion, Cricut requested an LEO and a CDO against Konduone for alleged violations based on infringement of the '646 patent and the D563 patent. Cricut also requested an LEO and a CDO against the Vevor Respondents for alleged violations based on infringement of the D090 patent. Cricut further requested GEOs to remedy alleged violations based on infringement of the D563, the D724, and the D237 patents but later withdrew its requests for GEOs as to the D724 and the D237 patents. Order No. 26 (Jan. 14, 2026). Cricut's motion did not address the '758 or the D214 patents or request any remedy as to those patents.

Also, on September 4, 2025, HTVRONT moved to partially terminate this investigation as to the products HTVRONT was discontinuing—the Square Heat Press, Reduced Square Heat Press, Mini Heat Press, Mini3 Heat Press, and Hat Heat Press (the ''Old HTVRONT Products'')—based upon a consent order stipulation and proposed consent order. Motion No. 1426–014. HTVRONT's motion to partially terminate the investigation as to the Old HTVRONT Products was granted on January 20, 2026 and the Commission issued a second consent order against HTVRONT. Order No. 27 (Jan. 20, 2026), *unreviewed by* Comm'n Notice (February 17, 2026). HTVRONT also moved for summary determination of non-infringement of its redesigned products. Mot. No. 1426–016.

On December 4, 2025, the Commission determined not to review Order No. 24, extending the target date to May 21, 2026, due to a lapse in government appropriations from October 1, 2025 through November 12, 2025. Order No. 24 (Nov. 17, 2025), *unreviewed by* Comm'n Notice (Dec. 4, 2025).

On January 21, 2026, the Chief ALJ issued a combined final initial determination (''ID'') and recommended determination (''RD''), finding a violation of section 337 by Konduone as to the D563 patent and claims 8–12 of the '646 patent and by the Vevor Respondents as to the D090 patent. The final ID also found HTVRONT's redesigned products were ripe for adjudication and the redesigned products are entitled to summary determination of non-infringement. The final ID further found no violation of section 337 as to the '758 or D214 patents because Cricut did not present any evidence or argument as to those patents. Furthermore, the final ID determined that Cricut's contentions in its summary determination motion that the Old HTVRONT Products infringe the D724 and D237 patents was moot in view of the consent order stipulation in Order No. 27. No petitions for review of the final ID were filed.

No petitions for review were filed, which means each party has abandoned all issues decided adversely to that party. *See* 19 CFR 210.43(b)(4).

On March 23, 2026, the Commission determined to extend the deadline for determining whether to review the final ID from March 23, 2026 to April 16, 2026.

The Commission did not receive any submissions from the public on public interest issues raised by the RD. *See* 91 FR 3,542–543 (Jan. 27, 2026).

On April 14, 2026, the Commission determined on its own initiative to review the final ID's findings on the economic prong of the domestic industry requirement. 91 FR 20,699–701 (Apr. 17, 2026); 19 CFR 210.44. The Commission determined not to review the remaining findings, conclusions, and supporting analysis in the final ID, including its findings that Cricut has demonstrated that the EasyPress products practice the D563 patent, that there was no violation as to the '758 and D214 patents, no violation as to HTVRONT's redesigned products, and Cricut's allegations as to the D724 and D237 patents were moot. The Commission also requested briefing on remedy, bonding, and the public interest.

On April 28, 2026, Cricut and OUII filed their respective initial submissions on remedy, bonding, and the public interest. OUII filed a response submission on May 5, 2026. No other party filed a submission before the Commission.

Having reviewed the record of the investigation, including the final ID and the parties' submissions, the Commission has found a violation of section 337 with respect to the D563 patent. Specifically, the Commission has determined to affirm, with modifications, the final ID's finding that Cricut has satisfied the economic prong of the domestic industry requirement under 19 U.S.C. 1337(a)(3)(B).

The Commission has determined that the appropriate remedy is: (1) a GEO prohibiting the entry of crafting machines and components thereof that infringe the D563 patent under section 337(d)(2); (2) an LEO directed to defaulting respondent Konduone with respect the '646 patent under section 337(g)(1); (3) an LEO directed to defaulting Vevor Respondents with

respect to the D090 patent under section 337(g)(1); and (4) CDOs against Konduone and the Vevor Respondents under section 337(g)(1). The Commission has determined that the public interest factors do not preclude issuance of the remedial orders. The Commission has determined that a bond is required during the period of Presidential review and sets the bond in the amount of one hundred percent (100%) of the imported articles. 19 U.S.C. 1337(j)(3).

The investigation is terminated. The Commission's reasoning in support of its determination is set forth more fully in its opinion. The Commission's orders and opinion were delivered to the President and the United States Trade Representative on the day of their issuance.

The Commission vote for this determination took place on July 7, 2026.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: July 7, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026–13926 Filed 7–9–26; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Frederick Tanzer, M.D.; Decision and Order

On November 24, 2025, the Drug Enforcement Administration (DEA or Government) issued an Order to Show Cause (OSC) to Frederick Tanzer, M.D., of Cincinnati, Ohio (Registrant). Request for Final Agency Action (RFAA), Exhibit (RFAAX) 1, at 1, 4. The OSC proposed the revocation of Registrant's Certificate of Registration, No. FT3360334, alleging that Registrant is ''currently without authority to handle controlled substances in Ohio . . . , the state[ ] in which [he is] registered with DEA.'' [1] *Id.* at 2 (citing 21 U.S.C. 824(a)(3)).

The OSC notified Registrant of his right to file a written request for hearing, and that if he failed to file such a request, he would be deemed to have waived his right to a hearing and be in default. *Id.* at 2–3 (citing 21 CFR 1301.43). Here, Registrant did not request a hearing. RFAA, at 3–4.[2] ''A default, unless excused, shall be deemed to constitute a waiver of the registrant's/applicant's right to a hearing and an admission of the factual allegations of the [OSC].'' 21 CFR 1301.43(e).

Further, ''[i]n the event that a registrant . . . is deemed to be in default . . . DEA may then file a request for final agency action with the Administrator, along with a record to support its request. In such circumstances, the Administrator may enter a default final order pursuant to [21 CFR] 1316.67.'' *Id.* 1301.43(f)(1). Here, the Government has requested final agency action based on Registrant's default pursuant to 21 CFR 1301.43(c), (f), and 1301.46. RFAA, at 1; *see also* 21 CFR 1316.67.

Findings of Fact

The Agency finds that, in light of Registrant's default, the factual allegations in the OSC are admitted. According to the OSC, on or about March 12, 2025, the Ohio Medical Board (OMB) entered an Order ratifying the February 11, 2025, surrender of Registrant's Ohio medical license. RFAAX 1, at 2. OMB's Order also indicated that Registrant's medical license was permanently revoked. *Id.* According to Ohio online records, of which the Agency takes official notice,[3] the status of Registrant's Ohio medical license is ''closed'' with a sub-status of ''permanent revocation.'' *See* eLicense Ohio Professional Licensure System, License Look-Up, *https://elicense.ohio.gov/oh_verifylicense* (last visited date of signature of this Order).

Accordingly, the Agency finds that Registrant is not licensed to practice medicine in Ohio, the state in which he is registered with DEA.[4]

Discussion

Pursuant to 21 U.S.C. 824(a)(3), the Attorney General is authorized to suspend or revoke a registration issued under 21 U.S.C. 823 ''upon a finding that the registrant . . . has had his State license or registration suspended . . . [or] revoked . . . by competent State authority and is no longer authorized by State law to engage in the . . . dispensing of controlled substances.''

With respect to a practitioner, DEA has also long held that the possession of authority to dispense controlled substances under the laws of the state in which a practitioner engages in professional practice is a fundamental condition for obtaining and maintaining a practitioner's registration. *Gonzales* v. *Oregon,* 546 U.S. 243, 270 (2006) (''The Attorney General can register a physician to dispense controlled substances 'if the applicant is authorized to dispense . . . controlled substances under the laws of the State in which he practices.' . . . The very definition of a 'practitioner' eligible to prescribe includes physicians 'licensed, registered, or otherwise permitted, by the United States or the jurisdiction in which he practices' to dispense controlled substances. § 802(21).''). The Agency has applied these principles consistently. *See, e.g., James L. Hooper, M.D.,* 76 FR 71371, 71372 (2011), *pet. for rev. denied,* 481 F. App'x 826 (4th Cir. 2012); *Frederick Marsh Blanton, M.D.,* 43 FR 27616, 27617 (1978).[5]

[1] The Government's RFAA abandoned the OSC allegation that sought revocation of Registrant's DEA registration in Kansas, noting that the Kansas registration expired prior to service of the OSC. RFAA, at 1 n.1.

[2] Based on the Government's submissions in its RFAA dated January 26, 2026, the Agency finds that service of the OSC on Registrant was adequate. The included declaration from a DEA Diversion Investigator (DI) indicates that on December 9, 2025, DI served copies of the OSC on Registrant's attorney's assistant and a sergeant at the facility where Registrant is incarcerated. RFAAX 2, at 1–2; *see* Attachments A and B (signed Forms DEA–12, Receipt for Cash or Other Items, confirming receipt of the OSC). On December 10, 2025, DEA personnel sent a copy of the OSC by email to Registrant's registered email address and received automated messages confirming delivery. RFAAX 2, at 2; *see* Attachment C, at 1, 3. On December 11, 2025, DI mailed a copy of the OSC to the ''mail to'' address associated with Registrant's registration. RFAAX 2, at 2. Accordingly, the Agency finds that Registrant was successfully served the OSC by email and that DI's efforts to serve Registrant by other means were '' 'reasonably calculated, under all the circumstances, to apprise [Registrant] of the pendency of the action.' '' *Jones* v. *Flowers,* 547 U.S. 220, 226 (2006) (quoting *Mullane* v. *Central Hanover Bank & Trust Co.,* 339 U.S. 306, 314 (1950)); *see also Mohammed S. Aljanaby, M.D.,* 82 FR 34552, 34552 (2017) (finding that service by email satisfies due process where the email is not returned as undeliverable and other methods have been unsuccessful).

[3] Under the Administrative Procedure Act, an agency ''may take official notice of facts at any stage in a proceeding—even in the final decision.'' United States Department of Justice, Attorney General's Manual on the Administrative Procedure Act 80 (1947) (Wm. W. Gaunt & Sons, Inc., Reprint 1979).

[4] Pursuant to 5 U.S.C. 556(e), ''[w]hen an agency decision rests on official notice of a material fact not appearing in the evidence in the record, a party is entitled, on timely request, to an opportunity to show the contrary.'' The material fact here is that Registrant, as of the date of this Order, is not licensed to practice medicine in Ohio. Accordingly, Registrant may dispute the Agency's finding by filing a properly supported motion for reconsideration of findings of fact within fifteen calendar days of the date of this Order. Any such motion and response shall be filed and served by email to the other party and to the Office of the Administrator, Drug Enforcement Administration, at *dea.addo.attorneys@dea.gov.*

[5] This rule derives from the text of two provisions of the CSA. First, Congress defined the term

Continued

According to Ohio statute, ''[n]o person shall knowingly obtain, possess, or use a controlled substance or a controlled substance analog,'' except pursuant to a ''prescription issued by a licensed health professional authorized to prescribe drugs if the prescription was issued for a legitimate medical purpose.'' Ohio Rev. Code 2925.11(A), (B)(1)(d). Further, a '' '[l]icensed health professional authorized to prescribe drugs or 'prescriber' means an individual who is authorized by law to prescribe drugs or dangerous drugs or drug therapy related devices in the course of the individual's professional practice.'' *Id.* 4729.01(I). The Ohio statute further defines an authorized prescriber as ''[a] physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery.'' *Id.* 4729.01(I)(5). Additionally, Ohio law permits ''[a] licensed health professional authorized to prescribe drugs, if acting in the course of professional practice, in accordance with the laws regulating the professional's practice,'' to prescribe or administer schedule II, III, IV, and V controlled substances to patients. *Id.* 3719.06(A)(1)(a)–(b).

Here, the undisputed evidence in the record is that Registrant currently lacks authority to practice medicine in Ohio. As already discussed, a physician is authorized by law to prescribe or administer drugs in Ohio only when authorized to practice medicine under Ohio law. Thus, because Registrant lacks authority to practice medicine in Ohio and, therefore, is not authorized to handle controlled substances in Ohio, Registrant is not eligible to maintain a DEA registration. Accordingly, I will order that Registrant's DEA registration be revoked.

''practitioner'' to mean ''a physician . . . or other person licensed, registered, or otherwise permitted, by . . . the jurisdiction in which he practices . . . , to distribute, dispense, . . . [or] administer . . . a controlled substance in the course of professional practice.'' 21 U.S.C. 802(21). Second, in setting the requirements for obtaining a practitioner's registration, Congress directed that ''[t]he Attorney General shall register practitioners . . . if the applicant is authorized to dispense . . . controlled substances under the laws of the State in which he practices.'' 21 U.S.C. 823(g)(1). Because Congress has clearly mandated that a practitioner possess state authority in order to be deemed a practitioner under the CSA, DEA has held repeatedly that revocation of a practitioner's registration is the appropriate sanction whenever he is no longer authorized to dispense controlled substances under the laws of the state in which he practices. *See, e.g., James L. Hooper, M.D.,* 76 FR at 71371–72; *Sheran Arden Yeates, M.D.,* 71 FR 39130, 39131 (2006); *Dominick A. Ricci, M.D.,* 58 FR 51104, 51105 (1993); *Bobby Watts, M.D.,* 53 FR 11919, 11920 (1988); *Frederick Marsh Blanton, M.D.,* 43 FR at 27617.

Order

Pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 824(a), I hereby revoke DEA Certificate of Registration No. FT3360334 issued to Frederick Tanzer, M.D. Further, pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 823(g)(1), I hereby deny any pending applications of Frederick Tanzer, M.D., to renew or modify this registration, as well as any other pending application of Frederick Tanzer, M.D., for additional registration in Ohio. This Order is effective August 10, 2026.

Signing Authority

This document of the Drug Enforcement Administration was signed on June 22, 2026, by Administrator Terrance Cole. That document with the original signature and date is maintained by DEA. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DEA Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of DEA. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Leslie Mayer,

Federal Register Liaison Officer, Drug Enforcement Administration.

[FR Doc. 2026–13988 Filed 7–9–26; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Timothy Genetta, D.O.; Decision and Order

On November 5, 2025, the Drug Enforcement Administration (DEA or Government) issued an Order to Show Cause (OSC) to Timothy Genetta, D.O., of Georgetown, Ohio (Registrant). Request for Final Agency Action (RFAA), Exhibit (RFAAX) 1, at 1, 3. The OSC proposed the revocation of Registrant's Certificate of Registration No. FG3579503, alleging that Registrant is ''currently without authority to prescribe, administer, dispense, or otherwise handle controlled substances in the State of Ohio, the state in which [he is] registered with DEA.'' *Id.* at 2 (citing 21 U.S.C. 824(a)(3)).

The OSC notified Registrant of his right to file a written request for hearing, and that if he failed to file such a request, he would be deemed to have waived his right to a hearing and be in default. *Id.* at 2 (citing 21 CFR 1301.43). Here, Registrant did not request a hearing, and the Agency finds him to be in default. RFAA, at 3.[1] ''A default, unless excused, shall be deemed to constitute a waiver of the registrant's/applicant's right to a hearing and an admission of the factual allegations of the [OSC].'' 21 CFR 1301.43(e).

Further, ''[i]n the event that a registrant . . . is deemed to be in default . . . DEA may then file a request for final agency action with the Administrator, along with a record to support its request. In such circumstances, the Administrator may enter a default final order pursuant to [21 CFR] 1316.67.'' *Id.* 1301.43(f)(1). Here, the Government has requested final agency action based on Registrant's default pursuant to 21 CFR 1301.43(c), (f), 1301.46. RFAA, at 1; *see also* 21 CFR 1316.67.

Findings of Fact

The Agency finds that, in light of Registrant's default, the factual allegations in the OSC are deemed admitted. According to the OSC, effective March 12, 2025, the State Medical Board of Ohio suspended Registrant's doctor of osteopathic medicine license. RFAAX 1, at 2.

According to Ohio online records, of which the Agency takes official notice, Registrant's Ohio osteopathic medical license status is now revoked.[2] eLicense Ohio Professional Licensure License Lookup, *https://elicense.ohio./oh_verifylicense* (last visited date of signature of this Order). Accordingly, the Agency finds that Registrant is not

[1] Based on the Government's submissions in its RFAA dated March 3, 2026, the Agency finds that service of the OSC on Registrant was adequate. The included declaration from a DEA Diversion Investigator (DI) indicates that shortly after the DI received a copy of the OSC, the DI attempted to locate Registrant for personal service, however, they were unsuccessful. RFAAX 2, at 2. On or about December 2, 2025, the DI emailed Registrant a copy of the OSC to three different registered email addresses and did not receive a response. *Id.; see also Id.* at 21. There is no evidence indicating that the emails were undeliverable. Here, the Agency finds that Registrant was successfully served the OSC by email and that the DI's efforts to serve Registrant by other means were '' 'reasonably calculated, under all the circumstances, to apprise [Registrant] of the pendency of the action.' '' *Jones* v. *Flowers,* 547 U.S. 220, 226 (2006) (quoting *Mullane* v. *Central Hanover Bank & Trust Co.,* 339 U.S. 306, 314 (1950)); *see also Mohammed S. Aljanaby, M.D.,* 82 FR 34552, 34552 (2017) (finding that service by email satisfies due process where the email is not returned as undeliverable and other methods have been unsuccessful).

[2] Under the Administrative Procedure Act, an agency ''may take official notice of facts at any stage in a proceeding—even in the final decision.'' United States Department of Justice, Attorney General's Manual on the Administrative Procedure Act 80 (1947) (Wm. W. Gaunt & Sons, Inc., Reprint 1979).

licensed to practice medicine in Ohio, the state in which he is registered with DEA.[3]

Discussion

Pursuant to 21 U.S.C. 824(a)(3), the Attorney General is authorized to suspend or revoke a registration issued under 21 U.S.C. 823 ''upon a finding that the registrant . . . has had his State license or registration suspended . . . [or] revoked . . . by competent State authority and is no longer authorized by State law to engage in the . . . dispensing of controlled substances.''

With respect to a practitioner, DEA has also long held that the possession of authority to dispense controlled substances under the laws of the state in which a practitioner engages in professional practice is a fundamental condition for obtaining and maintaining a practitioner's registration. *Gonzales* v. *Oregon,* 546 U.S. 243, 270 (2006) (''The Attorney General can register a physician to dispense controlled substances 'if the applicant is authorized to dispense . . . controlled substances under the laws of the State in which he practices.' . . . The very definition of a 'practitioner' eligible to prescribe includes physicians 'licensed, registered, or otherwise permitted, by the United States or the jurisdiction in which he practices' to dispense controlled substances. 802(21).'').[4] The Agency has applied these principles consistently. *See, e.g., James L. Hooper, M.D.,* 76 FR 71371, 71372 (2011), *pet. for rev. denied,* 481 F. App'x 826 (4th Cir. 2012); *Frederick Marsh Blanton, M.D.,* 43 FR 27616, 27617 (1978).

According to Ohio statute, ''[n]o person shall knowingly obtain, possess, or use a controlled substance or a controlled substance analog,'' except pursuant to a ''prescription issued by a licensed health professional authorized to prescribe drugs if the prescription was issued for a legitimate medical purpose.'' Ohio Rev. Code § 2925.11(A), (B)(1)(d) (2025). Further, a '' '[l]icensed health professional authorized to prescribe drugs' or 'prescriber' means an individual who is authorized by law to prescribe drugs or dangerous drugs or drug therapy related devices in the course of the individual's professional practice.'' *Id.* § 4729.01(I). The Ohio statute further defines an authorized prescriber as ''[a] physician authorized under Chapter 4731 of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery.'' *Id.* § 4729.01(I)(5). Additionally, Ohio law permits ''[a] licensed health professional authorized to prescribe drugs, if acting in the course of professional practice, in accordance with the laws regulating the professional's practice'' to prescribe or administer schedule II, III, IV, and V controlled substances to patients. *Id.* § 3719.06(A)(1)(a)–(b).

Here, the undisputed evidence in the record is that Registrant lacks a license to practice medicine in Ohio. As discussed above, an individual must be a licensed health professional authorized to prescribe drugs in order to handle controlled substances in Ohio. Thus, because Registrant lacks a license to practice medicine in Ohio and, therefore, is not authorized to handle controlled substances in Ohio, Registrant is not eligible to maintain a DEA registration in Ohio. Accordingly, the Agency will order that Registrant's DEA registration be revoked.

Order

Pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 824(a), I hereby revoke DEA Certificate of Registration No. FG3579503 issued to Timothy Genetta, D.O. Further, pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 823(g)(1), I hereby deny any pending applications of Timothy Genetta, D.O., to renew or modify this registration, as well as any other pending application of Timothy Genetta, D.O., for additional registration in Ohio. This Order is effective August 10, 2026.

Signing Authority

This document of the Drug Enforcement Administration was signed on June 22, 2026, by Administrator Terrance Cole. That document with the original signature and date is maintained by DEA. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DEA Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of DEA. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Leslie Mayer,

Federal Register Liaison Officer, Drug Enforcement Administration.

[FR Doc. 2026–13992 Filed 7–9–26; 8:45 am]

BILLING CODE 4410–09–P

[3] Pursuant to 5 U.S.C. 556(e), ''[w]hen an agency decision rests on official notice of a material fact not appearing in the evidence in the record, a party is entitled, on timely request, to an opportunity to show the contrary.'' The material fact here is that Registrant, as of the date of this Order, is not licensed to handle controlled substances in Ohio. Accordingly, Registrant may dispute the Agency's finding by filing a properly supported motion for reconsideration of findings of fact within fifteen calendar days of the date of this Order. Any such motion and response shall be filed and served by email to the other party and to the Office of the Administrator, Drug Enforcement Administration, at *dea.addo.attorneys@dea.gov.*

[4] This rule derives from the text of two provisions of the Controlled Substances Act (CSA). First, Congress defined the term ''practitioner'' to mean ''a physician . . . or other person licensed, registered, or otherwise permitted, by . . . the jurisdiction in which he practices . . . , to distribute, dispense, . . . [or] administer . . . a controlled substance in the course of professional practice.'' 21 U.S.C. 802(21). Second, in setting the requirements for obtaining a practitioner's registration, Congress directed that ''[t]he Attorney General shall register practitioners . . . if the applicant is authorized to dispense . . . controlled substances under the laws of the State in which he practices.'' 21 U.S.C. 823(g)(1). Because Congress has clearly mandated that a practitioner possess state authority in order to be deemed a practitioner under the CSA, DEA has held repeatedly that revocation of a practitioner's registration is the appropriate sanction whenever he is no longer authorized to dispense controlled substances under the laws of the state in which he practices. *See, e.g., James L. Hooper, M.D.,* 76 FR at 71371–72; *Sheran Arden Yeates, M.D.,* 71 FR 39130, 39131 (2006); *Dominick A. Ricci, M.D.,* 58 FR 51104, 51105 (1993); *Bobby Watts, M.D.,* 53 FR 11919, 11920 (1988); *Frederick Marsh Blanton, M.D.,* 43 FR at 27617.

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Mark Allen, D.D.S.; Decision and Order

On November 24, 2025, the Drug Enforcement Administration (DEA or Government) issued an Order to Show Cause (OSC) to Mark Allen, D.D.S., of Edmond, Oklahoma (Registrant). Request for Final Agency Action (RFAA), Exhibit (RFAAX) 1, at 1, 3. The OSC proposed the revocation of Registrant's Certificate of Registration, No. AA1668803, alleging that Registrant is ''currently without authority to prescribe, administer, dispense, or otherwise handle controlled substances in the State of Oklahoma, the state in which [he is] registered with DEA.'' *Id.* at 2 (citing 21 U.S.C. 824(a)(3)).

The OSC notified Registrant of his right to file a written request for hearing, and that if he failed to file such a request, he would be deemed to have waived his right to a hearing and be in default. *Id.* at 2 (citing 21 CFR 1301.43). Here, Registrant did not request a hearing, and the Agency finds him to be in default. RFAA, at 3.[1] ''A default,

[1] Based on the Government's submissions in its RFAA dated March 3, 2026, the Agency finds that service of the OSC on Registrant was adequate. The included declaration from a DEA Diversion Investigator (DI) indicates that on December 1, 2025, DI mailed a copy of the OSC to Registrant's

Continued

unless excused, shall be deemed to constitute a waiver of the registrant's/applicant's right to a hearing and an admission of the factual allegations of the [OSC].'' 21 CFR 1301.43(e).

Further, ''[i]n the event that a registrant . . . is deemed to be in default . . . DEA may then file a request for final agency action with the Administrator, along with a record to support its request. In such circumstances, the Administrator may enter a default final order pursuant to [21 CFR] 1316.67.'' *Id.* 1301.43(f)(1). Here, the Government has requested final agency action based on Registrant's default pursuant to 21 CFR 1301.43(c), (f), 1301.46. RFAA, at 1; *see also* 21 CFR 1316.67.

Findings of Fact

The Agency finds that, in light of Registrant's default, the factual allegations in the OSC are deemed admitted. According to the OSC, on October 31, 2023, Registrant's Oklahoma Bureau of Narcotics and Dangerous Drugs (OBNDD) license expired by its own terms. RFAAX 1, at 2. According to Oklahoma online records, of which the Agency takes official notice,[2] Registrant's OBNDD registration is inactive. OBNDD Registrant Search, *https://obnddc.us.thentiacloud.net/webs/obnddc/register* (last visited date of signature of this Order). Accordingly, the Agency finds that Registrant is not licensed to handle controlled substances in Oklahoma, the state in which he is registered with DEA.[3]

Discussion

Pursuant to 21 U.S.C. 824(a)(3), the Attorney General is authorized to suspend or revoke a registration issued under 21 U.S.C. 823 ''upon a finding that the registrant . . . has had his State license or registration suspended . . . [or] revoked . . . by competent State authority and is no longer authorized by State law to engage in the . . . dispensing of controlled substances.''

With respect to a practitioner, DEA has also long held that the possession of authority to dispense controlled substances under the laws of the state in which a practitioner engages in professional practice is a fundamental condition for obtaining and maintaining a practitioner's registration. *Gonzales* v. *Oregon,* 546 U.S. 243, 270 (2006) (''The Attorney General can register a physician to dispense controlled substances 'if the applicant is authorized to dispense . . . controlled substances under the laws of the State in which he practices.' . . . The very definition of a 'practitioner' eligible to prescribe includes physicians 'licensed, registered, or otherwise permitted, by the United States or the jurisdiction in which he practices' to dispense controlled substances. 802(21).''). The Agency has applied these principles consistently. *See, e.g., Lawrence Rudolph, D.M.D.,* 89 FR 79310 (2024); *Henry-Norbert O. Ndekwe, M.D.,* 90 FR 15990 (2025); *Benson Sergiles, P.A.,* 90 FR 32016 (2025).[4]

Pursuant to Oklahoma's Uniform Controlled Dangerous Substances Act, ''[e]very person who manufactures, distributes, dispenses, prescribes, administers or uses for scientific purposes any controlled dangerous substance within or into this state . . . shall obtain a registration issued by the Director of the [OBNDD], in accordance with rules promulgated by the Director.'' Okla. Stat. tit. 63, § 2–302(A) (2025).[5]

Here, the undisputed evidence in the record is that Registrant currently lacks authority to handle controlled substances in Oklahoma because his OBNDD registration is inactive. As discussed above, a person must hold a valid OBNDD registration to dispense a controlled substance in Oklahoma, subject to limited exceptions not applicable here. Thus, because Registrant lacks authority to handle controlled substances in Oklahoma, Registrant is not eligible to maintain a DEA registration in Oklahoma. Accordingly, the Agency will order that Registrant's DEA registration be revoked.

Order

Pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 824(a), I hereby revoke DEA Certificate of Registration No. AA1668803 issued to Mark Allen, D.D.S. Further, pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 823(g)(1), I hereby deny any pending applications of Mark Allen, D.D.S., to renew or modify this registration, as well as any other pending application of Mark Allen, D.D.S., for additional registration in Oklahoma. This Order is effective August 10, 2026.

Signing Authority

This document of the Drug Enforcement Administration was signed on June 18, 2026, by Administrator Terrance Cole. That document with the original signature and date is maintained by DEA. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DEA Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of DEA. This administrative process in no way alters the legal effect of this

registered address, which is also Registrant's mailing address. RFAAX 2, at 2. The same day, DI then emailed Registrant a copy of the OSC to Registrant's registered email address and did not receive an error message indicating that the email was not delivered. *Id.* DI also confirmed that a review of her email system showed that the email had been delivered. *Id.* Here, the Agency finds that Registrant was successfully served the OSC by email and that DI's efforts to serve Registrant by other means were '' 'reasonably calculated, under all the circumstances, to apprise [Registrant] of the pendency of the action.' '' *Jones* v. *Flowers,* 547 U.S. 220, 226 (2006) (quoting *Mullane* v. *Central Hanover Bank & Trust Co.,* 339 U.S. 306, 314 (1950)); *see also Mohammed S. Aljanaby, M.D.,* 82 FR 34552, 34552 (2017) (finding that service by email satisfies due process where the email is not returned as undeliverable and other methods have been unsuccessful).

[2] Under the Administrative Procedure Act, an agency ''may take official notice of facts at any stage in a proceeding—even in the final decision.'' United States Department of Justice, Attorney General's Manual on the Administrative Procedure Act 80 (1947) (Wm. W. Gaunt & Sons, Inc., Reprint 1979).

[3] Pursuant to 5 U.S.C. 556(e), ''[w]hen an agency decision rests on official notice of a material fact not appearing in the evidence in the record, a party is entitled, on timely request, to an opportunity to show the contrary.'' The material fact here is that Registrant, as of the date of this Order, is not licensed to handle controlled substances in Oklahoma. Accordingly, Registrant may dispute the Agency's finding by filing a properly supported motion for reconsideration of findings of fact within fifteen calendar days of the date of this Order. Any such motion and response shall be filed and served by email to the other party and to the Office of the Administrator, Drug Enforcement Administration, at *dea.addo.attorneys@dea.gov.*

[4] This rule derives from the text of two provisions of the Controlled Substances Act (CSA). First, Congress defined the term ''practitioner'' to mean ''a physician . . . or other person licensed, registered, or otherwise permitted, by . . . the jurisdiction in which he practices . . . , to distribute, dispense, . . . [or] administer . . . a controlled substance in the course of professional practice.'' 21 U.S.C. 802(21). Second, in setting the requirements for obtaining a practitioner's registration, Congress directed that ''[t]he Attorney General shall register practitioners . . . if the applicant is authorized to dispense . . . controlled substances under the laws of the State in which he practices.'' 21 U.S.C. 823(g)(1). Because Congress has clearly mandated that a practitioner possess state authority in order to be deemed a practitioner under the CSA, DEA has held repeatedly that revocation of a practitioner's registration is the appropriate sanction whenever he is no longer authorized to dispense controlled substances under the laws of the state in which he practices. *See, e.g., Elias Garcia Garcia, P.A.,* 90 FR 31242 (2025); *Jason Weakley, R.N., A.P.R.N.,* 90 FR 10085 (2025); *Khursheed Haider, M.D.,* 90 FR 21950 (2025).

[5] Although there are limited circumstances under which a person ''may lawfully possess controlled dangerous substances'' without a registration issued by the Director of the OBNDD, based on the information furnished by the Government, none are applicable here. *Id.* § 2–302(H).

document upon publication in the **Federal Register**.

Leslie Mayer,

Federal Register Liaison Officer, Drug Enforcement Administration.

[FR Doc. 2026–13989 Filed 7–9–26; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Ruth Jones, D.O.; Decision and Order

On June 26, 2024, the Drug Enforcement Administration (DEA or Government) issued an Order to Show Cause (OSC) to Ruth Jones, D.O., of Everett, Pennsylvania (Applicant). Request for Final Agency Action (RFAA), Exhibit (RFAAX) A, at 1, 4. The OSC proposed the denial of Applicant's application for a DEA Certificate of Registration, Control No. W23004273C, alleging that Applicant was convicted of multiple felonies under Title 21 relating to federal controlled substance laws and that Applicant is mandatorily excluded from participation in all federal health care programs pursuant to 42 U.S.C. 1320a–7(a). *Id.* at 1–2 (citing 21 U.S.C. 824(a)(2), (5)).

The OSC notified Applicant of her right to file a written request for hearing and that if she failed to file such a request, she would be deemed to have waived her right to a hearing and be in default. *Id.* at 2 (citing 21 CFR 1301.43). On January 29, 2025, roughly six months after service of the OSC, Applicant filed a hearing request and answers to the OSC allegations (dated January 28, 2025). RFAAX B–C; RFAAX F, at 1.

On February 3, 2025, the Chief Administrative Law Judge John J. Mulrooney, II, (the Chief ALJ) issued an initial Order for prehearing statements. RFAAX D. On February 13, 2025, the Chief ALJ issued an additional Order directing the Government to file a prehearing statement by an amended deadline. *Id.*

On February 7, 2025, the Government filed a Motion to Terminate Proceedings accompanied by proof of service. RFAAX E. In their filing, the Government provided evidence that DEA properly served Applicant with the OSC on July 2, 2024, and July 8, 2024. RFAAX E, at 4–7. The Government argued that the proceedings should be terminated due to the untimeliness of Applicant's hearing request and Applicant's failure to timely file a motion demonstrating good cause for the untimeliness of her hearing request. RFAAX E, at 1–2. Applicant timely filed a response. RFAAX F, at 1.

On February 18, 2025, the Chief ALJ issued an Order Terminating Proceedings, concluding that the Government's service of the OSC on Applicant was adequate and that Applicant failed to demonstrate good cause sufficient to excuse her untimely request for hearing. RFAAX F, at 1–2. The Chief ALJ thereby found Applicant to be in default and ordered the termination of proceedings. *Id.* at 2.

''A default, unless excused, shall be deemed to constitute a waiver of the registrant's right to a hearing and an admission of the factual allegations of the [OSC].'' 21 CFR 1301.43(e). Further, ''[i]n the event that a registrant . . . is deemed to be in default . . . DEA may then file a request for final agency action with the Administrator, along with a record to support its request. In such circumstances, the Administrator may enter a default final order pursuant to [21 CFR] 1316.67.'' *Id.* 1301.43(f)(1). Here, the Government has requested final agency action based on Applicant's default pursuant to 21 CFR 1301.43(c), (f), 1301.46. RFAA, at 2; *see also* 21 CFR 1316.67.[1]

I. Felony Conviction

A. Findings of Fact

In light of Applicant's default, the factual allegations in the OSC are deemed admitted. 21 CFR 1301.43(e). Applicant is deemed to admit that on May 25, 2021, Applicant was convicted in the United States District Court for the Western District of Pennsylvania of the following felonies: (1) unlawfully dispensing and distributing a Schedule III controlled substance (buprenorphine), in violation of 21 U.S.C. 841(a)(1); (2) conspiracy to unlawfully dispense or distribute Schedule III controlled substances, in violation of 18 U.S.C. 846; and (3) health care fraud, in violation of 18 U.S.C. 2 and 18 U.S.C. 1347. RFAAX A at 1–2.

B. Discussion

Pursuant to 21 U.S.C. 824(a)(2), the Attorney General is authorized to suspend or revoke a registration issued under section 823 of the Controlled Substances Act (CSA) ''upon a finding that the registrant . . . has been convicted of a felony . . . relating to any . . . controlled substance.'' 21 U.S.C. 824(a)(2). The Agency has consistently held that it also may deny an application for a DEA registration upon finding that the registrant has been convicted of a felony relating to controlled substances. *Arvinder Singh, M.D.,* 81 FR 8247, 8248 n.3 (2016) (quoting *Kwan Bo Jin, M.D.,* 77 FR 35021, 35021 n.2 (2012)) (''[W]here a registration can be revoked under [21 U.S.C] 824, it can, *a fortiori,* be denied under [21 U.S.C] 823 since the law would not require an agency to indulge in the useless act of granting a license on one day only to withdraw it on the next.''); *Robert Wayne Locklear,* MD., 86 FR at 33745 (citing *South Corp.* v. *United States,* 690 F.2d 1369, 1374 (Fed. Cir. 1982)) (''A statutory construction which would impute a useless act to Congress will be viewed as unsound and rejected.'').

As discussed above, the Agency found based on undisputed, substantial record evidence that Applicant has been convicted of multiple felonies related to controlled substances. Accordingly, the Agency finds that undisputed, substantial record evidence establishes the Government's *prima facie* case for denial of Applicant's application under 21 U.S.C. 824(a)(2).

II. Mandatory Exclusion From Federal Healthcare Programs

A. Findings of Fact

Applicant is deemed to admit that on June 30, 2022, the U.S. Department of Health and Human Services, Office of Inspector General (HHS/OIG), mandatorily excluded Applicant from participation in Medicare, Medicaid, and all federal health care programs, effective July 20, 2022, for a minimum period of five years, pursuant to 42 U.S.C 1320a–7(a). RFAAX A, at 2.

B. Discussion

Pursuant to 21 U.S.C 824(a)(5), the Attorney General is authorized to suspend or revoke a registration issued under section 823 of the CSA upon finding that the registrant ''has been excluded (or directed to be excluded) from participation in a program pursuant to section 1320a–7(a) of Title 42.'' The Agency has consistently held that it may also deny an application upon finding that an applicant has been excluded from a federal health care program. *Mark Agresti, M.D.,* 90 FR 30098, 30099 (2025); *Samirkumar Shah, M.D.,* 89 FR 71931, 71933(2024); *Arvinder Singh,* 81 FR at 8248 n.3.

[1] The RFAA states that ''the Acting Administrator is authorized to render the Agency's final order, without a hearing or making a finding of fact in this matter.'' RFAA, at 2 (citing 21 CFR 1301.43(c), (f), and 1301.46). However, 21 CFR 1316.67 requires that the Administrator's final order ''set forth the final rule and findings of fact and conclusions of law upon which the rule is based.'' *See JYA LLC d/b/a Webb's Square Pharmacy,* 90 FR 31244, 31246 n.7 (2025).

As discussed above, the Agency found based on undisputed, substantial record evidence that Applicant has been, and remains, excluded from all federal health care programs. Accordingly, the Agency finds that undisputed, substantial record evidence establishes the Government's *prima facie* case for denial of Applicant's application under 21 U.S.C 824(a)(5).

III. Sanction

Where, as here, the Government has met its *prima facie* burden of showing that Applicant's application for registration should be denied, the burden shifts to Applicant to show why she can be trusted with a registration. *Morall* v. *Drug Enf't Admin.,* 412 F.3d 165, 174 (D.C. Cir. 2005); *Jones Total Health Care Pharmacy, LLC* v. *Drug Enf't Admin.,* 881 F.3d 823, 830 (11th Cir. 2018); *Garrett Howard Smith, M.D.,* 83 FR 18882, 18904 (2018). The issue of trust is a fact-dependent determination based on the circumstances presented by the individual registrant. *Jeffrey Stein, M.D.,* 84 FR 46968, 46972 (2019); *see also Jones Total Health Care Pharmacy,* 881 F.3d at 833. Moreover, as past performance is the best predictor of future performance, the Agency has required that a registrant who has committed acts inconsistent with the public interest must accept responsibility for those acts and demonstrate that she will not engage in future misconduct. *See Jones Total Health Care Pharmacy,* 881 F.3d at 833; *ALRA Labs, Inc.* v. *Drug Enf't Admin.,* 54 F.3d 450, 452 (7th Cir. 1995). Historically, the Agency has considered acceptance of responsibility, egregiousness, and deterrence when making this assessment. *See Michael Bouknight,* 90 FR at 31250; *Sasha Melissa Ikramelahai,* 90 FR at 32020–21; *Frank Joseph Stirlacci, M.D.,* 85 FR at 45239–40.

The Agency requires a registrant's unequivocal acceptance of responsibility. *Janet S. Pettyjohn, D.O.,* 89 FR 82639, 82641 (2024); *Mohammed Asgar, M.D.,* 83 FR 29569, 29573 (2018); *see also Jones Total Health Care Pharmacy,* 881 F.3d at 830–31. In addition, a registrant's candor during the investigation and hearing is an important factor in determining acceptance of responsibility and the appropriate sanction. *See Jones Total Health Care Pharmacy,* 881 F.3d at 830–31; *Hoxie* v. *Drug Enf't Admin.,* 419 F.3d 477, 483–84 (6th Cir. 2005). Further, the Agency has found that the egregiousness and extent of the misconduct are significant factors in determining the appropriate sanction. *Jones Total Health Care Pharmacy,* 881 F.3d at 833 n.4, 834. The Agency also considers the need to deter similar acts by a registrant and by the community of registrants. *Jeffrey Stein, M.D.,* 84 FR at 46972–73.

Here, Applicant did not timely request a hearing or answer the allegations in the OSC and was deemed to be in default. To date, Applicant has not filed a motion with the Office of the Administrator to excuse the default. 21 CFR 1301.43(c)(1). Applicant has thus failed to properly answer the allegations contained in the OSC and has not otherwise availed herself of the opportunity to refute the Government's case. As such, Applicant has not accepted responsibility for the proven violations, has made no representations regarding her future compliance with the CSA, and has not demonstrated that she can be trusted with registration.

Accordingly, the Agency will order the denial of Applicant's registration.

Order

Pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 823(g)(1), I hereby deny the pending application for a DEA Certificate of Registration, Control No. W23004273C, submitted by Ruth Jones, D.O., as well as any other pending application of Ruth Jones, D.O., for additional registration in Pennsylvania. This Order is effective August 10, 2026.

Signing Authority

This document of the Drug Enforcement Administration was signed on June 22, 2026, by Administrator Terrance Cole. That document with the original signature and date is maintained by DEA. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DEA Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of DEA. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Leslie Mayer,

Federal Register Liaison Officer, Drug Enforcement Administration.

[FR Doc. 2026–13991 Filed 7–9–26; 8:45 am]

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Mariana Moualem, F.N.P.; Decision and Order

On January 6, 2026, the Drug Enforcement Administration (DEA or Government) issued an Order to Show Cause (OSC) to Mariana Moualem, F.N.P., of San Gabriel, CA (Registrant). Request for Final Agency Action (RFAA), Exhibit (RFAAX) 1, at 1, 4. The OSC proposed the revocation of Registrant's Certificate of Registration No. MM5261982, alleging that Registrant's registration should be revoked because Registrant is ''currently without authority to prescribe, administer, dispense, or otherwise handle controlled substances in the State of California, the state in which [she is] registered with DEA.'' *Id.* at 2. (citing 21 U.S.C. 824(a)(3)).

The OSC notified Registrant of her right to file a written request for hearing, and that if she failed to file such a request, she would be deemed to have waived her right to a hearing and be in default. *Id.* at 2 (citing 21 CFR 1301.43). Here, Registrant did not request a hearing, and the Agency finds her to be in default. RFAA, at 2.[1] ''A default, unless excused, shall be deemed to constitute a waiver of the registrant's/applicant's right to a hearing and an admission of the factual allegations of the [OSC].'' 21 CFR 1301.43(e).

Further, ''[i]n the event that a registrant . . . is deemed to be in default . . . DEA may then file a request for final agency action with the Administrator, along with a record to support its request. In such circumstances, the Administrator may enter a default final order pursuant to [21 CFR] 1316.67.'' *Id.* at 1301.43(f)(1). Here, the Government has requested final agency action based on Registrant's default pursuant to 21 CFR 1301.43(c),

[1] Based on the Government's submissions in its RFAA dated March 13, 2026, the Agency finds that service of the OSC on Registrant was adequate. The RFAA's included Declaration from a DEA Diversion Investigator (DI) indicates that on February 12, 2026, Registrant's attorney contacted the DI via email in response to the OSC, stating, ''[Registrant] intends to surrender her DEA [registration], however, she does not want to surrender for cause. Please take this email as confirmation of [Registrant's] surrender of her DEA [registration].'' RFAAX 2, at 2; *see also id.* at 11. On February 17, 2026, the DI spoke to Registrant's attorney and explained that a surrender would be construed as a surrender for cause. *Id.* at 2. Registrant's attorney stated that he understood and would inform the DI of Registrant's position after speaking to Registrant. *Id.* As of the date of the DI's Declaration, March 11, 2026, neither Registrant nor Registrant's attorney contacted the DI. *Id.*

(f), 1301.46. RFAA, at 1; *see also* 21 CFR 1316.67.

Findings of Fact

The Agency finds that, in light of Registrant's default, the factual allegations in the OSC are deemed admitted. According to the OSC, effective September 25, 2025, the California Board of Registered Nursing revoked Registrant's California registered nurse license and Registrant's California nurse practitioner license. RFAAX 1, at 2. According to California online records, of which the Agency takes official notice,[2] both Registrant's California registered nurse license and Registrant's California nurse practitioner license are revoked. California DCA License Search, *https://search.dca.ca.gov* (last visited date of signature of this Order). Accordingly, the Agency finds that Registrant is not licensed to practice as a nurse practitioner in California, the state in which she is registered with DEA.[3]

Discussion

Pursuant to 21 U.S.C. 824(a)(3), the Attorney General is authorized to suspend or revoke a registration issued under 21 U.S.C. 823 ''upon a finding that the registrant . . . has had his State license or registration suspended . . . [or] revoked . . . by competent State authority and is no longer authorized by State law to engage in the . . . dispensing of controlled substances.''

With respect to a practitioner, DEA has also long held that the possession of authority to dispense controlled substances under the laws of the state in which a practitioner engages in professional practice is a fundamental condition for obtaining and maintaining a practitioner's registration. *Gonzales* v. *Oregon,* 546 U.S. 243, 270 (2006) (''The Attorney General can register a physician to dispense controlled substances 'if the applicant is authorized to dispense . . . controlled substances under the laws of the State in which he practices.' . . . The very definition of a 'practitioner' eligible to prescribe includes physicians 'licensed, registered, or otherwise permitted, by the United States or the jurisdiction in which he practices' to dispense controlled substances. 802(21).''). The Agency has applied these principles consistently. *See, e.g., James L. Hooper, M.D.,* 76 FR 71371, 71372 (2011), *pet. for rev. denied,* 481 F. App'x 826 (4th Cir. 2012); *Frederick Marsh Blanton, M.D.,* 43 FR 27616, 27617 (1978).[4]

According to California statute, ''dispense'' means ''to deliver a controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing, furnishing, packaging, labeling, or compounding necessary to prepare the substance for that delivery.'' Cal. Health & Safety Code § 11010 (West 2026). Further, a ''practitioner'' means a person ''licensed, registered, or otherwise permitted, to distribute, dispense, conduct research with respect to, or administer, a controlled substance in the course of professional practice or research in [the] state.'' *Id.* at § 11026(c).

Here, the undisputed evidence in the record is that Registrant currently lacks authority to practice as a nurse practitioner in California. As discussed above, an individual must be a licensed practitioner to dispense a controlled substance in California. Thus, because Registrant currently lacks authority to practice as a nurse practitioner in California and, therefore, is not authorized to handle controlled substances in California, Registrant is not eligible to maintain a DEA registration. Accordingly, the Agency will order that Registrant's DEA registration be revoked.

Order

Pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 824(a), I hereby revoke DEA Certificate of Registration No. MM5261982 issued to Mariana Moualem, F.N.P. Further, pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 823(g)(1), I hereby deny any pending applications of Mariana Moualem, F.N.P., to renew or modify this registration, as well as any other pending application of Mariana Moualem, F.N.P., for additional registration in California. This Order is effective August 10, 2026.

Signing Authority

This document of the Drug Enforcement Administration was signed on June 22, 2026, by Administrator Terrance Cole. That document with the original signature and date is maintained by DEA. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DEA Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of DEA. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Leslie Mayer,

Federal Register Liaison Officer, Drug Enforcement Administration.

[FR Doc. 2026–13990 Filed 7–9–26; 8:45 am]

BILLING CODE 4410–09–P

[2] Under the Administrative Procedure Act, an agency ''may take official notice of facts at any stage in a proceeding—even in the final decision.'' United States Department of Justice, Attorney General's Manual on the Administrative Procedure Act 80 (1947) (Wm. W. Gaunt & Sons, Inc., Reprint 1979).

[3] Pursuant to 5 U.S.C. 556(e), ''[w]hen an agency decision rests on official notice of a material fact not appearing in the evidence in the record, a party is entitled, on timely request, to an opportunity to show the contrary.'' The material fact here is that Registrant, as of the date of this Order, is not licensed to practice as a nurse practitioner in California. Accordingly, Registrant may dispute the Agency's finding by filing a properly supported motion for reconsideration of findings of fact within fifteen calendar days of the date of this Order. Any such motion and response shall be filed and served by email to the other party and to the Office of the Administrator, Drug Enforcement Administration, at *dea.addo.attorneys@dea.gov.*

[4] This rule derives from the text of two provisions of the Controlled Substances Act (CSA). First, Congress defined the term ''practitioner'' to mean ''a physician . . . or other person licensed, registered, or otherwise permitted, by . . . the jurisdiction in which he practices . . . , to distribute, dispense, . . . [or] administer . . . a controlled substance in the course of professional practice.'' 21 U.S.C. 802(21). Second, in setting the requirements for obtaining a practitioner's registration, Congress directed that ''[t]he Attorney General shall register practitioners . . . if the applicant is authorized to dispense . . . controlled substances under the laws of the State in which he practices.'' 21 U.S.C. 823(g)(1). Because Congress has clearly mandated that a practitioner possess state authority in order to be deemed a practitioner under the CSA, DEA has held repeatedly that revocation of a practitioner's registration is the appropriate sanction whenever he is no longer authorized to dispense controlled substances under the laws of the state in which he practices. *See, e.g., James L. Hooper, M.D.,* 76 FR at 71371–72; *Sheran Arden Yeates, M.D.,* 71 FR 39130, 39131 (2006); *Dominick A. Ricci, M.D.,* 58 FR 51104, 51105 (1993); *Bobby Watts, M.D.,* 53 FR 11919, 11920 (1988); *Frederick Marsh Blanton, M.D.,* 43 FR at 27617.

DEPARTMENT OF JUSTICE

Office of the Attorney General

[Docket No. OLP180; AG Order No. 7011–2026]

Certification of Tennessee Capital Counsel Mechanism

AGENCY: Office of the Attorney General, Department of Justice.

ACTION: Notice.

SUMMARY: Federal law makes certain procedural benefits available to States in federal habeas corpus review of capital cases, where the Attorney General certifies that the State has established a postconviction capital counsel mechanism satisfying the requirements of chapter 154 of title 28 of the United States Code. The Attorney General certifies in this notice that Tennessee

has such a mechanism, which was established on July 1, 1997.

DATES: Pursuant to 28 U.S.C. 2265(a)(2), the effective date of the certification in this notice is July 1, 1997.

FOR FURTHER INFORMATION CONTACT: Aaron Haviland, Counsel, Office of Legal Policy, U.S. Department of Justice, 950 Pennsylvania Avenue NW, Washington, DC 20530; telephone (202) 514–4601.

SUPPLEMENTARY INFORMATION:

Certification: Chapter 154 of title 28, United States Code, provides special federal habeas corpus review procedures for state capital cases where (i) the Attorney General has certified that the State has established a counsel appointment mechanism for indigent capital defendants in state postconviction proceedings that meets the requirements stated in the chapter, and (ii) counsel was appointed pursuant to the certified mechanism, the defendant validly waived or retained counsel, or the defendant was not indigent. 28 U.S.C. 2261(b). Chapter 154 directs the Attorney General to determine, if requested by an appropriate state official, whether the State has established a qualifying mechanism for the appointment of postconviction capital counsel, the date on which the mechanism was established, and whether the State provides standards of competency for such appointments. *Id.* 2265(a)(1).

Having considered the relevant statutes, rules, and policies in Tennessee, the application of the Tennessee Attorney General, and the public comments thereon, and exercising the authority conferred on me by 28 U.S.C. 2265, I determine and certify that Tennessee has established a mechanism for the appointment, compensation, and payment of reasonable litigation expenses of competent counsel in state postconviction proceedings brought by indigent prisoners who have been sentenced to death, including provision of standards of competency for the appointment of counsel in such proceedings, which satisfies the requirements of chapter 154. I further determine and certify that Tennessee had an established capital counsel mechanism satisfying the requirements of chapter 154 as of July 1, 1997, and that Tennessee has continuously had a capital counsel mechanism satisfying the requirements of chapter 154 since that date. This certification reflects no judgment or opinion whether Tennessee had a postconviction capital counsel mechanism satisfying the requirements of chapter 154 before that date.

I. Procedural History

Chapter 154 applies to cases arising under 28 U.S.C. 2254 brought by prisoners in state custody who are subject to a capital sentence if ''(1) the Attorney General of the United States certifies that a State has established a mechanism for providing counsel in postconviction proceedings as provided in section 2265,'' and ''(2) counsel was appointed pursuant to that mechanism, petitioner validly waived counsel, petitioner retained counsel, or petitioner was found not to be indigent.'' 28 U.S.C. 2261(b).

Where the chapter applies, federal habeas review is conducted in conformity with special provisions relating to stays of execution, the time available for federal habeas filing, the scope of federal habeas review, and the time for completing the adjudication of federal habeas petitions.

Congress enacted chapter 154 as part of the Antiterrorism and Effective Death Penalty Act of 1996. *See* Public Law 104–132, sec. 107(a), 110 Stat. 1214, 1221–26. It was derived from a proposal developed in 1989, under the leadership of Justice Lewis F. Powell, to address the problem of protracted and repetitive litigation in capital cases and to fill a gap in representation for capital defendants at the stage of state postconviction review. Under chapter 154 in its original form, federal habeas courts determined the applicability of chapter 154's expedited federal habeas review procedures in the context of adjudicating federal habeas petitions filed by state capital defendants. Litigation relating to States' satisfaction of chapter 154's requirements ensued in various States, resulting in a substantial body of district court and court of appeals precedent interpreting chapter 154, as well as a related decision by the Supreme Court in *Calderon* v. *Ashmus,* 523 U.S. 740 (1998).

In 2006, Congress enacted amendments that brought chapter 154 into its current form. *See* Public Law 109–177, sec. 507, 120 Stat. 250, 250–51 (codified in part at 28 U.S.C. 2265). The amendments transferred responsibility for determining a State's satisfaction of chapter 154's requirements from the courts to the Attorney General, subject to de novo review by the D.C. Circuit Court of Appeals. *See* 28 U.S.C. 2265. Under the revised scheme, the Attorney General, if requested by an appropriate state official, certifies whether the State has established a postconviction capital counsel mechanism satisfying the chapter's requirements, with exclusive review of the certification by the D.C. Circuit. *See id.* 2265(a), (c).

The 2006 amendments also added a provision stating that ''[t]here are no requirements for certification or for application of'' chapter 154 ''other than those expressly stated in this chapter.'' *Id.* 2265(a)(3). The addition of this provision reflected Congress's concern that some courts had declined to apply chapter 154 for reasons other than a failure to satisfy the requirements of the statute. *See* 152 Cong. Rec. 2441, 2445–46 (2006) (remarks of Sen. Kyl); 151 Cong. Rec. E2640 (daily ed. Dec. 22, 2005) (extension of remarks of Rep. Flake).

Chapter 154 directs the Attorney General to promulgate regulations to implement the certification procedure. *See* 28 U.S.C. 2265(b). Attorney General Mukasey in 2008 issued an initial implementing rule for chapter 154. *See* 73 FR 75327 (Dec. 11, 2008). The rule generally tracked the statutory requirements, recognizing that 28 U.S.C. 2265(a)(3) precludes certification requirements other than those expressly stated in the chapter. *See id.* at 75327–39. Attorney General Holder in 2013 replaced the original rule with the current regulations (''2013 Regulations''), which prescribe additional requirements for certification. *See* 28 CFR 26.20–26.23; 78 FR 58160, 58160–84 (Sept. 23, 2013). On March 16, 2026, Attorney General Bondi published a notice of proposed rulemaking to rescind the requirements of the 2013 Regulations that are not expressly required by chapter 154 itself. *See* 91 FR 12525 (Mar. 16, 2026); *see also Reconsidering State Procedures for Appointment of Competent Counsel in Postconviction Review of Capital Sentences,* 50 Op. O.L.C. __ (Feb. 18, 2026). Notwithstanding this proposed rulemaking, the 2013 Regulations remain in effect and continue to guide the Attorney General's adjudication of States' requests for certification.

Tennessee has requested that the Attorney General certify its capital counsel mechanism under chapter 154. The materials relating to Tennessee's request are available at *www.justice.gov/olp/pending-requests-final-decisions.*

Tennessee initially requested chapter 154 certification by letter from its Attorney General, dated June 6, 2025. On August 7, 2025, the Department of Justice published a notice in the **Federal Register** inviting public comment on Tennessee's request for certification and providing a 60-day comment period. *See* 90 FR 38182 (Aug. 7, 2025). Three capital public defender offices in Tennessee submitted requests for extension of the comment period, which

the Department denied. Two of these offices also sought a temporary restraining order to enjoin the Attorney General from deciding whether to certify Tennessee's capital counsel mechanism, but a district court denied their motion. *See* Order, *Bland* v. *Bondi,* No. 25–cv–3499 (D.D.C. Oct. 10, 2025), ECF No. 20. As an accommodation, the Department permitted the capital public defender offices to submit a late comment on Tennessee's certification request. The Department also received one other comment, submitted by the American Bar Association.

II. Assessment of Tennessee's Mechanism Under Chapter 154

Chapter 154 directs the Attorney General, if requested by an appropriate state official, to determine (i) whether the State has established a mechanism for the appointment, compensation, and payment of reasonable litigation expenses of competent counsel in state postconviction proceedings brought by indigent prisoners who have been sentenced to death, and (ii) whether the State provides standards of competency for the appointment of such counsel. 28 U.S.C. 2265(a).

Before turning to specific issues, I will discuss the significance of previous judicial interpretations of chapter 154. I will then examine whether Tennessee's mechanism for the appointment of counsel, its standards of competency, its mechanism for compensation, and its mechanism for the payment of reasonable litigation expenses comply with chapter 154 and the 2013 Regulations.

A. Judicial Opinions Interpreting Chapter 154

In addressing Tennessee's request for certification, I do not write on a clean slate. Prior to 2006, the Attorney General was not involved in chapter 154 determinations, which were instead made by the federal courts in adjudicating individual habeas petitions filed by state prisoners. In 2002, for example, the Ninth Circuit concluded that Arizona had established a capital counsel mechanism satisfying chapter 154's requirements. *See Spears* v. *Stewart,* 283 F.3d 992, 1007–19 (9th Cir. 2002). The analysis in *Spears* may still be relevant to the extent that elements of an adequate state capital counsel mechanism now required by chapter 154 overlap with those required by chapter 154 at the time of that decision.

For example, the Ninth Circuit clarified in *Spears* that capital-case litigation experience is not a prerequisite for appointment under chapter 154. *See id.* at 1013; *see also Ashmus* v. *Calderon,* 123 F.3d 1199, 1208 (9th Cir. 1997) (holding that postconviction litigation experience is not required under chapter 154). Other holdings in *Spears*—including with respect to counsel competency, compensation, and payment of reasonable litigation expenses—may also remain relevant as persuasive authority in assessing the capital counsel mechanisms of Tennessee and other States under the 2013 Regulations. *See* 85 FR 20705, 20708 (Apr. 14, 2020).

In other respects, however, the pre-2006 case law may no longer be relevant because of changes in chapter 154. For example, in *Ashmus* v. *Calderon,* the Ninth Circuit held that California's capital counsel mechanism did not satisfy chapter 154 because its standards of counsel competency were not articulated in a statute or by a rule of the State's court of last resort. 123 F.3d at 1207–08. The 2006 amendments, however, rejected this ''hypertechnical'' reading of the statute and removed the language relied upon by the *Ashmus* court, thereby affording the States ''flexibility on how to establish the mechanism.'' 152 Cong. Rec. 2446 (remarks of Sen. Kyl). As another example, the Ninth Circuit concluded in *Spears* that Arizona's capital counsel mechanism satisfied chapter 154 but nevertheless declined to apply the expedited federal habeas procedures because of a delay in appointing counsel. *See* 283 F.3d at 1018–19. The 2006 amendments likewise repudiated this aspect of *Spears,* providing instead that there are no requirements for certification or for application of chapter 154 other than those expressly stated in the statute. *See* 28 U.S.C. 2265(a)(3); 152 Cong. Rec. 2446 (remarks of Sen. Kyl).

Another important change in chapter 154 concerns whether I must undertake a case-specific review of the operation of a State's capital counsel mechanism. Public comments have supposed that I must deny certification if a State's mechanism is deficient in practice—*e.g.,* if counsel are not appointed quickly after the conclusion of direct review or do not consistently provide high-quality representation after appointment. These comments claim support in pre-2006 decisions that held that the procedural benefits of chapter 154 are not available in a particular case if the State did not comply with the requirements of its capital counsel mechanism in that case. *See, e.g., Spears,* 283 F.3d at 1018–19 (failure to appoint counsel within the time required by state mechanism); *Tucker* v. *Catoe,* 221 F.3d 600, 604–05 (4th Cir. 2000) (failure to appoint counsel meeting state competency standards).

Judicial decisions of this nature reflected the pre-2006 version of chapter 154, under which requests to apply chapter 154's procedures were presented to federal habeas courts in particular cases. In that posture, courts could consider both the general question of whether the State has established a mechanism satisfying chapter 154—an issue that was typically determined by examination of state laws and policies—and the specific question of whether counsel for the petitioner in a particular case had been appointed in compliance with that mechanism. Following the 2006 amendments to chapter 154, however, only the general question is assigned to the Attorney General. *See* 28 U.S.C. 2265. The case-specific question of whether counsel was appointed pursuant to the certified mechanism is reserved to the courts that adjudicate prisoners' habeas petitions. *See* 28 U.S.C. 2261(b)(2); 78 FR at 58162–63, 58165. Consequently, comments supposing that I must undertake a case-specific review of the operation of a State's capital counsel mechanism misapprehend the current division of labor under chapter 154 between the Attorney General and federal courts. *See* 85 FR at 20708, 20711–12; 78 FR at 58162–63; 73 FR at 75334–35.

B. Appointment of Counsel

1. Appointment of Counsel and Chapter 154

Section 2265(a)(1) of title 28 directs the Attorney General to determine whether the State has established a mechanism for the appointment of counsel in state postconviction proceedings brought by indigent prisoners who have been sentenced to death.

Tennessee's capital counsel mechanism satisfies this requirement. Tennessee Supreme Court Rule 13 provides for court-ordered appointment of postconviction counsel for indigent prisoners under sentence of death. The Tennessee Supreme Court adopted Rule 13 on April 3, 1997, and the rule took effect on July 1, 1997. *See* Tenn. Sup. Ct. Order (Apr. 3, 1997), *https://perma.cc/CYQ8-VXRH;* Tenn. Sup. Ct. Order (Apr. 10, 1997), *https://perma.cc/7ZJ9-FEC6* (setting effective date of amendment to July 1, 1997). The substantive requirements of the relevant provisions have not changed in the years since Rule 13 was adopted. *See* Tenn. Sup. Ct. Order (June 1, 2004), *https://perma.cc/YP6K-DTYS;* Tenn. Sup. Ct. Order (June 1, 2004), App'x A,

https://perma.cc/XTM3-JJM6; Tenn. Sup. Ct. Order (Oct. 4, 2024), *https://perma.cc/6BX3-6KWN.* Accordingly, Tennessee has continually satisfied the requirements of chapter 154 with respect to the appointment of counsel since July 1, 1997.

2. Appointment of Counsel and the 2013 Regulations

The 2013 Regulations augment chapter 154's express requirements relating to appointment of counsel. Under the regulations, counsel must be provided in a manner that is ''reasonably timely in light of the time limitations for seeking State and Federal postconviction review and the time required for developing and presenting claims in the postconviction proceedings.'' 28 CFR 26.21. Tennessee satisfies the timeliness requirement. Upon the filing of an initial petition for postconviction relief, the trial court must complete a preliminary consideration of the petition within 30 days. *See* Tenn. Code Ann. sec. 40–30–106(a). At this stage, the trial court may dismiss the petition only if it is not in the court of conviction, is untimely, is successive, fails to show that the petitioner is entitled to any relief, or fails to show that the claims for relief were not waived or previously determined. *See id.* sec. 40–30–106(b), (f). If the petition is not dismissed, the trial court must enter a preliminary order directing further proceedings. *See id.* sec. 40–30–107(a). If the petitioner is not already represented by counsel, the trial court determines the petitioner is indigent, and the petitioner requests counsel, the trial court's preliminary order must also appoint counsel to represent the petitioner. *See id.* sec. 40–30–107(b)(1).

In addition, the 2013 Regulations provide that the attorney appointed as postconviction counsel ''may not be counsel who previously represented the prisoner at trial unless the prisoner and counsel expressly requested continued representation.'' 28 CFR 26.22(a). Tennessee also satisfies this requirement. Tennessee Supreme Court Rule 13 provides that postconviction counsel ''must not have previously represented the defendant at trial or on direct appeal in the case for which the appointment is made, unless the defendant and counsel expressly consent to continued representation.'' Tenn. Sup. Ct. R. 13, sec. 3(h).

3. Specific Criticisms

One public comment faulted Tennessee for requiring the appointment of two attorneys at the trial and appellate stages of capital cases but only one attorney at the postconviction stage. On this requirement, Tennessee law parallels federal law. *See* 18 U.S.C. 3005, 3599. Neither chapter 154 nor the 2013 Regulations subject Tennessee to a higher requirement than the requirement Congress has adopted for federal capital cases.

Other comments objected that Tennessee does not require the appointment of counsel in successive postconviction proceedings or in proceedings for the testing or analysis of biometric identifiers—*i.e.,* DNA and fingerprints. These objections are without merit because chapter 154 requires a mechanism for the appointment of counsel only in the initial collateral proceedings. It imposes no requirements in either successive collateral proceedings or proceedings related to the testing or analysis of biometric identifiers. *See* 28 U.S.C. 2261–66; 135 Cong. Rec. 24659 (Powell Committee Report: ''Capital cases should be subject to one complete and fair course of collateral review in the state and federal system, free from the time pressure of impending execution, and with the assistance of competent counsel for the defendant. When this review has concluded, litigation should end.''); *see also* 73 FR at 75337; 78 FR at 58177.

The text of section 2263 confirms that chapter 154 does not apply to successive collateral proceedings. Section 2263 imposes a 180-day time limit for seeking federal habeas relief that runs from the conclusion of state direct review. The limitation period is tolled upon the filing of ''the first petition for post-conviction review or other collateral relief.'' 28 U.S.C. 2263(b)(2). There is no provision for tolling the time limit for successive petitions for post-conviction relief. The scope of chapter 154 is limited to the initial round of state and federal postconviction review, and the statute does not create any right to appointed counsel for successive petitions.

Chapter 154 likewise does not apply to motions related to postconviction biometric testing procedures. The chapter applies only to proceedings for collateral relief; it has no application to other proceedings occurring after conviction aside from collateral relief, such as biometric testing. *See* 73 FR at 75337; 78 FR at 58177. In addition, federal law leaves the appointment of counsel to represent an indigent defendant with a federal conviction in a motion for post-conviction DNA testing in the discretion of the court, *see* 18 U.S.C. 3600(b)(3), but extending chapter 154 to postconviction biometric proceedings would make the appointment of counsel in such proceedings mandatory for the States. Again, nothing in chapter 154 suggests that Congress intended to hold the States to a higher standard than the federal government. Finally, applying chapter 154 to postconviction biometric proceedings raises the same timing problem as applying the statute to successive collateral proceedings because the statute does not provide for tolling the 180-day time limit upon the filing of a motion for biometric testing. *See* 28 U.S.C. 2263.

Another comment faulted Tennessee for not requiring that prisoners be notified of their right to replacement counsel under section 2261(e). Section 2261(e) provides that ''[t]he ineffectiveness or incompetence of counsel during State or Federal post-conviction proceedings in a capital case shall not be a ground for relief in a'' federal habeas proceeding, but this limitation does ''not preclude the appointment of different counsel, on the court's own motion or at the request of the prisoner, at any phase of State or Federal post-conviction proceedings on the basis of the ineffectiveness or incompetence of counsel in such proceedings.'' 28 U.S.C. 2261(e). This provision safeguards against the invalidation of capital judgments based on counsel incompetence in postconviction proceedings. It does not require the replacement of counsel if counsel does not perform competently, nor does it require the State to inform prisoners of any such right. Accordingly, section 2261(e) has no bearing on my certification decision.

One comment asserted that Tennessee should be denied certification because its application to the Attorney General contains misrepresentations, inaccuracies, and material omissions. The substance of this complaint is that, in the commenters' view, Tennessee's application does not rebut the commenter's many objections to certification. This comment is not germane to my certification determination because chapter 154 does not condition certification on the State's submission of an application that is free of errors and that convincingly rebuts all objections. Furthermore, I have determined that Tennessee satisfies the requirements of chapter 154 based on a review of the relevant law and for the reasons stated in this certification. Insofar as either Tennessee's request or the public comments contain any inaccuracies or omissions, they were immaterial to my decision.

Another comment argued that Tennessee does not satisfy chapter 154 because it does not require that

postconviction counsel be formally appointed until a prisoner files an initial petition for postconviction relief. The comment noted that some prisoners under sentence of death may not be competent to file *pro se* petitions on their own and may need a ''next friend'' to file on their behalf, but the State has no mechanism for identifying such prisoners. Furthermore, the comment objected that Tennessee has no mechanism in place to inform prisoners under sentence of death of the postconviction process and requirements. In support of this objection, the comment quoted language from Attorney General Holder's response to public comments on the 2013 Regulations asserting that chapter 154 contemplates that States will provide ''the opportunity for petitioners to file *counseled* State habeas petitions.'' 78 FR at 58167.

This comment misunderstands the requirements of chapter 154. The statute requires a mechanism for the appointment of counsel ''in''—not before—''State postconviction proceedings brought by indigent prisoners who have been sentenced to death.'' 28 U.S.C. 2265(a)(1). The state postconviction review proceedings begin on ''the date on which the first petition for post-conviction review or other collateral relief is filed.'' *Id.* 2263(b)(2). Before the petition is filed, chapter 154's requirement that counsel must be appointed does not apply. I am aware that one federal district court has suggested in dicta that chapter 154 might apply before the filing of a state postconviction petition, *see Mills* v. *Anderson,* 961 F. Supp. 198, 201 n. 4 (S.D. Ohio 1997), but that conclusion is inconsistent with the text of chapter 154. The 2013 Regulations likewise do not require a State to identify and to provide counsel to prisoners under sentence of death who might want to file a postconviction petition but have not yet done so. To the extent that remarks in the preamble to the 2013 Regulations suggest otherwise, those remarks are inconsistent with both the statutory and the regulatory text.

The same comment cited 28 U.S.C. 2261(c), which requires that ''[a]ny mechanism for the appointment, compensation, and reimbursement of counsel as provided in subsection (b) must offer counsel to all State prisoners under capital sentence.'' 28 U.S.C. 2261(c). But the comment takes that language out of context. Section 2261(c) refers to a mechanism ''provided in subsection (b).'' 28 U.S.C. 2261(c). Subsection (b), in turn, refers to ''a mechanism for providing counsel in postconviction proceedings as provided in section 2265.'' *Id.* 2261(b)(1). And section 2265 refers to ''a mechanism for the appointment, compensation, and payment of reasonable litigation expenses of competent counsel in State postconviction proceedings brought by indigent prisoners who have been sentenced to death.'' *Id.* 2265(a)(1)(A). Neither section 2261(c) nor any other provision of chapter 154 requires a State to seek out prisoners under sentence of death who might have collateral claims but have not filed petitions for postconviction relief. The ''offer'' language in section 2261(c) applies only when a prisoner under sentence of death has filed ''the first petition for post-conviction review or other collateral relief,'' *id.* 2263(b)(2), which begins the ''State postconviction proceedings,'' *id.* 2265(a)(1)(A).

Several features of Tennessee's system ameliorate any potential concerns about the requirement to file an initial petition for postconviction relief. In Tennessee, counsel from the Office of the Post-Conviction Defender (''OPCD'') may help prisoners prepare and file their petitions prior to any formal appointment of counsel. A court may appoint counsel if necessary to secure the filing of a complete petition. *See* Tenn. Code Ann. sec. 40–30–106(e). It cannot dismiss a *pro se* petition for failure to follow the prescribed form until the court has given the petitioner a reasonable opportunity to amend the petition with the assistance of counsel. *See* Tenn. Sup. Ct. R. 28 sec. 6(B)(4)(b). After the filing of the initial petition and the appointment of counsel, a prisoner has the opportunity to amend the petition to raise additional issues. *See* Tenn. Code Ann. sec. 40–30–107(b)(2); Tenn. Sup. Ct. R. 28 sec. 6(B)(3)(b); *id.* R. 28 sec. 8(D)(5).

The comment asserted that if an initial *pro se* petition is not sufficiently detailed and does not present complex factual allegations and legal claims, then a court will summarily dismiss the petition for failure to show that the petitioner is entitled to any relief. That characterization of Tennessee law is incorrect. A court will dismiss an initial *pro se* petition if it contains ''[a] bare allegation that a constitutional right has been violated'' or ''mere conclusions of law.'' Tenn. Code Ann. sec. 40–30–106(d). But a court will not dismiss a petition that states a ''colorable claim,'' which is defined as a claim ''that, if taken as true, in the light most favorable to petitioner, would entitle petitioner to relief under the Post-Conviction Procedure Act.'' Tenn. Sup. Ct. R. 28 sec. 2(H); *see also id.* R. 28 sec. 6(B). The presence of even minimal facts in an initial *pro se* petition is sufficient for the purpose of a court's preliminary consideration. *See, e.g., Arnold* v. *State,* 143 SW3d 784, 785–87 (Tenn. 2004) (reversing the summary dismissal of the initial *pro se* petition of a convicted child rapist alleging ineffective assistance of counsel with minimal factual support).

Nevertheless, the comment suggested that Tennessee should be denied certification based on the bare possibility that postconviction counsel will not be appointed for an indigent prisoner in some capital case, where the petition is dismissed based on failure to state a colorable claim or other deficiency. As discussed above, Tennessee's system incorporates extensive assistance, procedures, and rights for petitioners which may foreclose the occurrence of such cases. If such a case were to occur despite these protections, counsel would not be ''appointed pursuant to [the certified] mechanism'' in the case, because not appointed at all, potentially bringing into play the inapplicability of chapter 154's expedited federal habeas review procedures in the individual case. 28 U.S.C. 2261(b)(2). But the actual occurrence or theoretical possibility of such a case would not contradict my conclusion, for the reasons explained above, that Tennessee ''has established a mechanism for the appointment . . . of . . . counsel'' for indigent prisoners in capital postconviction proceedings, which suffices for certification of Tennessee's mechanism. 28 U.S.C. 2261(b)(1), 2265(a)(1)(A).

Another comment argued that Tennessee does not guarantee that counsel will be appointed in a timely manner. Although chapter 154 does not contain a timeliness requirement, the 2013 Regulations define ''Appointment'' to mean the ''provision of counsel in a manner that is reasonably timely in light of the time limitations for seeking State and Federal postconviction review and the time required for developing and presenting claims in the postconviction proceedings.'' 28 CFR 26.21; *see also* 73 FR at 75332; 91 FR at 12528. The commenter's objection is without merit because, as noted above, Tennessee provides a process for the prompt appointment of postconviction counsel.

Furthermore, even if there were instances where postconviction counsel for an indigent defendant had not been appointed in a timely manner, that would not be a basis to deny certification. As discussed above, chapter 154 requires that a State have a mechanism for the appointment of postconviction counsel, *see* 28 U.S.C. 2265(a). If ''appointment'' of counsel is understood to mean appointment in a

reasonably timely manner, as provided in 28 CFR 26.21, the section 2265 certification determination looks to whether the State has a mechanism for appointing counsel in a reasonably timely manner, not the timeliness of appointment in any individual case. Section 2265 certification is not a case-specific assessment.

Relatedly, one comment asserted that, as a factual matter, many initial *pro se* habeas petitions in Tennessee have not been filed until after the expiration of the 180-day time limit of 28 U.S.C. 2263 that would be established by certification under chapter 154. The comment argued that Tennessee does not satisfy chapter 154 and the 2013 Regulations because postconviction counsel may be appointed weeks or months after a final judgment. That argument lacks merit. Cases are litigated, petitions are prepared and filed, and counsel are provided to assist in such petitions in conformity with the applicable time limits when the litigation occurs. The fact that litigants use more time when it is available to them says nothing about whether they could comply with a shorter deadline if the available time were reduced. And, in any event, the applicable time limit reflects a judgment by Congress about what amount of time is needed, assuming the State has established a postconviction capital counsel mechanism that meets the requirements of chapter 154.

The comment also expressed concern that certification of Tennessee's mechanism would apply retroactively to pending federal habeas petitions seeking postconviction relief and would result in many of those petitions—those that were already, when filed, past the 180-day time limit for federal habeas filing under 28 U.S.C. 2263—being dismissed as untimely. *Cf.* 85 FR at 20719 (same concern noted and addressed in certification of Arizona's mechanism in 2020). But section 2265 dictates the effective date of a certification, *see* 28 U.S.C. 2265(a)(2), and gives the Attorney General no discretion to adjust that date. To the extent any individual habeas cases present retroactivity questions, those issues may be raised to the federal courts adjudicating those petitions. Regardless of how the courts may address this issue, it is not a matter under the control of the Attorney General or the State of Tennessee, and it does not bear on whether Tennessee has established a capital counsel mechanism satisfying the requirements of chapter 154.

One comment asserted that significant time and resources are required to prepare and present claims in capital collateral litigation and that the time and conditions for adding claims after a federal habeas petition has been filed would be limited by 28 U.S.C. 2266 if chapter 154 applies. The comment interpreted the statute as requiring that a State requesting certification must guarantee that postconviction counsel will be appointed quickly so that all claims can be developed and presented consistent with the time limit in section 2263 and the limit on amending petitions in section 2266. However, neither chapter 154 nor the 2013 Regulations prescribe, as a condition of certification, a specific timeframe for appointing counsel after a judgment becomes final. Federal law similarly provides no specific timeframe for appointing counsel in federal habeas litigation or litigation arising under 28 U.S.C. 2255, yet such litigation is still subject to statutory time limits. *See* 18 U.S.C. 3599; *see also* 28 U.S.C. 2244(d), 2255(f), 2263. Nothing in the text of chapter 154 suggests that Congress intended to hold the States to a higher standard than the federal government in this regard as a condition of certification.

The comment also overlooks statutory provisions that narrow the difference between the 180-day time limit for filing a federal habeas petition under chapter 154, *see* 28 U.S.C. 2263, and the one-year time limit under normal habeas procedures, *see id.* 2244(d). Chapter 154 provides a 180-day period for the filing of a federal habeas petition, extendable to 210 days for good cause and subject to tolling during the pendency of a petition for certiorari to the Supreme Court and during the pendency of state collateral proceedings. *See id.* 2263. Amendments to a petition are permitted until the filing of an answer, after which subsequent amendments are conditioned on satisfaction of the requirements for successive petitions under 28 U.S.C. 2244(b). *See id.* 2266(b)(3)(B). Both the time limit of section 2244(d) and the time limit of section 2263, as well as the limitation on amendments in section 2266, were enacted by Congress in 1996 in the Antiterrorism and Effective Death Penalty Act. In defining the limitations under chapter 154 somewhat more narrowly, Congress was attempting to solve the acute problems of delay and obstruction that thwart the execution of capital sentences. *See* 152 Cong. Rec. 2240–50 (remarks of Sen. Kyl).

The comment also fails to acknowledge that a chapter 154 certification could, in a number of ways, lighten the load of defense counsel and enable them to meet shorter deadlines. Where chapter 154 applies, the automatic stay provisions of section 2262 are available, reducing the need to engage in litigation over stays of execution. Section 2264 also provides clearer and tighter rules concerning the range of cognizable claims in federal habeas corpus review under chapter 154, in comparison with the general federal habeas review standards, which relieves counsel of the need to prepare and to present claims precluded under section 2264. *See* 152 Cong. Rec. 2448–49 (remarks of Sen. Kyl) (explaining differences). Furthermore, chapter 154 relieves federal habeas counsel of the need to litigate questions concerning the exhaustion of state remedies, as well as other litigation burdens incident to the movement of cases between state and federal court, because the exhaustion requirement does not apply under chapter 154. *See* 28 U.S.C. 2264(b) (''Following review subject to subsections (a), (d), and (e) of section 2254, the court shall rule on the claims properly before it.''); 152 Cong Rec. 2447–48 (remarks of Sen. Kyl); 135 Cong. Rec. 24695, 24698 (Powell Committee Report); 73 FR at 75336; 85 FR at 20720.

In light of these considerations, Congress concluded that the time limits and the limitation on amending petitions in chapter 154 strike the right balance between removing obstructions to the execution of capital sentences and affording prisoners under sentence of death the opportunity to seek postconviction relief. To the extent the commenters do not believe that chapter 154 provides adequate time for preparing and presenting claims, the place to raise that argument is before Congress.

C. Counsel Competency

1. Counsel Competency Standards and Chapter 154

Chapter 154 also requires, as a condition of certification, that the State establish standards of competency for appointment of counsel in capital postconviction proceedings. 28 U.S.C. 2265(a)(1).

Tennessee satisfies this requirement. Tennessee Supreme Court Rule 13, section 3(h), establishes competency standards for attorneys to be appointed as postconviction counsel in capital cases. There are two alternative paths to qualify as appointed postconviction counsel. Under the first path, an attorney qualifies to serve as appointed postconviction counsel if he also qualifies to serve as appointed appellate counsel. *See* Tenn. Sup. Ct. R. 13 sec. 3(h). The criteria for appointed appellate counsel are ''three years of

litigation experience in criminal trials and appeals'' and experience as counsel of record in the appeal of either one capital case or three felony convictions. *Id.* R. 13 sec. 3(g). If the attorney's experience is based on the appeal of three felony convictions, that experience must have been ''within the past three years,'' and the attorney must also complete ''a minimum of six hours of specialized training in the trial and appeal of capital cases.'' *Id.*

Under the second path, if an attorney does not meet the qualifications of appointed appellate counsel, he may still qualify to serve as appointed postconviction counsel if he has ''experience as counsel of record in state post-conviction proceedings in three felony cases, two murder cases, or one capital case.'' *Id.* R. 13 sec. 3(h). Regardless of whether he qualifies under the first or the second path, an attorney must also ''have a working knowledge of federal *habeas corpus* practice, which may be satisfied by six hours of specialized training in the representation in federal courts of defendants under the sentence of death.'' *Id.* These competency standards have not materially changed since Rule 13 went into effect on July 1, 1997. *See* Tenn. Sup. Ct. Order (Apr. 3, 1997), R. 13 sec. 3(g)–(h).

In addition, Tennessee law provides that indigent capital defendants are generally represented in postconviction proceedings by qualified attorneys from the OPCD, unless those attorneys have a conflict of interest. *See* Tenn. Sup. Ct. R. 13 sec. 1(e)(4)(A); *see also* Tenn. Sup. Ct. Order (Apr. 3, 1997), R. 13 sec. 1(h); Tenn. Sup. Ct. Order (June 1, 2004), App'x A, R. 13 sec. 1(e)(4)(A). In the event of a conflict, the court will assign replacement counsel from a roster of qualified private attorneys maintained by the court. *See* Tenn. Sup. Ct. R. 13 sec. 1(e)(4)(B). The OPCD has existed in Tennessee since 1995 and has been primarily responsible for capital postconviction representation throughout the period of this certification. *See* Tenn. Code Ann. secs. 40–30–205(g), 40–30–206(a), (c); *see also* 1995 Tenn. Pub. Acts ch. 510 sec. 1. The required use of OPCD counsel in most cases provides an additional standard of competency because the attorneys appointed as postconviction counsel have been found fit for employment by a dedicated capital postconviction defender office whose regular work is postconviction capital representation. Moreover, by virtue of their employment in the OPCD, those attorneys are embedded in a community of coworkers who work on similar matters and can provide oversight and assistance.

2. Counsel Competency Standards and the 2013 Regulations

The 2013 Regulations provide that a State's ''mechanism must provide for appointment of competent counsel as defined in State standards of competency for such appointments.'' 28 CFR 26.22(b). To aid in the determination regarding this requirement, paragraph (b)(1) provides two benchmark criteria. *See id.* 26.22(b)(1). A State's standards of competency are presumptively adequate if they meet or exceed either of the benchmarks. *See id.* Paragraph (b)(2) further states that competency standards will also ''be deemed adequate'' if they ''reasonably assure a level of proficiency appropriate for State postconviction litigation in capital cases.'' 28 CFR 26.22(b)(2).

Tennessee's counsel competency standards satisfy paragraph (b)(2) because they compare favorably to the federal standards for attorneys appointed to serve as postconviction counsel in capital cases. *See* 18 U.S.C. 3599(c)–(d). The federal statutory competency standards are appropriate reference points in assessing corresponding state standards because Congress likely would not have deemed inadequate state competency standards that are similar to those it deemed adequate for federal postconviction proceedings in capital cases. *See* 78 FR at 58169–70. The federal competency standard requires at least five years of admission to the applicable court of appeals and at least three years of experience in handling felony appeals. *See* 18 U.S.C. 3599(c). The federal standard does not require postconviction or capital litigation experience or training. By contrast, both of Tennessee's alternative paths to qualify as appointed postconviction counsel require some degree of training or experience in postconviction proceedings or capital cases. *See* Tenn. Sup. Ct. R. 13 sec. 3(g)–(h). Moreover, Tennessee's standards require three years of litigation experience in criminal trial and appeals and experience in the appeal of a capital case or three felony convictions *or* experience in state postconviction proceedings in three felony cases, two murder cases, or one capital case. An attorney who satisfies Tennessee's competency standards is therefore likely at least as prepared to serve as appointed postconviction capital counsel as an attorney who satisfies the federal standard.

With respect to public defenders from the OPCD, I find that the creation and use of a dedicated capital post-conviction defender office, with the structure, functions, and responsibilities described in Tenn. Code Ann. sec. 40–30–205 *et seq.,* likewise satisfies paragraph (b)(2) because it ''reasonably assure[s] a level of proficiency appropriate for State postconviction litigation in capital cases.'' 28 CFR 26.22(b)(2). In addition to providing counsel whose day-to-day work is representing prisoners in capital postconviction proceedings, Tennessee's approach promotes proficient representation by using attorneys embedded in a community of similarly employed coworkers, who can provide oversight and assistance, and who can potentially be substituted if the individual counsel becomes unable to provide representation or to do so effectively.

The conclusion that Tennessee's competency standards satisfy paragraph (b)(2) is reinforced by comparing Tennessee's standards to the benchmarks in paragraph (b)(1). Even if a State's capital counsel standards do not satisfy the benchmarks under paragraph (b)(1), those benchmarks continue to function as reference points in the evaluation of adequacy under paragraph (b)(2). State competency standards that are likely to result in significantly lower levels of proficiency than the benchmarks risk being found inadequate under chapter 154, whereas state competency standards that are likely to result in similar or even higher levels of proficiency than the benchmarks weigh in favor of a finding of adequacy under chapter 154. *See* 78 FR at 58172, 58179.

The first benchmark, appearing in paragraph (b)(1)(i), is appointment of counsel ''who have been admitted to the bar for at least five years and have at least three years of postconviction litigation experience.'' *Id.* 26.22(b)(1)(i). This standard is an adaptation of the federal competency standard under 18 U.S.C. 3599, with postconviction litigation experience substituted for appellate litigation experience. *See* 78 FR at 58178. The basic standard is subject to the proviso that ''a court, for good cause, may appoint other counsel whose background, knowledge, or experience would otherwise enable them to properly represent the petitioner, with due consideration of the seriousness of the penalty and the unique and complex nature of the litigation.'' 28 CFR 26.22(b)(1)(i).

Tennessee's standards compare favorably to the first benchmark for much the same reason that they compare favorably to the federal competency standards under 18 U.S.C.

3599. The benchmark could be satisfied by handling one or two postconviction proceedings over a period of three years in any type of case. In comparison, Tennessee's standards, as discussed above, include more robust criminal litigation experience and training requirements that can help in providing effective representation in capital postconviction proceedings. Therefore, an attorney who satisfies the Tennessee competency standards is likely at least as prepared to serve as appointed postconviction capital counsel as an attorney who satisfies the first benchmark in paragraph (b)(1)(i).

The second benchmark, appearing in paragraph (b)(1)(ii), is appointment of counsel ''meeting qualification standards established in conformity with'' provisions of the federal Innocence Protection Act. *Id.* 26.22(b)(1)(ii). This benchmark requires that a State must ''invest[ ] the responsibility for appointing qualified attorneys to represent indigent defendants in capital cases . . . in a public defender program that relies on staff attorneys, members of the private bar, or both, to provide representation in capital cases.'' 34 U.S.C. 60301(e)(1)(A). The public defender program must ''establish qualifications for attorneys who may be appointed to represent indigents in capital cases,'' ''establish and maintain a roster of qualified attorneys,'' ''conduct, sponsor, or approve specialized training programs for attorneys representing defendants in capital cases,'' ''monitor the performance of attorneys who are appointed and their attendance at training programs,'' and ''remove from the roster attorneys who'' provide inadequate representation, have been sanctioned, or fail to comply with training requirements. *Id.* 60301(e)(2)(A)–(B), (D)–(E).

Tennessee's use of the OPCD compares favorably to the second benchmark. The OPCD employs, trains, and supervises staff attorneys who represent indigent capital defendants in postconviction proceedings. *See* Tenn. Code Ann. secs. 40–30–206, –208. In addition, the OPCD is directed to provide training, consulting services, and sample materials and briefs to public defenders and private counsel representing indigent capital defendants. *See id.* sec. 40–30–206(d). The use of the OPCD creates ''an effective system for providing competent legal representation,'' which is the goal of the federal Innocence Protection Act and the second benchmark. 34 U.S.C. 60301(e).

3. Specific Criticisms

The comments suggested that certification should be denied because it is possible to satisfy Tennessee's competency standards without any postconviction litigation experience or capital experience—for example, by serving as counsel of record in the appeal of three felony convictions within the past three years. *See* Tenn. Sup. Ct. R. 13 sec. 3(g)–(h). These comments lack merit because chapter 154 does not require either postconviction litigation experience or capital litigation experience as a prerequisite for appointment as counsel in capital postconviction proceedings. In *Spears* v. *Stewart,* the Ninth Circuit rejected the argument that Arizona's competency standards were insufficient because they permitted the appointment of attorneys who did not have capital litigation experience. *See* 283 F.3d at 1013. The court reasoned that ''[n]othing in 28 U.S.C. 2261(b) or in logic requires that a lawyer must have capital experience to be competent.'' *Id.* Likewise, in *Ashmus* v. *Calderon,* the Ninth Circuit rejected the argument that California's competency standards were insufficient because they did not require any familiarity with or experience in postconviction litigation. *See* 123 F.3d at 1208. The court concluded that ''[m]any lawyers who could competently represent a condemned prisoner would not qualify under such a standard.'' *Id.*

The benchmark criteria in the 2013 Regulations likewise do not mandate postconviction or capital litigation experience in all cases. The second benchmark requires that state qualification standards must conform to certain provisions of the federal Innocence Protection Act, *see* 28 CFR 26.22(b)(1)(ii), and none of those provisions expressly requires either postconviction or capital litigation experience, *see* 34 U.S.C. 60301(e)(1), (e)(2)(A)–(B), (e)(2)(D)–(E). The first benchmark mandates three years of postconviction litigation experience as the default standard, but it provides that this standard may be waived ''for good cause,'' and it does not require any capital litigation experience. 28 CFR 26.22(b)(1)(i).

Some comments asserted that certification should also be denied because the six hours of specialized training required by Tennessee are inadequate and fail to cover numerous topics that an attorney in a capital postconviction proceeding should know. But neither chapter 154 nor the 2013 Regulations require any specialized training and, for that matter, neither do the competency requirements for appointed counsel in federal proceedings in capital cases. *See* 18 U.S.C. 3599; 28 CFR 26.22(b). Any policy disagreement about the adequacy of Tennessee's specialized training requirement provides no legal ground for me to deny certification.

The comments also argued that the Attorney General should not certify Tennessee's capital counsel mechanism because there have been cases in which capital postconviction counsel have not performed competently in practice. This argument misconceives the requirements for certification and the Attorney General's role in the certification process. *See* 85 FR at 20712 (discussing the role of the Attorney General in the Arizona certification). Chapter 154 provides that the Attorney General ''shall determine'' whether a State ''has established a mechanism for the appointment . . . of competent counsel'' in state capital postconviction proceedings, and whether the State ''provides standards of competency for the appointment of counsel'' in such proceedings. 28 U.S.C. 2265(a). The statute does not authorize or require the Attorney General to inquire into counsel's performance following appointment. Instead, it frames its requirements regarding counsel competency as matters relating to appointment, contemplating an inquiry into whether a State has standards determining eligibility for appointment. *See* 78 FR at 58162–63, 58165. This understanding is supported by the Powell Committee Report, from which chapter 154 derives. The report explained that federal review would examine whether a State's mechanism for appointing capital postconviction counsel comports with the statutory requirements ''as opposed to [examining] the competency of particular counsel.'' 135 Cong. Rec. 24696. It further explained that, in contrast to the focus on ''the performance of a capital defendant's trial and appellate counsel,'' ''[t]he effectiveness of State and Federal postconviction counsel is a matter that can and must be dealt with in the appointment process.'' *Id.; see also* 78 FR at 58162–63, 58165. The 2013 Regulations accordingly rejected public comments suggesting that ''chapter 154 requires the Attorney General to certify a state mechanism only if he or she examines and is satisfied by the actual performance of postconviction counsel following appointment.'' 78 FR at 58163.

As discussed above, the 2006 amendments to chapter 154 bifurcated responsibility for determinations

affecting chapter 154's applicability. The Attorney General's function is to determine whether a State has established a capital counsel mechanism satisfying chapter 154's requirements, a determination that turns on an examination of the State's laws and policies and does not involve reviewing how counsel performs after appointment. *See* 28 U.S.C. 2261(b)(1), 2265. The federal district court reviewing a habeas petition is responsible for determining whether counsel was appointed pursuant to the State's mechanism. *See id.* 2261(b)(2). Counsel performance in particular cases does not have any bearing on my determination whether Tennessee's competency standards satisfy the requirements of chapter 154 or the 2013 Regulations.

Some comments asserted that it is unclear whether the Tennessee Supreme Court Rule 13 standards of competency are enforced against OPCD counsel. As discussed above, employment by the OPCD is itself a sufficient standard of competency under the 2013 Regulations because, among other reasons, the day-to-day work of the office is representing prisoners under sentence of death in postconviction proceedings. *See* Tenn. Code Ann. sec. 40–30–205 *et seq.* Moreover, even if a new attorney hired by the OPCD lacks the requisite experience, it does not follow that the competency standards have been violated in a particular case because the junior attorney may be serving as co-counsel alongside a more experienced OPCD attorney. And experience gained in working for OPCD may qualify an attorney, even if inexperienced when hired, for subsequent appointments under the standards of Rule 13 sec. 3(h), which treat as sufficient experience in state postconviction proceedings in a capital case—OPCD's regular work—plus a training requirement.

Regardless, any failure to satisfy the Rule 13 competency standards in some instances does not mean that Tennessee fails to satisfy the requirements for certification under chapter 154 or the 2013 Regulations. Prisoners who believe that counsel appointed in their cases do not meet the State's counsel competency standards for appointment could raise the matter before the federal district courts reviewing their habeas petitions. Those courts are responsible for determining whether counsel was appointed pursuant to a State's capital counsel mechanism. *See* 28 U.S.C. 2261(b)(2). Whatever federal courts may determine in such cases, it is not relevant to my determination whether Tennessee's capital counsel mechanism satisfies the requirements for certification.

Finally, one comment argued that certification should be denied because Tennessee's competency standards do not comply with the American Bar Association's *Guidelines for the Appointment and Performance of Defense Counsel in Death Penalty Cases,* which were issued in 2003. As an example of this failure, the comment observed that Tennessee does not have an agency responsible for ensuring that appointed counsel meet competency standards and monitoring the post-appointment performance of counsel. The comment also objected that Tennessee law allows courts to rely on attorneys' representations regarding their qualifications.

None of these objections is grounded in the text of chapter 154 or the 2013 Regulations. Moreover, the statute providing for the appointment of counsel in federal postconviction proceedings does not create any requirements for an agency to oversee and enforce attorney competency standards or for courts to require evidence of competency beyond an attorney's representations. *See* 18 U.S.C. 3599. Nothing in chapter 154 suggests that Congress intended to hold the States to a higher standard than the federal government in this regard.

More broadly, my responsibility is to determine whether Tennessee has established a capital counsel mechanism that satisfies the requirements of chapter 154, not the requirements of any guidelines issued by the American Bar Association. Congress adopted standards modeled on the American Bar Association's *Guidelines* in the context of a grant program when it enacted the Innocence Protection Act in 2004. *See* 34 U.S.C. 60301. Had Congress intended to make those standards a requirement of chapter 154 certification, it could have done so when it amended chapter 154 in 2006. But Congress chose not to do so, and it instead decided to afford the States broad latitude in developing mechanisms for the appointment of competent counsel.

D. Compensation of Counsel

1. Compensation of Counsel and Chapter 154

Chapter 154 requires the Attorney General to determine whether a state has established a mechanism for the compensation of appointed postconviction capital counsel. 28 U.S.C. 2265(a)(1). I find that Tennessee has established such a mechanism.

In Tennessee, the representation of indigent capital defendants is normally provided by salaried post-conviction defenders who have no conflict of interest. *See* Tenn. Sup. Ct. R. 13 sec. 1(e)(4)(A); Tenn. Code Ann. secs. 40–30–206, –207, –208; *see also* Tenn. Sup. Ct. Order (Apr. 3, 1997), R. 13 sec. 1(h); Tenn. Sup. Ct. Order (June 1, 2004), App'x A, R. 13 sec. 1(e)(4)(A). The salary of the Post-Conviction Defender—*i.e.,* the head of the OPCD—is equal to that of the district public defenders and in 2025 was $218,256 per year. *See* Tenn. Code Ann. sec. 40–30–209(a); Tennessee Office of the Post-Conviction Defender Salaries, *GovSalaries, https://bit.ly/4u4fhRN* (last visited Apr. 30, 2026). The salaries of the Assistant Post-Conviction Defenders are based on experience level and are determined in accordance with the assistant public defender's pay schedule. *See* Tenn. Code Ann. sec. 40–30–209(b). In 2025, these salaries ranged from $75,336 per year to $190,824 per year. *See* Tennessee Office of the Post-Conviction Defender Salaries, *GovSalaries, https://bit.ly/4u4fhRN* (last visited Apr. 30, 2026).

If the OPCD counsel have conflicts of interest, Tennessee courts are then required to designate private attorneys to represent indigent capital defendants. *See* Tenn. Sup. Ct. R. 13 sec. 1(e)(4)(B); Tenn. Code Ann. sec. 40–30–207; *see also* Tenn. Sup. Ct. Order (Apr. 3, 1997), R. 13 sec. 1(h); Tenn. Sup. Ct. Order (June 1, 2004), App'x A, R. 13 sec. 1(e)(4)(B). Between July 1, 1997, and November 30, 2024, private attorneys appointed to serve as postconviction counsel for indigent capital defendants were compensated at a rate of $60 per hour for out-of-court work and $80 per hour for in-court work. *See* Tenn. Sup. Ct. Order (Apr. 3, 1997), R. 13 sec. 3(j)(5)–(6); *see also* Tenn. Sup. Ct. Order (June 1, 2004), App'x A, R. 13 sec. 3(k)(5)–(6). Beginning on December 1, 2024, private attorneys appointed to serve as postconviction counsel for indigent capital defendants are compensated at a rate of $90 per hour, which would equate to $180,000 per year on a 2000-hours-per-year basis. Tenn. Sup. Ct. R. 13 sec. 3(k)(3).

2. Compensation of Counsel and the 2013 Regulations

The Department's rule addressing compensation of counsel is 28 CFR 26.22(c), which provides that a State's ''mechanism must provide for compensation of appointed counsel.'' 28 CFR 26.22(c). The rule lists four benchmark criteria in paragraph (c)(1) and provides that a State's provision for compensation is presumptively

adequate if it is comparable to or exceeds any of the benchmarks. *See id.* 26.22(c)(1). The benchmarks are: (i) compensation of appointed capital federal habeas counsel; (ii) compensation of retained state postconviction capital counsel meeting state standards of competency; (iii) compensation of appointed state capital trial or appellate counsel; and (iv) compensation of state attorneys in state capital postconviction proceedings, taking account of private counsel overhead costs. *See id.* The rule further states in paragraph (c)(2) that provisions for compensation not satisfying the benchmarks will be deemed adequate only if the state mechanism is otherwise reasonably designed to ensure the availability for appointment of counsel who meet state standards of competency sufficient under paragraph (b). *See id.* 26.22(c); 78 FR at 58172–73, 58179–80 (further explaining the regulatory provisions). The preamble of the 2013 Regulations explains that paragraph (c)(2) recognizes that compensation provisions ''have been deemed adequate for purposes of chapter 154 . . . independent of any comparison to the benchmarks in paragraph (c)(1).'' 78 FR at 58180.

I find that Tennessee's compensation mechanism for both OPCD counsel and appointed private attorneys satisfies paragraph (c). *See* 28 CFR 26.22(c). With respect to public defenders, the fact that Tennessee has created the OPCD and compensates the attorneys in that office by salary is sufficient. The Department explained when it promulgated the 2013 Regulations that ''a State may secure representation for indigent capital petitioners in postconviction proceedings by means not dependent on any special financial incentive for accepting appointments, such as by providing sufficient salaried public defender personnel to competently carry out such assignments as part of their duties.'' 78 FR at 58180; *see also* 85 FR at 20714 (concluding that use of salaried public defenders in Arizona satisfies 28 CFR 26.22(c)(2)).

With respect to private attorneys, the compensation rates are ''presumptively adequate'' because they are ''comparable'' to ''[t]he compensation of appointed counsel in State appellate or trial proceedings in capital cases.'' 28 CFR 26.22(c)(1)(iii). Between July 1, 1997, and June 30, 2018, Tennessee's compensation rates for appointed lead counsel in a capital case were $75 per hour for out-of-court work and $100 per hour for in-court work. Tenn. Sup. Ct. Order (Apr. 3, 1997), R. 13 sec. 3(j)(1)–(2). For appointed co-counsel in a capital case, the compensation rates were $60 per hour for out-of-court work and $80 per hour for in-court work. *See id.* R. 13 sec. 3(j)(3)–(4). The compensation rates for appointed post-conviction counsel during this period—$60 per hour for out-of-court work and $80 for in-court work—were identical to the rates for appointed co-counsel in the trial and appellate stages. *See id.* R. 13 sec. 3(j)(5)–(6).

Tennessee amended its compensation rates on June 29, 2018, and those rates took effect on July 1, 2018. *See* Tenn. Sup. Ct. Order (June 29, 2018), *https://perma.cc/6HRJ-D55B;* Tenn. Sup. Ct. Order (July 2, 2018), *https://perma.cc/H474-6XUB.* Beginning on July 1, 2018, and until the rates were amended again on July 1, 2024, the compensation rate for appointed lead counsel in a capital case was $100 per hour. *See* Tenn. Sup. Ct. Order (July 2, 2018), R. 13 sec. 3(k)(1) (July 2, 2018). For appointed co-counsel in a capital case, the rate was $80 per hour. *See id.* R. 13 sec. 3(k)(2). The compensation rate for appointed postconviction counsel during this period—$80 per hour—was identical to the rate for appointed co-counsel in the trial and appellate stages. *See id.* R. 13 sec. 3(j)(3).

Tennessee increased its compensation rates to their current levels on July 2, 2024, with an effective date for those rates of July 1, 2024. *See* Tenn. Sup. Ct. Order (July 2, 2024), *https://perma.cc/XML5-VCEL.* The current rate for appointed lead counsel in a capital case is $110 per hour. *See* Tenn. Sup. Ct. R. 13 sec. 3(k)(1). The current rate for appointed co-counsel in a capital case is $90 per hour. *See id.* R. 13 sec. 3(k)(2). The compensation rate for appointed postconviction counsel—$90 per hour—is identical to the rate for appointed co-counsel in the trial and appellate stages. *See id.* R. 13 sec. 3(k)(3).

Tennessee satisfies paragraph (c)(1)(iii). *See* 28 CFR 26.22(c)(1)(iii). Since July 1, 1997, Tennessee's compensation rate for appointed postconviction counsel in capital cases has been identical to the compensation rate for co-counsel in capital trials and appeals. *See* Tenn. Sup. Ct. R. 13 sec. 3(k); Tenn. Sup. Ct. Order (June 29, 2018), R. 13 sec. 3(k); Tenn. Sup. Ct. Order (Apr. 3, 1997), R. 13 sec. 3(j). Although the compensation rate for postconviction counsel is less than the compensation rate for lead counsel at the trial and appellate stages, paragraph (c)(1)(iii) does not distinguish between lead counsel and co-counsel. The benchmark is satisfied when the compensation rate of postconviction counsel ''is comparable to or exceeds'' the compensation rate of ''appointed counsel'' in the trial or appellate stages. 28 CFR 26.22(c)(1)(iii). Tennessee law, like federal law, requires the initial appointment of two attorneys in the trial stage of capital litigation but only one attorney in the postconviction stage. *See* 18 U.S.C. 3005, 3599; Tenn. Sup. Ct. R. 13 sec. 3(b)(1). Nothing in chapter 154 or the 2013 Regulations prohibits Tennessee from relying on the same distinction and compensating lead counsel in the trial stage at a higher rate than co-counsel or postconviction counsel. Although solo postconviction counsel would lack the assistance provided by lead counsel to co-counsel at earlier stages, postconviction counsel would be rewarded for any resulting additional work by being compensated for however many additional hours he works.

Tennessee's compensation mechanism also satisfies paragraph (c)(2) because it compares favorably to the fourth benchmark in paragraph (c)(1)(iv) and is therefore ''reasonably designed to ensure the availability for appointment of counsel who meet State standards of competency.'' 28 CFR 26.22(c)(2); *see also* 78 FR at 58172, 58179. Paragraph (c)(1)(iv) provides that a State's provision for compensation is ''presumptively adequate'' if it ''is comparable to or exceeds . . . [t]he compensation of attorneys representing the State in State postconviction proceedings in capital cases, subject to adjustment for private counsel to take account of overhead costs not otherwise payable as reasonable litigation expenses.'' 28 CFR 26.22(c)(1)(iv). Before 2023, the offices of the Tennessee district attorneys general represented the State in all capital postconviction litigation. *See* Tenn. Code Ann. sec. 40–30–108(a). Since 2023, the offices of the district attorneys general have continued to represent the State in capital postconviction litigation for death sentences imposed after March 1, 2023. *See id.* secs. 40–30–108(a); 40–30–114(c). The Office of the Tennessee Attorney General now represents the State in capital postconviction litigation for death sentences imposed on or before March 1, 2023. *See id.* sec. 40–30–114(c)(1), (c)(4)(B).

The salaries of the assistant district attorneys general are determined by a pay scale set by statute, subject to annual adjustment reflecting the average percentage pay increase for state employees set by general appropriations bills. *See* Tenn. Code Ann. sec. 8–7–226. For example, on July 1, 2023, the entry-level salary for an assistant district attorney general was $63,853 per year, and the salary after 25 years of experience was $167,325 per year. *See id.* The compensation rates for assistant

postconviction defenders exceed these compensation rates. *See* Tennessee Office of the Post-Conviction Defender Salaries, *GovSalaries, https://bit.ly/4u4fhRN* (last visited Apr. 30, 2026); *see also* Tenn. Code Ann. secs. 8–14–107(b)(1) (pay scale for assistant district public defenders); 40–30–209(b) (compensation for assistant postconviction defenders set ''in compliance with the assistant public defender's pay schedule'').

Thus, throughout most of the period of this certification, the authorized compensation for OPCD counsel, who represent indigent defendants in most capital postconviction proceedings, has been comparable to the compensation of the assistant district attorneys general representing the State in such proceedings. The information provided in Tennessee's application is not sufficient to make comparisons to the compensation of private attorneys appointed as postconviction counsel or to the compensation of attorneys from the Office of the Tennessee Attorney General. As a result, there is not enough information to determine conclusively whether Tennessee's compensation mechanism satisfies paragraph (c)(1)(iv). However, Tennessee's compensation mechanism compares favorably overall to this benchmark and, therefore, satisfies paragraph (c)(2).

3. Specific Criticisms

The public comments argued that Tennessee's compensation rates are too low to attract and retain competent counsel to provide postconviction representation in capital cases. But the comments did not identify any cases in which the State was unable to secure postconviction representation for an indigent defendant under sentence of death because of inadequate compensation. If the compensation mechanisms for OPCD attorneys and private attorneys were not ''reasonably designed to ensure the availability for appointment of counsel who meet State standards of competency,'' surely there would be some evidence of this. 28 CFR 26.22(c)(2). To the extent the comments suggest that the compensation Tennessee affords is insufficient to ensure the availability of counsel who perform adequately following appointment, that argument misconceives the applicable standard under the 2013 Regulations. A State's compensation mechanism must be ''reasonably designed to ensure the availability for appointment of counsel who meet'' only the State's ''standards of competency'' for appointment, not any other standard of competency or performance. *Id.*

Regardless, even if there were some exceptional case where the State was unable to secure counsel meeting the State's standards of competency because of inadequate compensation, the failure to do so in that particular case would not be a basis to deny certification. The 2013 Regulations require a compensation mechanism that is ''reasonably designed to ensure'' the availability for appointment of such counsel, not one that will infallibly ensure the appointment of such counsel in every case. 28 CFR 26.22(c)(2). And as a case-specific matter, a failure to appoint counsel pursuant to the certified mechanism, because of inadequate compensation or other reasons, could be raised under 28 U.S.C. 2261(b)(2).

Another comment argued that the salaries paid by Tennessee to OPCD counsel are inadequate because OPCD counsel are generally less experienced and, therefore, compensated at lower rates than both the public defenders who handle capital cases at the trial and appellate phases and the attorneys who represent the State in capital postconviction proceedings. This comment misapprehends the 2013 Regulations and the benchmarks. The 2013 Regulations ''recognize[ ] that the options set out in paragraph (c)(1) of 26.22 are not necessarily the only means by which a State may provide compensation for competent counsel.'' 78 FR at 58180. Tennessee's salary-based compensation mechanism need not satisfy the (c)(1) benchmarks because its use of salaried postconviction defenders—compensated comparably to district attorneys general and public defenders—to serve as postconviction counsel for indigent capital defendants satisfies the 2013 Regulations under paragraph (c)(2). *See* 78 FR at 58180; 85 FR at 20714. Regardless, Tennessee authorizes identical compensation scales for OPCD counsel, district public defenders who represent capital defendants at the trial and appellate stages, and district attorney generals and their assistants who represent capital defendants in postconviction proceedings. *See* Tenn. Code Ann. sec. 8–14–107(a); *id.* sec. 40–30–209(a)–(b). The 2013 Regulations do not require that a postconviction defender's salary must meet or exceed the salary of the trial and appellate counsel or the attorneys representing the State in every particular capital case.

With respect to private attorneys appointed as postconviction counsel, one comment objected that the compensation rate of $90 per hour is less than the corresponding rate for federally appointed counsel under 18 U.S.C. 3599. But chapter 154 does not require that the compensation rate for appointed counsel in state postconviction proceedings must be commensurate with the compensation for appointed counsel in federal postconviction proceedings. Moreover, in the 2013 Regulations, the federal compensation rate is only one of four benchmarks, each of which independently establishes presumptive adequacy. *See* 28 CFR 26.22(c)(1). I have concluded that Tennessee's compensation rate for private attorneys is presumptively valid under paragraph (c)(1)(iii) because it is comparable to the compensation rates for appointed co-counsel in state trial or appellate proceedings in capital cases. I have also concluded in the alternative that Tennessee's compensation rate satisfies paragraph (c)(2) because it is comparable to the compensation rates for attorneys representing the State in state postconviction proceedings and therefore compares favorably to the benchmark in paragraph (c)(1)(iv). Any failure of Tennessee's compensation rate to satisfy other benchmarks in paragraph (c)(1) does not undermine my conclusion.

Another comment suggested that Tennessee's request for certification should be denied because Attorney General Garland purportedly denied Arizona's request for certification on January 17, 2025, on the ground of inadequate compensation. The Ninth Circuit held in *Spears* v. *Stewart* that Arizona's compensation rate of $100 per hour was adequate under chapter 154. 283 F.3d at 1015. Attorney General Barr made the same finding when he certified that Arizona had established a capital counsel mechanism satisfying the requirements of chapter 154 on April 14, 2020. *See* 85 FR at 20713–15. In 2025, however, Attorney General Garland concluded that the value of $100 had been eroded by inflation and that, as a result, Arizona's compensation rate no longer satisfied chapter 154. The comment on Tennessee's request for certification argues that, based on Attorney General Garland's reasoning, Tennessee's compensation rate of $90 per hour cannot satisfy chapter 154 because it is less than Arizona's compensation rate.

Attorney General Garland's determination regarding Arizona's request for certification was intrinsically flawed. Its factual premise was that $100 per hour was worth less in 2025 than when Attorney General Barr certified Arizona in 2020. But the relevant standard under the 2013 Regulations asks only whether the State's compensation mechanism is

reasonably designed to ensure the availability for appointment of counsel who meet State standards of competency. 28 CFR 26.22(c)(2). Arizona had advised the Department as late as June 4, 2022, that its compensation rate of $100 per hour continued to attract attorneys meeting the State's competency standards to serve as postconviction counsel for indigent capital defendants. *See* Letter from the Arizona Deputy Solicitor General to the Department of Justice at 6 (June 24, 2022), *www.justice.gov/olp/pending-requests-final-decisions.* Attorney General Garland's determination pointed to no evidence that this was no longer the case.

Moreover, regardless of its flaws, Attorney General Garland's purported denial of Arizona's certification request does not affect my determination that Tennessee's capital counsel mechanism satisfies chapter 154 and the 2013 Regulations. Neither the statute nor the regulations require that a State's compensation rate must exceed or be comparable to a compensation rate that would be adequate in another State or to a nationwide compensation rate. Tennessee's compensation mechanism stands on its own and is adequate under chapter 154 and the 2013 Regulations for the reasons explained above.

Finally, one comment argued that Tennessee's compensation mechanism is inadequate under the 2013 Regulations based on findings in two state reports: a 2017 report by the Tennessee Supreme Court's Indigent Representation Task Force and a 2024 report by the Tennessee Comptroller. According to the comment, these reports concluded that Tennessee's compensation rate for appointed attorneys does not measure up to current market rates for attorneys in the State and that, as a result, many attorneys cannot afford to take on indigent clients. But claims about current market rates and what many attorneys can afford do not mean that a State is unable to provide counsel who meet the State's standards of competency—*i.e.,* the fact that some subset of attorneys might choose not to take on indigent clients hardly establishes more broadly that Tennessee cannot attract counsel to take on such clients. The comment does not alter my conclusion that Tennessee's compensation mechanism for capital counsel satisfies chapter 154 and the 2013 Regulations.

E. Payment of Reasonable Litigation Expenses

1. Payment of Reasonable Litigation Expenses and Chapter 154

Chapter 154 requires the Attorney General to determine whether a State has established a mechanism for the payment of reasonable litigation expenses of appointed postconviction counsel in capital cases. 28 U.S.C. 2265(a).

Tennessee's capital counsel mechanism satisfies this requirement. By rule, Tennessee provides for the reimbursement of ''certain necessary expenses directly related to the representation of indigent parties,'' Tenn. Sup. Ct. R. 13 sec. 4(a)(1), and has done so since 1997, *see* Tenn. Sup. Ct. Order (Apr. 3, 1997), R. 13 sec. 4(a)(1). By statute and rule, Tennessee also authorizes the reimbursement of investigative services, expert services, and other similar services. *See* Tenn. Code Ann. sec. 40–14–207(b); Tenn. Sup. Ct. R. 13 sec. 5(a)(1); *see also Owens* v. *State,* 908 SW2d 923, 924 (Tenn. 1995) (holding that Tenn. Code Ann. sec. 40–14–207(b) ''applies in post-conviction capital cases''). A court ''may grant prior authorization for . . . necessary services in a reasonable amount'' and ''shall provide for the payment or reimbursement of reasonable and necessary expenses.'' Tenn. Sup. Ct. R. 13 sec. 5(a)(2); *see also* Tenn. Code Ann. sec. 40–14–207(b) (same).

Tennessee law also provides standards and procedures for effectuating the payment of reasonable litigation expenses. To obtain reimbursement for expert and investigative services, the appointed counsel must demonstrate a ''particularized need for the requested services'' in a hearing before the court. Tenn. Sup. Ct. R. 13 sec. 5(c)(1); *see also* Tenn. Sup. Ct. Order, R. 13 sec. 5(b) (Apr. 3, 1997) (''the trial court must . . . determine if the requested services are necessary to ensure the protection of the defendant's constitutional rights''). Since July 1, 2004, all requests for reimbursement of investigative, expert, and other services have required final approval by either the Director of the Administrative Office of the Courts or, if denied, the Chief Justice. *See* Tenn. Sup. Ct. R. 13 sec. 5(e)(4)–(5); Tenn. Sup. Ct. Order (June 1, 2004), App'x A, R. 13 sec. 5(e)(4)–(5); *see also* Tenn. Sup. Ct. Order (Apr. 3, 1997), R. 13 sec. 5(c) (prior rule requiring approval by the Chief Justice for requests exceeding $150 per hour or $5,000 in total expected costs). Although these provisions establish certain conditions for reimbursement, there is no conflict with chapter 154 because they do not prohibit the payment of reasonable litigation expenses.

2. Payment of Reasonable Litigation Expenses and the 2013 Regulations

The 2013 Regulations reiterate the statutory requirement that a state capital counsel mechanism must provide for payment of reasonable litigation expenses of appointed counsel. *See* 28 CFR 26.22(d). Paragraph (d) provides a nonexhaustive list of types of litigation expenses that includes expenses for ''investigators, mitigation specialists, mental health and forensic science experts, and support personnel.'' *Id.* It further states that presumptive limits on payment are allowed, but only if means are authorized for payment of necessary expenses above such limits. *See id.*

Tennessee's capital counsel mechanism satisfies the 2013 Regulations with respect to the payment of reasonable litigation expenses through the same provisions that satisfy chapter 154 itself, which are described above. With respect to ''presumptive limits on payment'' for services, Tennessee's mechanism satisfies the 2013 Regulations because ''means are authorized for payment of necessary expenses above [these] limits.'' 28 CFR 26.22(d). Tennessee initially established presumptive caps on payments for expert and investigative services in 2004, and those caps became effective on July 1, 2004. *See* Tenn. Sup. Ct. Order (June 1, 2004), App'x A, R. 13 sec. 5(d)(4)–(5). From July 1, 2004, to November 30, 2024, courts in post-conviction capital cases were not permitted to authorize more than $25,000 for expert services or more than $20,000 for investigative services unless the court, ''in its sound discretion,'' determined that ''extraordinary circumstances,'' ''proven by clear and convincing evidence,'' justified exceeding these limits. *Id.* Beginning December 1, 2024, these presumptive limits and the means for exceeding them apply only when the capital defendant in a post-conviction proceeding is represented by a private attorney appointed as postconviction counsel. *See* Tenn. Sup. Ct. R. 13 sec. 5(d)(4)–(5); Tenn. Sup. Ct. Order (Oct. 4, 2024), App'x, R. 13 sec. 5(d)(4)–(5). The OPCD is authorized to secure investigative and expert services through other funds appropriated by statute. *See* Tenn. Code Ann. sec. 40–30–208.

Since July 1, 2004, Tennessee has also maintained maximum hourly rates for particular types of expert services, which are currently set by the Director of the Administrative Office of Courts

and the Chief Justice. *See* Tenn. Sup. Ct. R. 13 sec. 5(d)(1); *see also* Tenn. Sup. Ct. Order, App'x A, R. 13 sec. 5(d)(1) (June 1, 2004). Appointed counsel are expected to ''make every effort to obtain individuals or entities who are willing to provide services at an hourly rate less than the maximum.'' Tenn. Sup. Ct. R. 13 sec. 5(d)(1). Requests for experts ''not listed on the published rate list'' are ''considered on a case by case basis.'' *Id.* Appointed counsel may request ''additional funding for the same investigator or expert,'' and such requests are ''subject to additional review by the [Director of the Administrative Office of the Courts].'' *Id.*

3. Specific Criticisms

Some comments argued that Tennessee's capital counsel mechanism is inadequate because, in some cases, judges do not allow the reimbursement of requested litigation expenses. But the federal statute assumes that a State can assess the reasonableness of litigation expenses as part of its process; chapter 154 does not require that judges must agree in all instances with appointed defense counsel about what expenses are reasonable. Determinations about whether requested expenses are reasonable can be left to the courts. *See* 78 FR at 58173; *Spears,* 283 F.3d at 1016.

Other comments objected both to the requirement that expenses must be authorized by the Administrative Office of the Courts or the Chief Justice and to the presumptive caps of $25,000 for expert services and $20,000 for investigative services. But Tennessee's mechanism is similar to the federal statute governing the appointment of counsel for indigent capital defendants in federal proceedings, which imposes a presumptive cap of $7,500 on litigation expenses and requires approval of the chief judge of the circuit or his delegee for payments exceeding this limit ''as necessary to provide fair compensation for services of an unusual character or duration.'' *See* 18 U.S.C. 3599(g)(2); 78 FR at 58180. Moreover, as discussed above, the 2013 Regulations permit presumptive limits on payment so long as means are authorized for exceeding these limits. *See* 28 CFR 26.22(d); *cf. Spears,* 283 F.3d at 1015 (finding presumptive ceiling on compensable hours valid where means were provided for allowing more hours); *Mata* v. *Johnson,* 99 F.3d 1261, 1266 (5th Cir. 1996) (finding inflexible caps on compensation and expenses adequate under chapter 154), *vacated in part on reh'g,* 105 F.3d 209 (5th Cir. 1997).

Another comment argued that Tennessee's maximum hourly rates for expert services are lower than the rates permitted for federal expert services, and that these rate limits make it difficult for appointed counsel to find qualified experts. But neither chapter 154 nor the 2013 Regulations require that state experts and investigators must be paid at the same rate as their federal counterparts. Nor do they require that securing expert and investigative services must be expeditious or convenient to any particular degree, so long as the State has a mechanism for payment of reasonable litigation expenses.

Finally, one comment objected to changes that have occurred over time regarding the extent to which litigation expenses must be sought from the courts, paid from OPCD's budget with latitude to seek more from the courts, or paid fully from OPCD's budget. The comment asserted that this shifting system provides no assurance that indigent prisoners will receive adequate payment of their litigation expenses. However, neither chapter 154 nor the 2013 Regulations require that defense litigation expenses must be paid by the courts instead of from the budget of a public defender agency conducting the litigation. To the extent this comment is speculating that the Tennessee legislature might in the future decide not to provide the OPCD with sufficient funds to pay for reasonable litigation expenses, that concern applies just as well to whether the Tennessee legislature will provide sufficient funds to the courts for this purpose. In either case, this speculation has no bearing on whether Tennessee has established and currently maintains a mechanism for the payment of reasonable litigation expenses.

III. Date the Mechanism Was Established

Tennessee has requested that I determine it established its qualifying capital counsel mechanism as of October 23, 1995, referring to the date the Tennessee Supreme Court held that the statute authorizing the payment of investigative and expert services in capital cases applies to postconviction proceedings. *See Owens,* 908 SW 2d at 924 However, the State's certification request rests partly on features of its capital counsel mechanism that were adopted at later times. In particular (and as discussed in detail above), the Tennessee Supreme Court adopted amendments to its Rule 13 on April 3, 1997, effective July 1, 1997, for the purpose of meeting the standards of chapter 154. *See* Tenn. Sup. Ct. Order (Apr. 3, 1997); Tenn. Sup. Ct. Order (Apr. 10, 1997). Accordingly, the earliest date on which I can certify Tennessee's capital counsel mechanism, based on the information provided by Tennessee, is July 1, 1997.

Although there have been some changes in the relevant Tennessee statutes and rules since that time, I find that those differences are not material to Tennessee's satisfaction of chapter 154's requirements. I accordingly determine and certify that Tennessee has continuously had a capital counsel mechanism satisfying chapter 154's requirements since July 1, 1997.

Some of the comments argued that two federal cases that considered Tennessee's capital counsel mechanism prevent me from certifying the mechanism. The first case is *Austin* v. *Bell,* in which a federal district court concluded that chapter 154 did not apply in Tennessee because the State ''imposes insufficient standards to ensure that only qualified competent counsel will be appointed to represent habeas petitioners in capital cases.'' 927 F. Supp. 1058, 1061–62 (M.D. Tenn. 1996). Following this decision, the Tennessee Supreme Court amended its Rule 13 to meet the standards of chapter 154, which included the adoption of minimum experience requirements for postconviction counsel. *See* Tenn. Sup. Ct. Order (Apr. 3, 1997), R. 13 secs. 1(a), 3(h); Tenn. Sup. Ct. Order (Apr. 10, 1997). In light of that amendment, I have certified Tennessee's capital counsel mechanism as complying with chapter 154 since July 1, 1997, and have expressed no opinion as to whether it complied with chapter 154 prior to that date. The district court decision in *Austin* v. *Bell,* issued on May 9, 1996, preceded the effective date of my current certification of Tennessee and related to Tennessee's capital counsel mechanism as it was before that date. A federal court of appeals subsequently affirmed the district court decision and concluded that ''[t]here is no indication that Tennessee has complied with'' chapter 154. *Austin* v. *Bell,* 126 F.3d 843, 846 n.3 (6th Cir. 1997). But that decision concerned Tennessee's capital counsel mechanism as it existed before the establishment of key elements of the current system, including the adoption of Tennessee Supreme Court Rule 13. Accordingly, the district court and court of appeals opinions in *Austin* v. *Bell* are neither controlling nor informative with respect to Tennessee's present satisfaction of chapter 154's requirements.

The second case cited by the commenters is *King* v. *Bell,* in which a prisoner under sentence of death argued

in his federal habeas petition that his claims were not procedurally defaulted because ''Congress eliminated the doctrine of procedural default in all habeas cases except those falling under Chapter 154.'' 392 F. Supp. 2d 964, 1014 (M.D. Tenn. 2005). The district court concluded that this argument was ''without merit.'' *Id.* at 1015. In rejecting the argument, the court undertook no assessment of whether Tennessee's capital counsel mechanism satisfies the requirements of chapter 154, merely observing that the petitioner ''concede[d] Tennessee is not an 'opt in' state'' and that the chapter 154 procedures did not apply to the case. *Id.* A meritless legal argument and a concession made in litigation by a prisoner under sentence of death have no relevance to whether Tennessee satisfies the requirements of chapter 154.

IV. Other Matters

A. Constitutionality of Chapter 154

The comments raised several constitutional objections to chapter 154. My responsibility under chapter 154 is to determine whether a State has established a postconviction capital counsel mechanism that satisfies the statute's requirements. After reviewing the constitutional objections raised in the public comments, I have concluded that they have no bearing on my certification determination and that they are, in any event, not well founded.

B. Validity of the Implementing Rule

Some comments challenged the implementing rule for chapter 154, Subpart B of 28 CFR part 26—*i.e.,* the 2013 Regulations—arguing that the regulations are invalid on procedural and substantive grounds. These criticisms provide no ground for denying certification to Tennessee. *See* Br. for Appellants at 28–49 and Reply Br. for Appellants at 15–28, *Habeas Corpus Res. Ctr.* v. *U.S. Dep't of Just.,* 816 F.3d 1241 (9th Cir. 2016) (No. 14–16928); Br. for Respondents at 52–65, *Off. of the Fed. Pub. Def. for the Dist. of Ariz.* v. *Rosen,* No. 20–1144 (D.C. Cir. 2020).

C. Request for Supplemental Process

Some commenters objected that they had inadequate time to develop a full record for their public comments. They also argued that Tennessee's application for certification does not accurately describe the State's capital counsel mechanism and should be denied for this reason. If the application is not denied, they requested that I order Tennessee to supplement its application in order to correct the alleged misrepresentations and to provide additional information on how the capital counsel mechanism has operated in practice. They also requested that I authorize an additional public comment period for responses to Tennessee's supplemental submission.

I deny these requests because the information available is sufficient to determine that Tennessee has established a capital counsel mechanism that satisfies the requirements of chapter 154 and the 2013 Regulations. The organizations that provided public comments had sufficient time to prepare and to file lengthy comments with numerous attachments. The commenters have not explained how the additional information they seek to provide would change my determination. Chapter 154 directs me to certify only whether a State ''has established a mechanism for the appointment . . . of competent counsel'' in state capital postconviction proceedings, the date on which this mechanism was established, and whether the State ''provides standards of competency for the appointment of counsel'' in such proceedings. 28 U.S.C. 2265(a)(1). It does not direct or authorize me to carry out a case-specific review of the operation of a State's capital counsel mechanism.

D. Request for a Stay

One comment requested that I stay my certification of Tennessee's mechanism pending review of my determination. The comment argued the matter on the terms a court would consider in deciding whether to order a stay—*i.e.,* likelihood that the determination will be overturned on judicial review, alleged irreparable harm to the commenters and their clients, the balance of the equities, and the public interest. Chapter 154 creates no requirement that I grant a stay, and I decline to do so.

Chapter 154 conditions its applicability on the Attorney General's determination that a State has established a capital counsel mechanism satisfying its requirements, not on the completion of judicial review of my determination. *See* 28 U.S.C. 2261(b), 2265. The statute directs me to determine the date on which the state capital counsel mechanism was established and makes that date the effective date of the certification. 28 U.S.C. 2265(a)(1)(B), (a)(2). Thus, chapter 154 applies to cases in which postconviction counsel was appointed pursuant to the mechanism, though the appointment occurred prior to the publication of this notice. *See* 152 Cong. Rec. at 2449 (remarks of Sen. Kyl) (explaining effect of section 2265(a)(2)); 151 Cong. Rec. at E2640 (extension of remarks of Rep. Flake) (same); *Habeas Corpus Resource Ctr.,* 816 F.3d at 1245 (''The certification is effective as of the date the Attorney General finds the state established its adequate mechanism; as this date can be in the past, a certification decision may apply retroactively.''). A stay would mean, however, that the certification would not yet be effective in relation to cases in which state postconviction counsel was appointed on or after July 1, 1997—notwithstanding my determination that Tennessee established a capital counsel mechanism satisfying chapter 154 on that date—but would take effect only at some unpredictable future time when litigation relating to the certification has run its course.

Additionally, the comment's arguments for a stay are unpersuasive. It is not likely that a challenge to the certification will prevail on the merits because Tennessee has in fact established a mechanism satisfying the requirements of chapter 154, as explained in this notice. Even if there were a likelihood of a challenge succeeding on the merits, there is no public interest or prospect of irreparable injury that justifies a stay. The comment contended that the time available to seek federal habeas review will be severely curtailed or eliminated if the time limit of 28 U.S.C. 2263 becomes applicable. This concern is not well founded and does not bear on the validity of the certification, as explained above. The comment also suggested that declining to grant a stay will result in additional burdens on the federal courts in the form of litigation challenging whether the chapter 154 procedures and deadlines apply to pending cases. To the contrary, permitting the chapter 154 review procedures to go into effect will streamline federal habeas review and will relieve federal courts and litigants of unnecessary burdens.

By contrast, Tennessee will be harmed if it is denied the benefits of the chapter 154 review procedures to which it is legally entitled based on its establishment of a capital counsel mechanism satisfying the requirements of chapter 154. As the Supreme Court has recognized, ''[b]oth the State and the victims of crime have an important interest in the timely enforcement of a sentence.'' *Bucklew* v. *Precythe,* 587 U.S. 119, 149 (2019). The survivors of victims murdered by persons under sentence of death in Tennessee will be harmed by a stay, prolonging their suffering and further denying them the closure of a final disposition of the cases

that concern them. *See* 152 Cong. Rec. at 2441–47 (remarks of Sen. Kyl); 151 Cong. Rec. at E2639 (extension of remarks of Rep. Flake). There will also be harm to any persons under sentence of death in Tennessee who would be granted relief on a final disposition of their federal habeas petitions but whose cases now linger for years or decades because there is no requirement that the cases be accorded priority or concluded within any specific time frame. Staying the implementation of the chapter 154 procedures that Congress enacted, to which Tennessee is entitled, would be harmful to many and not in the public interest.

Consequently, I do not stay my certification of Tennessee's postconviction capital counsel mechanism, and the effective date of the certification is July 1, 1997, in conformity with 28 U.S.C. 2265(a)(2).

Dated: July 6, 2026.

Todd Blanche,

Acting Attorney General.

[FR Doc. 2026–13970 Filed 7–9–26; 8:45 am]

BILLING CODE 4410–BB–P

DEPARTMENT OF LABOR

Bureau of Labor Statistics

Proposed Information Collection; ATUS Artificial Intelligence (AI) Questions

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 new collection, the ''American Time Use Survey (ATUS) Artificial Intelligence (AI) Questions.'' 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 September 8, 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

The increasing availability of Artificial Intelligence (AI) tools has raised important questions about how these technologies are being adopted by individuals and how they affect daily activities across work and non-work domains. Despite the rapid growth of AI applications, there are currently no federal surveys that link individuals' use of AI to a detailed record of their activities.

The American Time Use Survey (ATUS) is uniquely positioned to fill this gap. By pairing new AI questions with the ATUS time diary, the collection will allow researchers and policymakers to understand when, how, and for which tasks people use AI tools. No other national survey provides this level of behavioral insight; existing federal surveys may collect limited information on technology use, but none provide activity-level detail or link AI use to a continuous 24-hour record.

Collecting information on AI use supports the BLS mission under 29 U.S.C. 2 to develop and disseminate data on labor market activity and emerging economic trends. As AI becomes increasingly integrated into work, education, and household management, understanding who uses these tools—and for what purposes is essential for assessing potential implications for productivity, job tasks, skill requirements, and overall time allocation.

II. Current Action

Office of Management and Budget clearance is being sought for a new module to the ATUS with a set of questions regarding AI. These questions will provide the first nationally representative data linking AI use to detailed, activity level time use information. The AI items will supplement the ATUS by identifying:

- Whether individuals have used AI tools;
- The tasks for which individuals use AI;
- How AI use varies across demographic and occupational groups; and
- How AI use relates to time spent in work, education, household production, and leisure.

The information collected will allow BLS and external researchers to examine how AI interacts with individuals' daily activities, analyses that cannot be conducted using any existing federal data sources. The data will be used to produce public-use microdata files, tabulations, and technical documentation.

The proposed AI questions will be fielded beginning in January 2027 for a two-year period, allowing BLS to capture early patterns of adoption during a time of rapid technological and behavioral change.

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: ATUS Artificial Intelligence (AI) Questions.

OMB Number: 1220–NEW.

Type of Review: New collection.

Affected Public: Individuals or Households.

Annual Number of Respondents: 7,672.

Frequency: Annually.

Total Annual Responses: 7,672.

Average Time per Response: 2 minutes.

Estimated Annual Total Burden Hours: 256 hours.

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 July 1, 2026.

Eric Molina,

Chief, Division of Management Systems, Branch of Policy Analysis.

[FR Doc. 2026–13928 Filed 7–9–26; 8:45 am]

BILLING CODE 4510–24–P

DEPARTMENT OF LABOR

Bureau of Labor Statistics

Agency Information Collection Activities; Submission for OMB Review; Generic Clearance for Collection of Qualitative Feedback on Agency Service Delivery

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Bureau of Labor Statistics (BLS)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that the agency receives on or before August 10, 2026.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: Nicole Bouchet by telephone at 202–693–0213, or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: This collection of information is necessary to enable the Agency to garner customer and stakeholder feedback in an efficient, timely manner, in accordance with our commitment to improving service delivery. The information collected from our customers and stakeholders will help ensure that users have effective, efficient, and satisfying experience with the Agency's programs. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on April 30, 2026 (91 FR 23309).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

Agency: DOL–BLS.

Title of Collection: Generic Clearance for Collection of Qualitative Feedback on Agency Service Delivery.

OMB Control Number: 1220–0NEW.

Affected Public: Individuals or Households, State, Local and Tribal Governments, Private Sector, Federal Government.

Total Estimated Number of Respondents: 80,000.

Total Estimated Number of Responses: 80,000.

Total Estimated Annual Time Burden: 8,000 hours.

Total Estimated Annual Other Costs Burden: $0.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Nicole Bouchet,

Senior Paperwork Reduction Act Analyst.

[FR Doc. 2026–13929 Filed 7–9–26; 8:45 am]

BILLING CODE 4510–24–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2010–0025]

Hydrostatic Testing Provision of the Portable Fire Extinguishers Standard; Extension of the Office of Management and Budget's (OMB) Approval of Information Collection (Paperwork) Requirements

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Request for public comments.

SUMMARY: OSHA solicits public comments concerning the proposal to extend the Office of Management and Budget's (OMB) approval of the information collection requirements specified in the Hydrostatic Testing Provision of the Portable Fire Extinguishers Standard.

DATES: Comments must be submitted (postmarked, sent, or received) by September 8, 2026.

ADDRESSES:

Electronically: You may submit comments and attachments electronically at *https://www.regulations.gov,* which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments.

Docket: To read or download comments or other material in the docket, go to *https://www.regulations.gov.* Documents in the docket are listed in the *https://www.regulations.gov* index; however, some information (*e.g.,* copyrighted material) is not publicly available to read or download through the websites. All submissions, including copyrighted material, are available for inspection through the OSHA Docket Office. Contact the OSHA Docket Office at (202) 693–2350 (TTY (877) 889–5627) for assistance in locating docket submissions.

Instructions: All submissions must include the agency name and OSHA docket number (OSHA–2010–0025) for the Information Collection Request (ICR). OSHA will place all comments, including any personal information, in the public docket, which may be made available online. Therefore, OSHA cautions interested parties about submitting personal information such as social security numbers and birthdates.

For further information on submitting comments, see the ''Public Participation'' heading in the section of this notice titled **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Belinda Cannon, Directorate of Standards and Guidance, OSHA, U.S. Department of Labor; telephone (202) 693–2222.

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Labor, as part of the continuing effort to reduce paperwork and respondent (*i.e.,* employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information collection requirements in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the

desired format, reporting burden (time and costs) is minimal, the collection instruments are clearly understood, and OSHA's estimate of the information collection burden is accurate. The Occupational Safety and Health Act of 1970 (OSH Act) (29 U.S.C. 651 *et seq.*) authorizes information collection by employers as necessary or appropriate for enforcement of the OSH Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents (29 U.S.C. 657). The OSH Act also requires that OSHA obtain such information with minimum burden upon employers, especially those operating small businesses, and to reduce to the maximum extent feasible unnecessary duplication of effort in obtaining information (29 U.S.C. 657).

The following sections describe who uses the information collected under each requirement, as well as how they use it. The purpose of these requirements is to reduce workers' risk of death or serious injury by ensuring that portable fire extinguishers are in safe operating condition.

Test Records (§ 1910.157(f)(16))

Paragraph (f)(16) requires employers to develop and maintain a certification record of the hydrostatic testing of portable fire extinguishers. The certification record must include the date of inspection, the signature of the person who performed the test, and the serial number (or other identifier) of the fire extinguisher that was tested.

Disclosure of Test Certification Records

The certification record must be made available to the Assistant Secretary or his/her representative upon request. The certification record provides assurance to employers, workers, and OSHA compliance officers that the fire extinguishers have been hydrostatically tested in accordance with and at the intervals specified in § 1910.157(f)(16), thereby ensuring that they will operate properly in the event workers need to use them. Additionally, these records provide the most efficient means for the compliance officers to determine that an employer is complying with the hydrostatic testing provision.

II. Special Issues for Comment

OSHA has a particular interest in comments on the following issues:

- Whether the proposed information collection requirements are necessary for the proper performance of the agency's functions to protect workers, including whether the information is useful;
- The accuracy of OSHA's estimate of the burden (time and costs) of the information collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply; for example, by using automated or other technological information, and transmission techniques.

III. Proposed Actions

OSHA is requesting that OMB extend the approval of the information collection requirements contained in the Hydrostatic Testing Provision of the Portable Fire Extinguishers Standard. The agency is seeking an adjustment decrease in burden hours, going from 504,377 hours to 141,265 hours, a difference of 363,112 hours. The adjustment decrease resulted from a reduction in total floorspace across manufacturing and non-manufacturing establishments, which in turn led to a decrease in the number of fire extinguishers. Additionally, the agency is seeking an adjustment decrease in capital costs of $133,030,146, going from $210,664,596 to $77,634,450 annually. The decrease is due to a decline in the total number of portable fire extinguishers to hydrostatically test.

OSHA will summarize the comments submitted in response to this notice and will include this summary in the request to OMB to extend the approval of the information collection requirements.

Type of Review: Extension of a currently approved collection.

Title: Hydrostatic Testing Provision of the Portable Fire Extinguishers Standard (29 CFR1910.157(f)(16)).

OMB Control Number: 1218–0218.

Affected Public: Business or other for-profits.

Number of Respondents: 10,960,158.

Number of Responses: 1,461,354.

Frequency of Responses: On occasion.

Average Time per Response: Varies.

Estimated Total Burden Hours: 141,265.

Estimated Cost (Operation and Maintenance): $77,634,450.

IV. Public Participation—Submission of Comments on This Notice and Internet Access to Comments and Submissions

You may submit comments in response to this document as follows: (1) electronically at *https://www.regulations.gov,* which is the Federal eRulemaking Portal; or (2) by facsimile (fax), if your comments, including attachments, are not longer than 10 pages you may fax them to the OSHA Docket Office at (202) 693–1648. All comments, attachments, and other material must identify the agency name and the OSHA docket number for the ICR (OSHA–2010–0025). You may supplement electronic submission by uploading document files electronically.

Comments and submissions are posted without change at *https://www.regulations.gov.* Therefore, OSHA cautions commenters about submitting personal information such as social security numbers and dates of birth. Although all submissions are listed in the *https://www.regulations.gov* index, some information (*e.g.,* copyrighted material) is not publicly available to read or download from this website. All submission, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. Information on using the *https://www.regulations.gov* website to submit comments and access the docket is available at the website's ''User Tips'' link.

Contact the OSHA Docket Office at (202) 693–2350, (TTY (877) 889–5627) for information about materials not available from the website, and for assistance in using the internet to locate docket submissions.

V. Authority and Signature

Amanda Laihow, Principal Deputy Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506 *et seq.*) and Secretary of Labor's Order No. 7–2025 (90 FR 27878).

Signed at Washington, DC, on June 30, 2026.

Amanda Laihow,

Principal Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2026–13927 Filed 7–9–26; 8:45 am]

BILLING CODE 4510–26–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA–26–0331; NARA–2026–028]

Records Schedules; Availability and Request for Comments

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice of certain Federal

agency requests for records disposition authority (records schedules). We publish notice in the **Federal Register** and on *regulations.gov* for records schedules in which agencies propose to dispose of records they no longer need to conduct agency business. We invite public comments on such records schedules.

DATES: We must receive responses on the schedules listed in this notice by August 24, 2026.

ADDRESSES: To view a records schedule in this notice, or submit a comment on one, use the following address: *https://www.regulations.gov/docket/NARA-26-0331/document.*

This is a direct link to the schedules posted in the docket for this notice on *regulations.gov.* You may submit comments by the following method:

- *Federal eRulemaking Portal: https://www.regulations.gov.* On the website, enter either of the numbers cited at the top of this notice into the search field. This will bring you to the docket for this notice, in which we have posted the records schedules open for comment. Each schedule has a 'comment' button so you can comment on that specific schedule. For more information on *regulations.gov* and on submitting comments, see their FAQs at *https://www.regulations.gov/faq.*

If you are unable to comment via *regulations.gov,* you may email us at *request.schedule@nara.gov* for instructions on submitting your comment. You must cite the control number of the schedule you wish to comment on. You can find the control number for each schedule in parentheses at the end of each schedule's entry in the list at the end of this notice.

FOR FURTHER INFORMATION CONTACT: Richard Green, Records Management Operations, by email at *richard.green@nara.gov* or at 301–395–7825. For information about records schedules, contact Records Management Operations by email at *request.schedule@nara.gov* or by phone at 301–395–7825.

SUPPLEMENTARY INFORMATION:

Public Comment Procedures

We are publishing notice of records schedules in which agencies propose to dispose of records they no longer need to conduct agency business. We invite public comments on these records schedules, as required by 44 U.S.C. 3303a(a), and list the schedules at the end of this notice by agency and subdivision requesting disposition authority.

In addition, this notice lists the organizational unit(s) accumulating the records or states that the schedule has agency-wide applicability. It also provides the control number assigned to each schedule, which you will need if you submit comments on that schedule.

We have uploaded the records schedules and accompanying appraisal memoranda to the *regulations.gov* docket for this notice as ''other'' documents. Each records schedule contains a full description of the records at the file unit level as well as their proposed disposition. The appraisal memorandum for the schedule includes information about the records.

We will post comments, including any personal information and attachments, to the public docket unchanged. Because comments are public, you are responsible for ensuring that you do not include any confidential or other information that you or a third party may not wish to be publicly posted. If you want to submit a comment with confidential information or cannot otherwise use the *regulations.gov* portal, you may contact *request.schedule@nara.gov* for instructions on submitting your comment.

We will consider all comments submitted by the posted deadline and consult as needed with the Federal agency seeking the disposition authority. After considering comments, we may or may not make changes to the proposed records schedule. The schedule is then sent for final approval by the Archivist of the United States. After the schedule is approved, we will post on *regulations.gov* a ''Consolidated Reply'' summarizing the comments, responding to them, and noting any changes we made to the proposed schedule. You may elect at *regulations.gov* to receive updates on the docket, including an alert when we post the Consolidated Reply, whether or not you submit a comment. If you have a question, you can submit it as a comment, and can also submit any concerns or comments you would have to a possible response to the question. We will address these items in consolidated replies along with any other comments submitted on that schedule.

We will post schedules on our website in the Records Control Schedule (RCS) Repository, at *https://www.archives.gov/records-mgmt/rcs,* after the Archivist approves them. The RCS contains all schedules approved since 1973.

Background

Each year, Federal agencies create billions of records. To control this accumulation, agency records managers prepare schedules proposing retention periods for records and submit these schedules for NARA's approval. Once approved by NARA, records schedules provide mandatory instructions on what happens to records when no longer needed for current Government business. The records schedules authorize agencies to preserve records of continuing value in the National Archives or to destroy, after a specified period, records lacking continuing administrative, legal, research, or other value. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. Most schedules, however, cover records of only one office or program or a few series of records. Many of these update previously approved schedules, and some include records proposed as permanent.

Agencies may not destroy Federal records without the approval of the Archivist of the United States. The Archivist grants this approval only after thorough consideration of the records' administrative use by the agency of origin, the rights of the Government and of private people directly affected by the Government's activities, and whether or not the records have historical or other value. Public review and comment on these records schedules is part of the Archivist's consideration process.

Schedules Pending

1. Department of State, Consolidated Schedule: Records of the Bureau of Global Public Affairs (DAA–0059–2025–0001).

2. Department of State, Consolidated Schedule: Records of all Foreign Service Posts and U.S. Missions to International Organizations (DAA–0084–2024–0003).

3. Bureau of Prisons, Roster Program Records (DAA–0129–2025–0020).

4. Centers for Disease Control and Prevention, World Trade Center Health Program Records (DAA–0442–2022–0001).

5. Equal Employment Opportunity Commission, Investigative, Federal Sector, and Mediation Records (DAA–0403–2024–0002).

6. Farm Credit Administration, Office of Examination Records (DAA–0103–2024–0001).

7. Federal Energy Regulatory Commission, Semi-Annual Storage Report (DAA–0138–2025–0008).

8. General Records Schedules (National Archives and Records Administration), General Records

Schedule 2.2: Employee Management Records Revision (DAA–GRS–2026–0001).

9. General Records Schedules (National Archives and Records Administration), General Records Schedule 2.7: Employee Health and Safety Records Revision (DAA–GRS–2026–0002).

10. Office of the Director of National Intelligence, Defense Advisory Records (DAA–0576–2023–0021).

11. Pretrial Services Agency for the District of Columbia, Defendant Engagement and Systems Support Case Management System (CMS) (DAA–0562–2025–0004).

12. Treasury Inspector General for Tax Administration, Employee Tax Compliance Program records (DAA–0056–2026–0003).

13. Veterans Health Administration, Ancillary Services (DAA–0015–2025–0017).

William P. Fischer,

Acting Chief Records Officer for the U.S. Government.

[FR Doc. 2026–13912 Filed 7–9–26; 8:45 am]

BILLING CODE 7515–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2026–0001]

Sunshine Act Meetings

TIME AND DATE: Weeks of July 13, 20, 27, and August 3, 10, 17, 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 July 13, 2026

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.

Week of August 3, 2026—Tentative

There are no meetings scheduled for the week of August 3, 2026.

Week of August 10, 2026—Tentative

There are no meetings scheduled for the week of August 10, 2026.

Week of August 17, 2026—Tentative

There are no meetings scheduled for the week of August 17, 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: July 8, 2026.

For the Nuclear Regulatory Commission.

Wesley W. Held,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2026–13987 Filed 7–8–26; 4:15 pm]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2026–296 and K2026–293]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *https://www.prc.gov*. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. Public Proceeding(s)
III. Summary Proceeding(s)

I. Introduction

Pursuant to 39 CFR 3041.405, the Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to Competitive negotiated service agreement(s). The request(s) may propose the addition of a negotiated service agreement from the Competitive product list or the modification of an existing product currently appearing on the Competitive product list.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.[1]

Section II identifies the docket number(s) associated with each Postal Service request, if any, that will be reviewed in a public proceeding as defined by 39 CFR 3010.101(p), the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each such request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 and 39 CFR 3000.114 (Public Representative). The Public Representative does not represent any individual person, entity or particular point of view, and, when Commission attorneys are appointed, no attorney-client relationship is established. Section II also establishes comment

[1] *See* Docket No. RM2018–3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19–22 (Order No. 4679).

deadline(s) pertaining to each such request.

The Commission invites comments on whether the Postal Service's request(s) identified in Section II, if any, are consistent with the policies of title 39. Applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3041. Comment deadline(s) for each such request, if any, appear in Section II.

Section III identifies the docket number(s) associated with each Postal Service request, if any, to add a standardized distinct product to the Competitive product list or to amend a standardized distinct product, the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. Standardized distinct products are negotiated service agreements that are variations of one or more Competitive products, and for which financial models, minimum rates, and classification criteria have undergone advance Commission review. *See* 39 CFR 3041.110(n); 39 CFR 3041.205(a). Such requests are reviewed in summary proceedings pursuant to 39 CFR 3041.325(c)(2) and 39 CFR 3041.505(f)(1). Pursuant to 39 CFR 3041.405(c)–(d), the Commission does not appoint a Public Representative or request public comment in proceedings to review such requests.

II. Public Proceeding(s)

None. See Section III for summary proceedings.

III. Summary Proceeding(s)

1. *Docket No(s).:* MC2026–296 and K2026–293; *Filing Title:* USPS Request to Add New Mid-Market Standardized Distinct Product, PM–GA Contract 1032, and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* July 7, 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. 2026–13949 Filed 7–9–26; 8:45 am]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–105854; File No. SR–Phlx–2026–42]

Self-Regulatory Organizations; Nasdaq PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend PIXL

July 7, 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 30, 2026, Nasdaq PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its Price Improvement XL (''PIXL'') functionality.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/phlx/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 rule text in Options 3, Section 13, related to PIXL functionality. Specifically, the Exchange proposes to amend the information displayed in a PIXL Auction Notification (''PAN''). Currently, the PAN details the price, side, size, and options series of the PIXL Order through the Exchange's Phlx Orders data feed pursuant to Options 3, Section 23(a)(1) and the Exchange's Specialized Quote Feed pursuant to Options 3, Section 7(a)(i)(B). The Exchange amended the PAN detail to include price at Options 3, Section 13(b)(1)(C) in 2025 as part of a technology migration.[3]

At this time, the Exchange proposes to amend Options 3, Section 13(b)(1)(C) to remove the price detail so that the PAN would only disseminate side, size, and options series. The Exchange added ''price'' to the list of PAN details in 2025 to provide members with greater transparency and to encourage more competition in PIXL resulting in a greater opportunity for potential price improvement in PIXL. After a review of the PIXL executions since the addition of the price detail in a PAN, the Exchange believes that the addition of price resulted in less price improvement. The Exchange believes that the addition of the price detail weakened the incentive of responders to offer meaningful price improvement. Once the PAN broadcasts the PIXL Order's price, the Exchange believes that responders simply matched at a de minimis increment to obtain execution priority, thereby depriving the auction of true price discovery. The PAN broadcast eliminated uncertainty regarding the level at which the PIXL Order is prepared to stop or auto-match the Initiating Order. The Exchange believes that the prior change had a negative effect which discouraged responders from providing price improvement on the PIXL Orders. By way of example, in October 2025, prior to the adoption of SR–Phlx–2025–35, 23% of PIXL Auctions executed at a price that improved the Initiating Order. In April 2026, after the implementation of SR–Phlx–2025–35, only 11% of PIXL Auctions executed at a price that improved the Initiating Order.

At this time, the Exchange proposes to remove the ''price'' detail from the PAN to encourage responders to submit more aggressive pricing resulting in greater price improvement. The Exchange notes that the Cboe Exchange, Inc. (''Cboe'') also does not include price.[4]

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 103667 (August 8, 2025). 90 FR 39042 (August 13, 2025) (SR–Phlx–2025–35) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend PIXL and Adopt New Auctions) (''SR–Phlx–2025–35'').

[4] Cboe's Automated Improvement Mechanism (''AIM'') does not broadcast price pursuant to Rule 5.37(c)(2); it broadcasts the side, size, Auction ID and options series of the Agency Order.

Implementation

The Exchange proposes to implement this change on or before July 15, 2026. The Exchange proposes to announce the exact date in an Options Trader Alert.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[5] in general, and furthers the objectives of Section 6(b)(5) of the Act,[6] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest.

The Exchange's proposal to remove the price information from the PAN detail is consistent with the Act because it will encourage responders to submit more aggressive pricing resulting in greater price improvement. The proposed amendment protects investors and the public interest by restoring competitive uncertainty to the auction process to drive meaningful price improvement and prevent responders from anchoring to the disclosed price. The Exchange believes that removing the price from the PAN detail will encourage more competition in PIXL resulting in a greater opportunity for potential price improvement in PIXL.

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 PIXL Auction amendment at Options 3, Section 13(b)(1)(C) will not impose any burden on intramarket competition because the same PAN will be disseminated to all market participants. As it relates to inter-market competition, the Exchange notes that other options exchanges may make a similar change to their rules.

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]

A proposed rule change filed under Rule 19b–4(f)(6) normally does not become operative prior to 30 days after the date of filing. Rule 19b–4(f)(6)(iii), however, permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has requested the Commission waive the 30-day operative delay contained in Rule 19b–4(f)(6)(iii) so that the Exchange may amend its PIXL functionality to remove the price detail from the PAN in an identical manner to Cboe's AIM as soon as possible. The Exchange states that permitting the Exchange to remove the price detail in a more expediated manner will improve execution quality by restoring competitive dynamics to the benefit of market participants by eliciting the best possible prices through competitive responses. The Commission believes the proposed rule change presents no novel legal or regulatory issues, and that waiver of the 30-day operative delay is consistent with the protection or investors and the public interest. Accordingly, the Commission hereby waives the operative delay and designates the proposal operative upon filing.[9]

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–Phlx–2026–42 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–Phlx–2026–42. 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–Phlx–2026–42 and should be submitted on or before July 31, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–13917 Filed 7–9–26; 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] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[10] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–105853; File No. SR–LTSE–2026–16]

Self-Regulatory Organizations; Long-Term Stock Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend LTSE Rule 11.410(a) by Adding the Texas Stock Exchange LLC and Changing Nasdaq BX, LLC to Nasdaq Texas, LLC

July 7, 2026.

Pursuant to Section 19(b)(1) under the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on June 29, 2026, Long-Term Stock Exchange, Inc. (''LTSE'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I 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 is filing with the Securities and Exchange Commission (''Commission'') a proposed rule change to amend LTSE Rule 11.410(a) by: (1) adding the Texas Stock Exchange LLC (''TXSE'') and its Primary and Secondary Sources; and (2) changing Nasdaq BX, LLC (''Nasdaq BX'') to Nasdaq Texas, LLC (''Nasdaq Texas'').

The text of the proposed rule change is available at the Exchange's website at *https://longtermstockexchange.com/* and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement on the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

[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

LTSE Rule 11.410(a) identifies the data feeds the Exchange uses for the handling and execution of orders, as well as for surveillance necessary to monitor compliance with applicable securities laws and Exchange rules. The Exchange is amending the list in this rule to: (1) add the Primary and Secondary Sources of TXSE (designated CQS/UQDF and n/a, respectively), reflecting the projected launch of live trading by TXSE, a registered national securities exchange,[3] beginning July 6, 2026; [4] and (2) change Nasdaq BX to Nasdaq Texas, reflecting the name change of that exchange.[5]

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6 of the Act [6] in general, and furthers the objectives of Sections 6(b)(1) [7] and 6(b)(5) of the Act.[8] Updating LTSE Rule 11.410(a) to replace Nasdaq BX with Nasdaq Texas is consistent with Section 6(b)(1) in that it clarifies the Exchange's rules, which in turn better positions the Exchange to comply with its own rules.

Additionally, updating the rule to include TXSE's data feeds will, among other things, assist the Exchange in discharging its surveillance obligations under the Act once TXSE commences live trading and is consistent with Section 6(b)(5) of the Act.

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 proposal will enhance competition because including all of the exchanges in LTSE Rule 11.410(a) enhances transparency and enables investors to better assess the quality of the Exchange's execution services. Consequently, the Exchange does not believe that the proposed rule change would impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has designated this rule filing as non-controversial under Section 19(b)(3)(A) of the Act [9] and Rule 19b–4(f)(6) [10] thereunder. Because the proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative 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 [11] and Rule 19b–4(f)(6) [12] thereunder.

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act [13] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii) [14] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has requested that the Commission waive the 30-day operative delay so that the proposed rule change may become operative upon filing. The Exchange states that waiving the operative delay will allow the Exchange to use TXSE's data feed for the handling and execution of orders, as well as for surveillance necessary to monitor compliance with applicable securities laws and Exchange rules, as soon as TXE commences trading. For these reasons, and because the proposal raises no new or novel

[3] *See* Securities Exchange Act Release No. 104146 (September 30, 2025), 90 FR 47880 (October 2, 2025).

[4] *See* Member Readiness and Launch Guide, dated December, 2025 (*https://www.txse.com/trading-membership/member-readiness-and-launch-guide*) (stating that TXSE anticipates that trading will commence on July 6, 2026).

[5] *See* Securities Exchange Act Release No. 104736 (January 29, 2026), 91 FR 4980 (February 3, 2026) (SR–BX–2026–005). Nasdaq Texas' designated Primary and Secondary Sources remain unchanged.

[6] 15 U.S.C. 78f.

[7] 15 U.S.C. 78f(b)(1).

[8] 15 U.S.C. 78f(b)(5).

[9] 15 U.S.C. 78s(b)(3)(A).

[10] 17 CFR 240.19b–4(f)(6).

[11] 15 U.S.C. 78s(b)(3)(A).

[12] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[13] 17 CFR 240.19b–4(f)(6).

[14] 17 CFR 240.19b–4(f)(6)(iii).

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. Accordingly, the Commission waives the 30-day operative delay and designates the proposed rule change to be operative immediately upon filing.[15]

At any time within 60 days of the filing of this proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include file number SR–LTSE–2026–16 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–LTSE–2026–16. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–LTSE–2026–16 and should be submitted on or before July 31, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–13916 Filed 7–9–26; 8:45 am]

BILLING CODE 8011–01–P

[15] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[16] 17 CFR 200.30–3(a)(12) and (59).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–105852; File No. SR–MIAX–2026–08]

Self-Regulatory Organizations: Miami International Securities Exchange, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change by Miami International Securities Exchange, LLC Amend Rule 612, Aggregate Risk Manager (ARM), To Adopt a New Origin Multiplier To Be Used When Calculating a Market Maker's Option Percentage

July 7, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'' or ''Exchange Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on June 25, 2026, (''MIAX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to amend Exchange Rule 612, Aggregate Risk Manager (ARM) to adopt a new Origin Multiplier to be used when calculating a Market Maker's[3] option percentage.[4]

The text of the proposed rule change is available on the Exchange's website at *https://www.miaxglobal.com/markets/us-options/miax-options/rule-filings* and at MIAX's principal office.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 612, Aggregate Risk Manager (ARM), to enhance the Aggregate Risk Manager protections available to Market Makers on the Exchange. ARM is post-

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The term ''Market Makers'' refers to ''Lead Market Makers,'' Primary Lead Market Makers,'' and ''Registered Market Makers'' collectively. *See* Exchange Rule 100. The term ''Lead Market Maker'' means a Member registered with the Exchange for the purpose of making markets in securities traded on the Exchange and that is vested with the rights and responsibilities specified in Chapter VI of the MIAX Options Exchange Rulebook with respect to Lead Market Makers. When a Lead Market Maker is appointed to act in the capacity of a Primary Lead Market Maker, the additional rights and responsibilities of a Primary Lead Market Maker specified in Chapter VI of the MIAX Options Exchange Rulebook will apply. *See* Exchange Rule 100. The term ''Primary Lead Market Maker'' means a Lead Market Maker appointed by the Exchange to act as the Primary Lead Market Maker for the purpose of making markets in securities traded on the Exchange. The Primary Lead Market Maker is vested with the rights and responsibilities specified in Chapter VI of the MIAX Options Rulebook with respect to Primary Lead Market Makers. *See* Exchange Rule 100. The term ''Registered Market Maker'' means a Member registered with the Exchange for the purpose of making markets in securities traded on the Exchange, who is not a Lead Market Maker and is vested with the rights and responsibilities specified in Chapter VI of the MIAX Options Exchange Rulebook with respect to Registered Market Makers. *See* Exchange Rule 100. The term ''Member'' means an individual or organization approved to exercise the trading rights associated with a Trading Permit. Members are deemed ''members'' under the Exchange Act. *See* Exchange Rule 100. The term ''Trading Permit'' means a permit issued by the Exchange that confers the ability to transact on the Exchange. *See* Exchange Rule 100.

[4] *See* Exchange Rule 612(b)(2)(i).

trade risk protection functionality designed to assist Market Makers in managing risk by limiting the number of contracts that a Market Maker executes in an option class within a specified period of time, as determined by the Market Maker. The Exchange now proposes to enhance ARM functionality by adopting a new Origin Multiplier which will be used during the calculation of the Market Maker option percentage as described below.[5]

ARM protects Market Makers who are required to submit continuous two-side quotations pursuant to Rule 604[6] in each of their appointed option classes by maintaining a counting program (''counting program''). The counting program will count the number of contracts traded by a Market Maker in an appointed option class within a specified time period that has been established by the Market Maker (the ''specified time period''). The specified time period cannot exceed 15 seconds, whether established by the Market Maker or as a default setting. The Market Maker may also establish for each option class an Allowable Engagement Percentage. The Exchange will establish a default specified time period and a default Allowable Engagement Percentage (''default settings'') on behalf of a Market Maker that has not established a specified time period and/or an Allowable Engagement Percentage. The default Allowable Engagement Percentage shall not be less than 100%. When an execution of a Market Maker's Standard quote[7] or Day eQuote[8] occurs, the System[9] will look back over the specified time period to determine whether the execution triggers the Aggregate Risk Manager.[10]

The System will engage the Aggregate Risk Manager in a particular option class when the counting program has determined that a Market Maker has traded during the specified time period a number of contracts equal to or above their Allowable Engagement Percentage.[11] The Aggregate Risk Manager will then automatically remove the Market Maker's Standard quotations and Day eQuotes from the Exchange's disseminated quotation in all series of that particular option class until the Market Maker sends a notification to the System of the intent to reengage quoting and submits a new revised quotation.[12]

To determine whether the Market Maker's executed contracts is equal to or above their Allowable Engagement Percentage the following will occur: (i) for each individual option in a class, the counting program will determine the percentage that the number of contracts executed in that individual option represents relative to the Market Maker's disseminated Standard quote and/or Day eQuote in that individual option (''option percentage''); and (ii) the counting program will combine the individual option percentages to determine the option class percentage (''class percentage''). When the class percentage equals or exceeds the Market Maker's Allowable Engagement Percentage the Aggregate Risk Manager will remove the Market Maker's quotations as described herein.[13]

The Exchange now proposes to allow Market Makers to establish an Origin Multiplier which will be used during the calculation of the option percentage. Market Makers will be able to select an Origin Multiplier to be applied during the calculation of the option percentage of each option execution. An Origin Multiplier may be established for the following origins: (i) Priority Customer; (ii) Firm; (iii) Broker-Dealer; (iv) Market Maker; (v) Non-Member Market Maker; and (vi) Non-Priority Customer. The Origin Multiplier to be applied will be determined by the origin of the contra party to the trade.

The minimum Origin Multiplier value that may be used is 0 and the maximum value is 10. The Origin Multiplier value may be adjusted in 0.1 increments. An Origin Multiplier may be established at the MPID level by supplying a value for each origin type listed above. Origin Multipliers may also be set at the combined MPID and class level for individual classes. Additionally, the Exchange will establish a default value of 1 for all origins.

Specifically, the Exchange proposes to adopt new paragraph (b)(2)(iii) to Rule 612 to provide that, ''[a] Market Maker may establish an Origin Multiplier to be applied during the calculation of the Market Maker's option percentage of each option execution. An Origin Multiplier may be established for the following origins: (i) Priority Customer; (ii) Firm; (iii) Broker-Dealer; (iv) Market Maker; (v) Non-Member Market Maker; and (vi) Non-Priority Customer. The Origin Multiplier may be established by MPID for all classes and for any combination of MPID and class. The Origin Multiplier to be applied will be determined by the origin of the contra party to the trade. The minimum Origin Multiplier value is 0 and the maximum value is 10. The Exchange will establish a default Origin Multiplier of 1 for all origins.''

Additionally, the Exchange also proposes to amend paragraph (b)(2)(i) of Rule 612 to provide that, ''for each individual option in a class, the counting program will determine the percentage that the number of contracts executed in that individual option, multiplied by the Origin Multiplier, represents relative to the Market Maker's disseminated Standard quote and/or Day eQuote in that individual option ('option percentage').''

ARM functionality is designed to mitigate the exposure risk of resting quotes on the Exchange. The Exchange believes that this proposal will allow Market Makers to continue to be protected from the risks that the Aggregate Risk Manager is designed to mitigate, and allow Market Makers to more precisely tailor their risk protection settings by using the Origin Multiplier.

Currently, the origin code is provided by the Exchange on the MIAX Order Feed (MOR), which is a data feed that allows subscribers to receive real-time updates from the MIAX Options Market, with the origin code being provided in the Order Message notification.[14] Additionally, the Clearing Trade Drop (CTD) provides the origin code in clearing trade messages.[15] The MIAX Clearing Trade Drop (CTD) is a messaging interface that provides real-time clearing trade information to the parties of a trade (and/or entitled designated recipients) on the MIAX Options Market.

Implementation

The Exchange proposes to implement this functionality in Q3 of 2026 and will issue a Regulatory Circular notifying market participants of the implementation date at least 30 days prior.

[5] *See* Exchange Rule 612(b)(2).

[6] *See* Exchange Rule 604(e).

[7] A Standard quote is a quote submitted by a Market Maker that cancels and replaces the Market Maker's previous Standard quote, if any. *See* Exchange Rule 517(a)(1).

[8] A Day eQuote is a quote submitted by a Market Maker that does not automatically cancel or replace the Market Maker's previous Standard quote or eQuote. *See* Exchange Rule 517(a)(2)(i).

[9] The term ''System'' means the automated trading system used by the Exchange for the trading of securities. *See* Exchange Rule 100.

[10] *See* Exchange Rule 612(a).

[11] *See* Exchange Rule 612(b)(1).

[12] *See* Exchange Rule 612(b)(1).

[13] *See* Exchange Rule 612(b)(2).

[14] *See* MIAX Order Feed (MOR) Interface Specification, version 2.5b (5/17/2022) available online at *https://www.miaxglobal.com/sites/default/files/2022-05/MIAX%20Options%20Order%20Feed_MOR_v2.5b_re.pdf.*

[15] *See* MIAX Clearing Trade Drop for Options, CTD Interface Specification, version 2.6c (7/25/2023) available online at *https://www.miaxglobal.com/sites/default/files/page-files/Clearing_Trade_Drop_CTD_v2.6c.pdf.*

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[16] in general, and furthers the objectives of Section 6(b)(5) of the Act,[17] 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 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. The Exchange also believes the proposed rule change is consistent with the Section 6(b)(5)[18] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

Currently, to determine whether a Market Makers' executed contracts is equal to or above the Allowable Engagement Percentage the Exchange calculates the option percentage by calculating the percentage that the number of contracts executed in a trade represents relative to the Market Maker's disseminated quote in that option. The counting program will combine the option percentages to determine the class percentage. When the class percentage equals or exceeds the Allowable Engagement Percentage, ARM is engaged. The Exchange now proposes to adjust the option percentage by applying the Origin Multiplier during that calculation as illustrated below.

Example 1

Allowable Engagement Percentage: 150%

Origin Multiplier

Priority Customer: 0.1
Firm: 2
Broker-Dealer: 2
Market Maker: 2
Non-Member Market Maker: 3
Non-Priority Customer: 1

Quote size	Contra party origin	Origin multiplier	Trade size	Option percentage	Class percentage	ARM
100	Priority Customer	0.1	80	8	8	OK.
100	MM	2	15	30	38	OK.
50	Firm	2	15	60	98	OK.
50	Non-Member Market Maker	3	15	90	188	Trigger Protection.

In the above example ARM would be triggered when the class percentage (188%) equals or exceeds the Allowable Engagement Percentage (150%).

The Exchange believes the proposed changes remove impediments to and perfects the mechanism of a free and open market and a national market system and, in general, protects investors and the public interest by providing Members with an additional risk management tool. Members who are Market Makers have a heightened obligation on the Exchange and are obligated to submit continuous two-sided quotations in a certain number of series in their appointed classes for a certain percentage of time in each trading session,[19] rendering them vulnerable to risk from unusual market conditions, volatility in specific option classes, and other market events that may cause them to receive multiple, extremely rapid automatic executions before they can adjust their quotations and overall risk exposure in the market.

The Exchange believes that the proposed rule change does not significantly affect the protection of investors or the public interest because the proposal seeks to provide an additional risk management protection for Market Makers. Without adequate risk management tools in place on the Exchange, such as the existing ARM and the proposed ARM enhancement, the incentive for Exchange Market Makers to quote aggressively respecting both price and size could be diminished, and could result in a concomitant reduction in the depth and liquidity they provide to the market. Such a result may undermine the quality of the markets that would otherwise be available to customers and other market participants.

The proposed rule change removes impediments to and perfects the mechanism of a free and open market by giving Market Makers the ability to further refine their ARM risk protections. ARM is post-trade risk protection functionality designed to assist Market Makers in managing risk by limiting the number of contracts that a Market Maker executes in an option class within a specified period of time. When the class percentage equals or exceeds the Market Maker's Allowable Engagement Percentage setting, the ARM protection is triggered. Technically, Market Makers have the ability to perform the actions described in this proposal independently of the Exchange by utilizing the Clearing Trade Drop to ascertain the origin of the contra party to their trades and then by submitting a Mass Cancel Request to the Exchange.[20] The Exchange's proposal simplifies this sequence by providing Market Makers greater control over their configuration settings and refining the risk mitigation process.

Accordingly, the proposal is designed to provide Market Makers with greater control over their liquidity in the market thereby removing impediments to and helping perfect the mechanisms of a free and open market and a national market system and, in general, protecting investors and the public interest. In addition, the Exchange believes that this proposal should encourage Market Makers to provide greater liquidity with tighter spreads, knowing that the proposed ARM protection settings allow them to anticipate real-time changes to supply and demand based on origin type. As a result, the proposal has the potential to promote just and equitable principles of trade.

The Exchange believes that all Members will benefit from the proposed Enhanced Aggregate Risk Manager Protections. Market Makers, who are obligated to submit continuous two-sided quotations in a certain number of series in their appointed option classes for a certain percentage of each trading session,[21] are vulnerable to risk from unusual market conditions, volatility in specific option classes, and other market events that may cause them to receive multiple, extremely rapid automatic executions before they can adjust their

[16] 15 U.S.C. 78f(b).

[17] 15 U.S.C. 78f(b)(5).

[18] *Id.*

[19] *See supra* note 6.

[20] *See* Section 4.1.7, Simple Mass Quote Cancel Request, of the MEI Interface Specification, version 2.10a (4/8/2024) available online at *https://www.miaxglobal.com/markets/us-options/miax-options/interface-specifications.*

[21] For a complete description of MIAX Market Maker quoting obligations, *see* Exchange Rule 604.

quotations and overall risk exposure in the market.

Without adequate risk management tools in place on the Exchange, such as the existing ARM and the proposed ARM enhancement, the incentive for Exchange Market Makers to quote aggressively respecting both price and size could be diminished, and could result in a concomitant reduction in the depth and liquidity they provide to the market. Such a result may undermine the quality of the markets that would otherwise be available to customers and other market participants. Accordingly, the Exchange believes that the ARM Origin Multiplier will help Market Makers better manage their risk exposure and thus encourage Market Makers to provide additional depth and liquidity to the Exchange's markets, thereby removing impediments to and perfecting the mechanisms of a free and open market and a national market system and, in general, protecting investors and the public interest.

The Exchange notes that similar functionality exists on the Exchange's affiliate, the MIAX Pearl Options Exchange (''MIAX Pearl'').[22] MIAX Options has two types of Members; Market Makers and Electronic Exchange Members (''EEMs'').[23] On MIAX Options Market Makers connect to the Exchange via the MIAX Express Interface (''MEI'') connection[24] which is used to provide quotations[25] to the market and EEMs connect to the Exchange using the MIAX FIX Order Interface (''FOI'').[26]

Similarly, MIAX Pearl has two types of Members; Market Makers[27] and Electronic Exchange Members.[28] MIAX Pearl also offers a MIAX Express Order (MEO'') Interface[29] connection and a FIX Order Interface (''FOI'') connection to its Members. Similar to this proposal, ARM Origin functionality is available on MIAX Pearl via the MEO Interface, which is analogous to the MEI Interface on MIAX Options. However, on MIAX PEARL, Market Makers and EEMs may connect to the System using either the MEO Interface or the FOI.

The Exchange does not believe that its proposal to offer this functionality to Market Makers is discriminatory to EEMs. EEMs on the Exchange do not submit quotations to the Exchange or have the heightened obligations that Market Makers have to provide continuous two-sided quotations,[30] and therefore do not have the same level of risk exposure in the market as Market Makers.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that the proposed rule change will foster competition by providing Market Makers with the ability to specifically customize their use of the Exchange's risk management tools in order to compete for executions and order flow.

Additionally, the Exchange believes that the proposed rule change should promote competition as it is designed to allow Market Makers greater flexibility and control of their risk exposure to protect them from market conditions that may increase their risk exposure in the market. The Exchange does not believe the proposed rule change will impose a burden on intra-market competition as the optional risk protection feature is equally available to all Market Makers of the Exchange.

The Exchange believes that the proposed rule change should promote inter-market competition as the proposal is designed to allow Market Makers greater flexibility and control over their risk exposure in order to protect them from market risk or events that may increase their exposure in the market. Additionally, the proposed rule change should instill additional confidence in Market Makers that submit quotes to the Exchange that there are adequate risk protections in place, and thus should encourage those Market Makers to improve their quote depth, thereby promoting inter-market competition.

For all the reasons stated, 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, and believes the proposed change will enhance competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

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 after the date of the filing, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[31] and subparagraph (f)(6) of Rule 19b–4 thereunder.[32]

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

[22] *See* MIAX Pearl Exchange Rule 517B(c).

[23] The term ''Electronic Exchange Member'' or ''EEM'' means the holder of a Trading Permit who is not a Market Maker. Electronic Exchange Members are deemed ''members'' under the Exchange Act. *See* Exchange Rule 100.

[24] The MIAX Express Interface (MEI) is a messaging interface that MIAX members that are approved as Market Makers use to submit quotes for trading on the MIAX Options Market. *See* the MIAX Express Interface for Quoting and Trading Options, MEI Interface Specification, version 2.10a (4/8/2024) available online at *https://www.miaxglobal.com/sites/default/files/job-files/MIAX_Express_Interface_MEI_v2.10a.pdf*.

[25] The term ''quote'' or ''quotation'' means a bid or offer entered by a Market Maker that is firm and may update the Market Maker's previous quote, if any. The Rules of the Exchange provide for the use of different types of quotes, including Standard quotes and eQuotes, as more fully described in MIAX Options Exchange Rule 517. A Market Maker may, at times, choose to have multiple types of quotes active in an individual option. *See* MIAX Options Exchange Rule 100.

[26] The MIAX FIX Orders Interface (FOI) is a messaging interface that allows MIAX members and sponsored firms to send and manage their options orders. *See* Options Order Management using FIX Protocol, FIX Interface Specification, version 2.6d (7/23/2025) available online at *https://www.miaxglobal.com/sites/default/files/job-files/FIX_Order_Interface_FOI_v2.6d.pdf*.

[27] The term ''Market Maker'' or ''MM'' means a Member registered with the Exchange for the purpose of making markets in options contracts traded on the Exchange and that is vested with the rights and responsibilities specified in Chapter VI of the MIAX Pearl Rules. *See* MIAX Pearl Exchange Rule 100.

[28] The term ''Electronic Exchange Member'' or ''EEM'' means the holder of a Trading Permit who is a Member representing as agent Public Customer Orders or Non-Customer Orders on the Exchange and those non-Market Maker Members conducting proprietary trading. Electronic Exchange Members are deemed ''members'' under the Exchange Act. *See* MIAX Pearl Exchange Rule 100.

[29] The term ''MEO Interface'' means a binary order interface used for submitting certain order types (as set forth in MIAX Pearl Rule 516) to the MIAX Pearl System. *See* MIAX Pearl Exchange Rule 100.

[30] *See supra* note 6.

[31] 15 U.S.C. 78s(b)(3)(A).

[32] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

Commission shall institute proceedings under Section 19(b)(2)(B) [33] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include file number SR–MIAX–2026–08 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–MIAX–2026–08. 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–MIAX–2026–08 and should be submitted on or before July 31, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[34]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–13915 Filed 7–9–26; 8:45 am]

BILLING CODE 8011–01–P

[33] 15 U.S.C. 78s(B)(2)(B).

[34] 17 CFR 200.30–3(a)(12).

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36945]

Avory B. Beggs—Control Exemption—Midwest & Bluegrass Rail, LLC; TransKentucky Transportation Railroad, Inc.; and Youngstown & Southeastern Railroad, LLC

Avory B. Beggs (Beggs), a noncarrier, filed a verified notice of exemption under 49 CFR 1180.2(d)(2) to authorize her acquisition of an indirect controlling interest by management in two Class III rail carriers, TransKentucky Transportation Railroad, Inc. (TTI), and Youngstown & Southeastern Railroad, LLC (YSE), via her proposed acquisition of a controlling interest in Midwest & Bluegrass Rail, LLC (MB Rail), a noncarrier.[1] According to the verified notice, TTI owns and operates railroad property in Kentucky, and YSE owns and operates railroad property in Ohio and Pennsylvania.

Beggs states that she does not currently control any rail carriers. Beggs also states that MB Rail manages rail carriers pursuant to agreements with rail carriers' owners, that MB Rail is currently co-owned by Beggs and two other individuals, each of whom owns a minority stake in the company, and that one of the other co-owners, Dustin Shaver (Shaver), has agreed to sell his interest in MB Rail to Beggs. According to the verified notice, Beggs and Shaver are finalizing the terms of a Purchase and Sale of Membership Interests Agreement (the Agreement).[2] As result of this purchase, Beggs will acquire a controlling ownership interest in MB Rail, which in turn currently controls TTI and YSE via common management.[3]

Beggs states that: (1) TTI and YSE do not connect each other; (2) the transaction is not part of a series of anticipated transactions that would connect TTI and YSE; and (3) the transaction does not involve a Class I rail carrier. Therefore, the proposed transaction is exempt from the prior approval requirements of 49 U.S.C. 11323. *See* 49 CFR 1180.2(d)(2).

The earliest this transaction may be consummated is July 26, 2026, the effective date of the exemption (30 days after the verified notice was filed).

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. However, 49 U.S.C. 11326(c) does not provide for labor protection for transactions under 49 U.S.C. 11324 and 11325 that involve only Class III rail carriers. Because this transaction involves Class III rail carriers only, the Board, under the statute, may not impose labor protective conditions for this transaction.

If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions to stay must be filed no later than July 17, 2026 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36945, must be filed with the Surface Transportation Board either via e-filing on the Board's website or in writing addressed to 395 E Street SW, Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Beggs's representative, Stephen J. Foland, Fletcher & Sippel LLC, 29 North Wacker Drive, Suite 800, Chicago, IL 60606–3208.

According to Beggs, this action is categorically excluded from environmental review under 49 CFR 1105.6(c) and from historic preservation reporting requirements under 49 CFR 1105.8(b).

Board decisions and notices are available at *www.stb.gov*.

By the Board, Anika S. Cooper, Chief Counsel, Office of Chief Counsel.

Decided: July 7, 2026.

Zantori Dickerson,

Clearance Clerk.

[FR Doc. 2026–13923 Filed 7–9–26; 8:45 am]

BILLING CODE 4915–01–P

[1] The verified notice states that Beggs is seeking authorization pursuant to ''previous directions'' from the Board in *Williams—Control Exemption—McCloud Railway,* FD 36848, slip op. at 4 (STB served Mar. 20, 2026).

[2] Unexecuted public and confidential versions of the Agreement were filed with the verified notice. The confidential version was submitted under seal concurrently with a motion for protective order, which is addressed in a separate decision.

[3] The verified notice states that Beggs and Shaver are each indirect minority stakeholders in YSE and TTI, and the Agreement contemplates the transfer of Shaver's indirect ownership stakes in YSE and TTI to Beggs, in addition to his interests in MB Rail. According to the verified notice, Shaver's and Beggs's respective interests in YSE and TTI are not, in the cumulative, enough to afford Beggs a controlling ownership stake in either railroad. Beggs notes that she intends to seek, through a variety of other potential downstream transactions, ultimately to acquire a controlling ownership stake in both YSE and TTI, as well as the controlling management stake that would flow from her acquisition of a majority interest in MB Rail.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Aircraft Noise Advisory Committee

AGENCY: Federal Aviation Administration (FAA), U.S. Department of Transportation (DOT).

ACTION: Notice; solicitation of nominations for membership.

SUMMARY: DOT solicits nominations for membership to serve on the Aircraft Noise Advisory Committee (ANAC), which is intended to provide independent advice and recommendations on issues facing the aviation community related to aircraft noise exposure and existing FAA noise policies and regulations.

DATES: The deadline for nominations for Committee members must be received on or before August 10, 2026.

ADDRESSES: Email all nomination materials to *aircraftnoiseadvisorycommittee@faa.gov.*

FOR FURTHER INFORMATION CONTACT: Donald Scata Jr., Deputy Director for Environment and Energy, Federal Aviation Administration, 800 Independence Avenue SW, Office 903, Washington, DC 20591; telephone 202–267–6999; email *aircraftnoiseadvisorycommittee@faa.gov.*

SUPPLEMENTARY INFORMATION: The ANAC was established on January 14, 2025, in accordance with section 792, ''Aircraft Noise Advisory Committee,'' of the FAA Reauthorization Act of 2024 (Pub. L. 118–63), and it is operated in accordance with the Federal Advisory Committee Act, 5 U.S.C. ch. 10. The purpose of ANAC is to provide independent advice and recommendations on issues facing the aviation community related to aircraft noise exposure and existing FAA noise policies and regulations.

In particular, ANAC will focus on (1) the evaluation of existing research on aircraft noise impacts and annoyance; (2) the assessment of alternative noise metrics that could be used to supplement, modify, or replace the existing Day Night Level standard, in consultation with the National Academies; (3) the evaluation of the current 65-decibel exposure threshold, including the impact to land use compatibility around airports if such threshold was lowered; (4) the evaluation of current noise mitigation strategies and the community engagement efforts by FAA with respect to changes in airspace utilization, such as the integration of new entrants and usage of performance-based navigation; and (5) other duties determined appropriate by the FAA Administrator.

The Committee will be continuing, but it is subject to renewal every 2 years. The Committee is expected to meet at least twice a year to manage administrative issues and address FAA-assigned tasks. Unless otherwise required by law or approved by the Secretary, all meetings will be held virtually (or in a hybrid forum that does not require additional use of federal funds).

In this notice, DOT is soliciting nominations for membership to the Committee. The Committee shall comprise at least nine members, with at least one representative from each of the following stakeholder groups: engine manufacturers, air carriers, airport owners or operators, aircraft manufacturers, advanced air mobility manufacturers or operators, institutions of higher education, and representatives of airport-adjacent communities from geographically diverse regions. Members will serve for 2-year terms but may be reappointed. DOT is interested in ensuring membership is balanced fairly in terms of the points of view represented and the functions to be performed by the advisory committee.

Process and Deadline for Submitting Nominations: Qualified individuals can self-nominate or be nominated by any individual or organization. To be considered for ANAC, nominators should submit the following information:

(1) Name, title, relevant contact information (including phone, fax, and email address), and membership category of the individual requesting consideration;

(2) A letter of support from a company, union, trade association, academic, or nonprofit organization on letterhead containing a brief description of why the nominee should be considered for membership;

(3) Short biography of nominee, including professional and academic credentials; and

(4) An affirmative statement that the nominee meets all Committee eligibility requirements and identifies which stakeholder group they would represent.

Please do not send company, trade association, or organization brochures or any other information. Materials submitted should total two pages or less. Should more information be needed, DOT staff will contact the nominee, obtain information from the nominee's past affiliations, or obtain information from publicly available sources, such as the internet.

Nominations must be received before August 10, 2026. Nominees selected for appointment to the Committee will be notified by return email and by a letter of appointment.

Issued in Washington, DC.

Donald S. Scata Jr.,

Deputy Director, Office of Environment and Energy.

[FR Doc. 2026–13935 Filed 7–9–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Membership in the National Parks Overflights Advisory Group

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Solicitation of applications.

SUMMARY: The Federal Aviation Administration and the National Park Service (NPS) invite interested persons to apply to fill two current and three upcoming vacancies on the National Parks Overflights Advisory Group (NPOAG). The current vacancies are for a representative of Native American tribes and a representative of general aviation. The upcoming openings are for two representatives of environmental concerns and one representative of commercial air tour operators.

DATES: Applications must be received by August 10, 2026.

FOR FURTHER INFORMATION CONTACT: Sandi Fox, Environmental Protection Specialist, telephone: (202) 267–0928, email: *sandra.y.fox@faa.gov,* address: 400 N 8th St., Suite 750, Richmond, VA 23219.

SUPPLEMENTARY INFORMATION:

I. Background

The National Parks Air Tour Management Act of 2000 (the Act) was enacted on April 5, 2000, as Public Law 106–181, and subsequently amended in the FAA Modernization and Reform Act of 2012. The Act required the establishment of the advisory group within one year after its enactment. The NPOAG was established in March 2001. The advisory group is comprised of representatives of general aviation, commercial air tour operators, environmental concerns, and Native American tribes. The Administrator of the FAA and the Director of NPS (or their designees) serve as ex officio members of the group. Representatives of the Administrator and Director serve alternating 1-year terms as chairman of the advisory group.

In accordance with the Act, the advisory group provides ''advice, information, and recommendations to the Administrator and the Director—

(1) On the implementation of this title (the Act) and the amendments made by this title;

(2) On commonly accepted quiet aircraft technology for use in commercial air tour operations over a national park or tribal lands, which will receive preferential treatment in a given air tour management plan;

(3) On other measures that might be taken to accommodate the interests of visitors to national parks; and

(4) At the request of the Administrator and the Director, safety, environmental, and other issues related to commercial air tour operations over a national park or tribal lands.''

II. Membership

The term of service for NPOAG members is three years. The current NPOAG is made up of one member representing general aviation, three members representing commercial air tour operators, four members representing environmental concerns, and two members representing Native American tribes. Members serve three-year terms. Current members of NPOAG are Francois Lassale, John Becker, and Eric Hamp representing commercial air tour operators; one vacancy representing general aviation; Robert Randall, Les Blomberg, John Eastman, and Brian Peterson representing environmental interests; Dyan Youpee and one vacancy representing Native American tribes.

III. Solicitation for Membership

Applications to serve on the NPOAG must be postmarked by or emailed on or before August 10, 2026 to the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Applications for membership must be submitted by the interested person. Any applications submitted that nominate another person or applications submitted on behalf of an interested person will not be accepted. Current members may re-apply for another term.

Applications must be in the format of a written request to serve on NPOAG that includes a description of the requestor's affiliation with general aviation, commercial air tour operators, environmental concerns, or federally recognized Native American tribes, as appropriate. The request should also explain what expertise the requestor would bring to the NPOAG as related to issues and concerns with commercial air tours over national parks or tribal lands.

On August 13, 2014, the Office of Management and Budget issued revised guidance regarding the prohibition against appointing or not reappointing federally registered lobbyists to serve on advisory committees (79 FR 47482). Therefore, before appointing an applicant to serve on the NPOAG, the FAA and NPS will require the prospective candidate to certify that they are not a federally registered lobbyist.

Dated: July 7, 2026.

Eric Elmore,

Senior Policy Advisor, Office of Environment and Energy.

[FR Doc. 2026–13921 Filed 7–9–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Agency Information Collection Activities; Comment Request on Revenue Procedure 2014–49

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 September 8, 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. 1545–2237'' in the subject line of the message.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this collection should be directed to Marcus W. McCrary, 470–769–2001.

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: Revenue Procedure 2014–49.

OMB Control Number: 1545–2237.

Regulation Project Number: Rev Proc 2014–49.

Abstract: This revenue procedure provides guidance to State housing credit agencies (Agencies) and owners of low-income buildings (Owners) regarding the suspension of certain income limitation requirements under section 42 of the Internal Revenue Code for certain low-income housing tax credit properties affected by major disaster areas declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (Stafford Act).

Current Actions: There is no change to the previously approved information collection.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Responses: 3,500.

Estimated Time per Response: 30 minutes.

Estimated Total Annual Burden Hours: 1,750.

Dated: July 8, 2026.

Marcus W. McCrary,

Tax Analyst.

[FR Doc. 2026–13994 Filed 7–9–26; 8:45 am]

BILLING CODE 4831–GV–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0132]

Agency Information Collection Activity Under OMB Review: Application in Acquiring Specially Adapted Housing or Special Home Adaptation Grant

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Benefits Administration, Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and it includes the actual data collection instrument.

DATES: Comments and recommendations for the proposed information collection should be sent by August 10, 2026.

ADDRESSES: To submit comments and recommendations for the proposed information collection, please type the following link into your browser: *www.reginfo.gov/public/do/PRAMain,* select ''Currently under Review—Open for Public Comments'', then search the list for the information collection by Title or ''OMB Control No. 2900–XXXX.''

FOR FURTHER INFORMATION CONTACT: *VA PRA information:* Dorothy Glasgow, 202–461–1084, *VAPRA@va.gov*.

SUPPLEMENTARY INFORMATION:

Title: VA Form 26–4555, Application in Acquiring Specially Adapted Housing or Special Home Adaptation Grant.

OMB Control Number: 2900–0132 *https://www.reginfo.gov/public/do/PRASearch*.

Type of Review: Revision of a currently approved collection.

Abstract: VA Form 26–4555 is used to gather the necessary information to determine the eligibility for the Veteran or service member for specially adapted housing or for a special home adaptation grant. The estimated respondent burden has increased to account for documentation requirements associated with construction and adaptation activities, which increased the number of participating respondents from 7,000 to 11,200 and, in turn, increased the total annual burden 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 **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at 91 FR 24034 on May, 4, 2026.

Affected Public: Individuals or Households.

Estimated Annual Burden: 4,293 hours.

Estimated Average Burden per Respondent: 23 minutes.

Frequency of Response: Annually.

Estimated Number of Respondents: 11,200.

(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. 2026–13950 Filed 7–9–26; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0232]

Agency Information Collection Activity Under OMB Review: Verification of Eligibility for Burial in a National Cemetery

AGENCY: National Cemetery Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the National Cemetery Administration, Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden, and it includes the actual data collection instrument.

DATES: Comments and recommendations for the proposed information collection should be sent by August 10, 2026.

ADDRESSES: To submit comments and recommendations for the proposed information collection, please type the following link into your browser: *www.reginfo.gov/public/do/PRAMain,* select ''Currently under Review—Open for Public Comments'', then search the list for the information collection by Title or ''OMB Control No. 2900–0232.''

FOR FURTHER INFORMATION CONTACT: *VA PRA information:* Dorothy Glasgow, 202–461–1084, *VAPRA@va.gov*.

SUPPLEMENTARY INFORMATION:

Title: Verification of Eligibility for Burial in a National Cemetery.

OMB Control Number: 2900–0232. *https://www.reginfo.gov/public/do/PRASearch*.

Type of Review: Revision of a currently approved collection.

Abstract: VA requires applicants for national cemetery burial to provide information to verify eligibility for burial in a national cemetery, to schedule interment and to provide services requested by the decedent's family or personal representative. This information (via the VA Form 40–4962) is also used for planning and scheduling cemetery services and to provide for specific requests from family members or the personal representative.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at 91 FR 16811, April 02, 2026. This is a revision due to VA Form 40–4962 changing to remove 'WWI' as an option under Period of Service and changing 'Korean' to 'Korea' under Period of Service.

Affected Public: Individuals and Households.

Estimated Annual Burden: 37,500 hours.

Estimated Average Burden per Respondent: 15 minutes.

Frequency of Response: One-time.

Estimated Number of Respondents: 150,000.

Authority: 44 U.S.C. 3501 *et seq.*

Lanea Haynes,

Alternate, VA PRA Clearance Officer, Office of Information Technology, Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2026–13954 Filed 7–9–26; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0571]

Agency Information Collection Activity Under OMB Review: NCA Customer Satisfaction Surveys

AGENCY: National Cemetery Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of

1995, this notice announces that the National Cemetery Administration, Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden, and it includes the actual data collection instrument.

DATES: Comments and recommendations for the proposed information collection should be sent by August 10, 2026.

ADDRESSES: To submit comments and recommendations for the proposed information collection, please type the following link into your browser: *www.reginfo.gov/public/do/PRAMain,* select ''Currently under Review—Open for Public Comments'', then search the list for the information collection by Title or ''OMB Control No. 2900–0571.''

FOR FURTHER INFORMATION CONTACT: *VA PRA information:* Dorothy Glasgow, 202–461–1084, *VAPRA@va.gov.*

SUPPLEMENTARY INFORMATION:

Title: NCA Customer Satisfaction Surveys.

OMB Control Number: 2900–0571. *https://www.reginfo.gov/public/do/PRASearch.*

Type of Review: Revision of a currently approved collection.

Abstract: Improving Customer Service through Effective Performance Management, NCA will conduct surveys to determine the level of satisfaction with existing services among their customers. The surveys will solicit voluntary opinions and are not intended to collect information required to obtain or maintain eligibility for a VA program or benefit. Baseline data obtained through these information collections are used to validate customer service standards. The burden has decreased since the previous approval due to recalculations surrounding funeral director survey response burden. In addition, all survey-type respondent totals reflect the most recent available data, which is lower than the prior estimates.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at 91 FR 24032, May 04, 2026.

Affected Public: Individuals and households interring and memorializing Veterans or eligible dependents and funeral directors facilitating such interments and memorializations.

Estimated Annual Burden: 11,325 hours.

Estimated Average Burden per Respondent: 20 minutes.

Frequency of Response: Annually.

Estimated Number of Respondents: 33,650.

I. National Cemetery Mail Surveys

a. National Cemeteries Next of Kin/ Family Member Satisfaction Surveys

Estimated Annual Burden: 6,000 hours.

Estimated Average Burden per Respondent: 20 minutes.

Frequency of Response: Annually.

Estimated Number of Respondents: 18,000.

b. Funeral Director Satisfaction Surveys

Estimated Annual Burden: 1,000 hours.

Estimated Average Burden per Respondent: 30 minutes.

Frequency of Response: Annually.

Estimated Number of Respondents: 2,000.

c. State or Tribal Veterans Cemeteries Next of Kin/Family Member Satisfaction Surveys

Estimated Annual Burden: 2,667 hours.

Estimated Average Burden per Respondent: 20 minutes.

Frequency of Response: Annually.

Estimated Number of Respondents: 8,000.

II. Program/Specialized Service Survey

a. VA Memorial Products Next of Kin/ Family Member Satisfaction Surveys

Estimated Annual Burden: 1,000 hours.

Estimated Average Burden per Respondent: 20 minutes.

Frequency of Response: Annually.

Estimated Number of Respondents: 3,000.

III. National Cemetery Focus Groups

a. Focus Groups With Next of Kin

Estimated Annual Burden: 150 hours.

Estimated Average Burden per Respondent: 3 hours.

Frequency of Response: Annually.

Estimated Number of Respondents: 50.

b. Focus Groups With Funeral Directors

Estimated Annual Burden: 150 hours.

Estimated Average Burden per Respondent: 3 hours.

Frequency of Response: Annually.

Estimated Number of Respondents: 50.

c. Focus Groups With Veteran Service Organizations

Estimated Annual Burden: 150 hours.

Estimated Average Burden per Respondent: 3 hours.

Frequency of Response: Annually.

Estimated Number of Respondents: 50.

IV. National Cemetery Visitor Comment Cards (Local Use)

Estimated Annual Burden: 208 hours.

Estimated Average Burden per Respondent: 5 minutes.

Frequency of Response: Annually.

Estimated Number of Respondents: 2,500.

(Authority: 44 U.S.C. 3501 *et seq.*)

Lanea Haynes,

Alternate VA PRA Clearance Officer, Office of Information Technology, Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2026–13953 Filed 7–9–26; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–NEW]

Agency Information Collection Activity: Veterans Employment Through High Technology Education Courses (VET TEC 2.0) Employment or Further Educational Pursuit Certification

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: Comments must be received on or before September 8, 2026.

ADDRESSES: Comments must be submitted through *www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT:

Program-Specific Information: Kendra McCleave, 202–461–9568, *kendra.mccleave@va.gov.*

VA PRA Information: Dorothy Glasgow, 202–461–1084, *VAPRA@va.gov*.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Veterans Employment Through High Technology Education Courses (VET TEC 2.0) Employment or Further Educational Pursuit Certification, VA Form 22–10299.

OMB Control Number: 2900–NEW. *https://www.reginfo.gov/public/do/PRASearch* (Once at this link, you can enter the OMB Control Number to find the historical versions of this Information Collection).

Type of Review: New Collection.

Abstract: On January 2, 2025, the Elizabeth Dole Field and Community Based Services for Veterans and Caregivers Act (Pub. L. 118–210) was signed into law. The program can be identified as the DOLE Act. The legislation established a new Veteran Technology program titled ''Veterans Education Through High Technology Education Courses (VET TEC 2.0) program''. This program authorizes VA to provide educational assistance for high technology programs of education that begin prior to September 30, 2027.

The eligibility requirements to qualify for the program apply to a Veteran who is under the age of 62, has served at least 3 years (36 months) on Active Duty; or a Service member who is within 180 days of discharge who has or will serve 3 years (36 months) by their discharge date; and who has received a discharge under conditions other than dishonorable. Individuals that meet this age requirement upon approval will maintain their eligibility for the Veterans Education Through High Technology Education Courses (VET TEC 2.0) program throughout the completion of their program.

The DOLE Act requires VA to verify the Veteran obtained successful employment or furthered educational pursuit in the same field as their VET TEC 2.0 program within 180 days of program completion. Additionally, subsequent verification of continued employment for 180 days (or 365 days if the Veteran is hired by the Training Provider through which they completed their VET TEC 2.0 program) in that position is required.

This verification requires VA to develop practices to collect information from covered Veterans about their employment or educational pursuit after program completion. To release the final payment due to the Training Provider, School Certifying Officials (SCOs) of training providers of VET TEC 2.0 approved programs of education must also provide certification of successful employment or further educational pursuit by the Veteran and submission of documentation supporting their certification. Veterans and Training Provider SCOs will certify, through attestation on the Veterans Employment Through High Technology Courses (VET TEC 2.0) Employment or Further Educational Pursuit Certification (VA Form 22–10299), that the Veteran has found successful employment or is furthering their education in a field related to their VET TEC 2.0 program of education. Lastly, VA must submit a report to Congress no later than January 2, 2026, and each year thereafter on the operation of the program.

Affected Public: Individuals, households and educational Institutions.

Estimated Annual Burden: 333 hours.

Estimated Average Burden per Respondent: 5 minutes.

Frequency of Response: Once.

Estimated Number of Respondents: 4,000.

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. 2026–13952 Filed 7–9–26; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 91 Friday,
No. 131 July 10, 2026

Part II

Federal Communications Commission

47 CFR Parts 0 and 9
Facilitating Implementation of Next Generation 911 Services (NG911); Improving 911 Reliability; Final Rule

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 0 and 9

[PS Docket Nos. 21–479 and 13–75, FCC 26–39; FR ID 355738]

Facilitating Implementation of Next Generation 911 Services (NG911); Improving 911 Reliability

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Federal Communications Commission (the FCC or Commission) adopts rules to ensure that emerging Next Generation 911 (NG911) networks are reliable and interoperable. NG911 is replacing legacy 911 technology across the country with internet Protocol (IP)-based infrastructure that will support new 911 capabilities, including text, video, and data. However, for NG911 to be fully effective, NG911 networks must be designed to safeguard the reliability of critical components and support the interoperability needed to seamlessly transfer 911 calls and data from one network to another. The rules require entities essential to delivering emergency calls in the NG911 environment to implement common sense measures to safeguard the reliability of NG911 networks and reduce the risk of 911 outages, and require certain entities to report on their support for NG911 interoperability. The rules also eliminate unnecessary and burdensome legacy rules to increase flexibility and encourage technical innovation to make NG911 services reliable, interoperable, and accessible to all.

DATES:

Effective date: Effective August 10, 2026.

Compliance dates: Compliance will not be required for §§ 9.19(c)(1)(i) through (c)(3)(i) and 9.20(a)(1)(i), (a)(2)(i), and (b), until a document is published in the **Federal Register** announcing compliance dates and revising §§ 9.20(a)(1)(i), (a)(2)(i), and (b), and revising or removing §§ 9.19(d) and 9.20(h). For entities described in § 9.19(a)(4)(i)(E) through (I), compliance with § 9.19(b) will not be required until a document is published in the **Federal Register** announcing compliance dates and revising or removing § 9.19(d).

FOR FURTHER INFORMATION CONTACT: Rachel Waxman, Deputy Division Chief, Policy and Licensing Division, Public Safety and Homeland Security Bureau, at (202) 418–1138 or *Rachel.Waxman@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Second Report and Order (*Order*), in PS Docket Nos. 21–479 and 13–75, FCC 26–39, adopted on June 25, 2026, and released on June 26, 2026. The full text of this document is available at *https://www.fcc.gov/document/fcc-modernizes-next-generation-911-reliability-and-interoperability-0.*

People with Disabilities. To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530.

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 *Second Report and Order* to Congress and the Government Accountability Office pursuant to 5 U.S.C. 801(a)(1)(A).

Synopsis

Introduction

Today, we modernize the Commission's 911 reliability framework to reflect America's ongoing upgrade to modern high-speed telecommunications infrastructure. 911 Authorities are rapidly replacing legacy 911 systems and migrating to the Next Generation 911 (NG911) ecosystem to gain access to advanced capabilities, enhanced resilience, greater interoperability, and improved accessibility.[1] In this Second Report and Order (*Order),* we ensure the reliability of NG911 by leveraging the strengths of modern telecommunications networks, including high-capacity fiber, dynamic routing, automated monitoring, and real-time failover capabilities that do not exist in legacy systems.

As the nation has embarked on the transition to NG911 over the last decade, the Commission has seen a corresponding increase in major, multi-state 911 service outages that have disrupted access to life-saving emergency services for millions of Americans.[2] Too often, these outages have occurred in parts of transitional NG911 systems outside the scope of the 911 reliability framework adopted in 2013,[3] which does not address the increasingly complex array of call scenarios in the Internet Protocol (IP) call origination context we live in today. We believe that, in many of these instances, operators could have prevented or mitigated outages by implementing reliability measures appropriate for IP-based systems.[4]

Because the 2013 911 reliability framework cannot reliably support modern 911 call flows, we take the following actions to reduce the risk of future outages in transitional and end-state NG911 networks and to streamline and reduce the burdens of our approach:

- *Covered 911 service providers.* We update our definition of covered 911 service providers (CSPs) to identify categories of providers whose operations are essential to NG911 call delivery, whose failure could cause significant outages, and who therefore must meet enhanced reliability standards under the Commission's framework. Our updated CSP definition includes operators of Emergency Services IP networks (ESInets), Next Generation Core Services (NGCS) providers, and providers of real-time location services, major IP transport, IP 911 traffic aggregation, and essential gateways for converting legacy and IP traffic.
- *Reliability standards.* We modernize and streamline the 911 reliability benchmarks applicable to CSPs to reflect widely recognized best practices appropriate to IP-based 911 networks. These benchmarks incorporate well-established IP best practices in the areas of physical diversity, operational integrity, and network monitoring and reflect achievable standards identified by the Commission's Communications Security, Reliability, and Interoperability Council (CSRIC).[5] We also make clear that CSPs can satisfy their reliability obligations by adopting reasonable alternative measures, including measures requested by state,

[1] NG911 is an Internet Protocol (IP)-based system that enables emergency communications centers to receive, process, and analyze all types of 911 requests for emergency assistance; ensures interoperability; is secure; and meets certain other requirements. *See* 47 CFR 9.28.

[2] *See, e.g., Facilitating Implementation of Next Generation 911 Services (NG911),* PS Docket Nos. 21–479 and 13–75, Further Notice of Proposed Rulemaking, 40 FCC Rcd 2668, 2676–77, para. 16 (2025) (*NG911 Reliability FNPRM*).

[3] *See Improving 911 Reliability; Reliability and Continuity of Communications Networks, Including Broadband Technologies,* PS Docket Nos. 13–75 and 11–60, Report and Order, 28 FCC Rcd 17476 (2013) (*911 Reliability Order*).

[4] *NG911 Reliability FNPRM* at 2677, para. 17.

[5] CSRIC is a federal advisory committee that provides recommendations to the Commission on ways it can help ensure the security, reliability, and interoperability of communications systems. FCC, *Communications Security, Reliability, and Interoperability Council, https://www.fcc.gov/about-fcc/advisory-committees/communications-security-reliability-and-interoperability-council-0* (last visited May 19, 2026).

territorial, local, or tribal 911 Authorities.[6]

• *Interoperability.* To support the seamless transfer of 911 calls and associated data across the NG911 ecosystem, we require NGCS and ESInet CSPs to report their recent actions to enable interstate NG911 interoperability, while seeking further comment on more detailed interoperability requirements. We also adopt a definition of ''interoperability'' specific to NG911 to provide clarity for both CSPs and 911 Authorities as NG911 deployments progress.

• *Certification Process.* We eliminate the requirement that CSPs file annual compliance certifications and adopt a streamlined filing process for CSPs going forward. We provide for an 18-month transition period, after which CSPs will file initial reliability certifications in conformance with the new rules, which they will need to update only in the event of material changes. This will reduce unnecessary regulatory burdens on CSPs while focusing the certification process on essential information relevant to ensuring NG911 reliability.

• *Oversight.* We allow 911 Authorities to access CSP certifications and reports subject to confidentiality safeguards, and we codify the process of the Public Safety and Homeland Security Bureau (PSHSB or the Bureau) for investigating and remediating noncompliance, providing transparency to service providers.[7]

Background

The FCC's 911 Reliability Framework

The Commission first required CSPs to improve the reliability and resiliency of 911 communications networks following an unanticipated and severe derecho storm in 2012. The storm struck the Midwest and Mid-Atlantic regions of the United States, leaving millions of Americans without 911 service for up to several days.[8] The Bureau conducted a comprehensive inquiry and found that the impacts to 911 service largely could have been mitigated or avoided had more providers adopted then-current industry best practices for network reliability to protect their facilities.[9]

1. In 2013, the Commission adopted rules requiring CSPs to implement these best practices and other sound engineering principles on their networks in order to prevent future 911 outages.[10] At that time, most CSPs provided 911 functions and connectivity on the networks of Incumbent Local Exchange Carriers (ILECs) between legacy selective routers or location databases and PSAPs.[11] The Commission defined CSPs to include entities that operate central offices directly serving PSAPs, as well as providers of 911, Enhanced 911 (E911), or NG911 capabilities such as call routing, automatic location information (ALI), automatic number identification (ANI), or the functional equivalent of those capabilities.[12] While recognizing the emergence of NG911, the Commission was not persuaded at that time ''that NG911 technologies ha[d] evolved to the point that reliability certification rules should apply to entities beyond those that offer core services functionally equivalent to [legacy] 911 and E911 capabilities.'' [13]

The Commission required CSPs to annually certify their efforts to provide reliable 911 service with respect to circuit diversity, central-office backup power, and diverse network monitoring.[14] Specifically, CSPs must make efforts to achieve the following goals:

• *Circuit diversity:* Eliminating all single points of failure in critical 911 circuits; tagging those circuits; and conducting diversity audits annually.[15]

• *Central-office backup power:* Provisioning central offices that serve PSAPs directly or that host selective routers with sufficient backup power to sustain full functionality in the event of power outages and testing and maintaining all backup power equipment.[16]

• *Network Monitoring:* Implementing physically diverse network monitoring links and aggregation points where monitoring data are collected and conducting diversity audits of monitoring links and aggregation points annually.[17]

The Commission delegated oversight of the reliability rules and certification process to PSHSB. The Bureau established the 911 Reliability Certification System (911RCS) to receive filings and certifications, and it was empowered to review certifications, revise certification forms and procedures, investigate noncompliance, and order remedial action.[18]

Since adopting the reliability rules in 2013, the Commission has consistently observed that the rules would need to be updated to keep pace with the NG911 transition. For example, in a 2014 Policy Statement and Notice of Proposed Rulemaking on improving 911 governance, the Commission noted that it might need to update the rules to address changes in 911 technologies and the persistence of ''sunny day'' 911 outages.[19] And in 2015, the Commission reiterated its intent to consider ''whether [the rules] should be revised or expanded to cover new best practices or additional entities that provide NG911 capabilities, or in light of our understanding about how NG911 networks may differ from legacy 911 service.'' [20]

[6] A 911 Authority is a ''State, territorial, regional, Tribal, or local governmental entity that operates or has administrative authority over all or any aspect of a communications network for the receipt of 911 traffic at NG911 Delivery Points and for the transmission of such traffic from that point to PSAPs.'' 47 CFR 9.28. 911 Traffic is ''[t]ransmissions consisting of all 911 calls . . . and/or 911 text messages,'' as well as location information, callback numbers, and routing information sent with the call and/or text message. 47 CFR 9.28.

[7] When outages do occur or are potentially imminent, the Commission imposes a distinct set of reporting, notification, and response requirements on various classes of service providers. *See, e.g.,* 47 CFR 4.9(a)–(g), 4.11 (requiring cable, satellite, wireless, wireline, interconnected Voice over Internet Protocol (VoIP), and other providers to submit reports to the Commission if they experience significant outages on their networks), 4.9(h) (requiring these providers and CSPs to notify PSAPs that may be affected by significant outages), 4.17–4.18 (requiring certain providers to cooperate during disaster declarations and to submit status reports to the Commission). Nothing in this *Order* modifies those part 4 rules; this *Order* strictly addresses the CSP reliability requirements in part 9 of the Commission's rules.

[8] FCC Public Safety and Homeland Security Bureau, Impact of the June 2012 Derecho on Communications Networks and Services: Report and Recommendations at 1 (2013) (*Derecho Report*), *http://www.fcc.gov/document/derecho-report-and-recommendations.* The effects were particularly severe in northern Virginia, where four PSAPs in the densely-populated National Capital Region lost service completely, and in West Virginia, where eleven PSAPs could not receive 911 calls for as long as twelve hours. *Id.* at 28–34.

[9] *Id.* at 1–2.

[10] *See 911 Reliability Order.*

[11] *911 Reliability Order,* 28 FCC Rcd at 17489, para. 37. A public safety answering point (PSAP) is ''[a]n answering point that has been designated to receive 911 calls and route them to emergency services personnel.'' 47 CFR 9.3.

[12] *911 Reliability Order,* 28 FCC Rcd at 17488–89, para. 36.

[13] *Id.* at 17491, para. 42.

[14] *Id.* at 17503–26, paras. 80–138.

[15] 47 CFR 9.19(c)(1).

[16] *Id.* § 9.19(c)(2).

[17] *Id.* § 9.19(c)(3).

[18] *Id.* § 0.392(j).

[19] *911 Governance and Accountability, Improving 911 Reliability,* Policy Statement and Notice of Proposed Rulemaking, PS Docket Nos. 14–193 and 13–75, 29 FCC Rcd 14208, 14222, para. 32 (2014) (*2014 911 Reliability NPRM*).

[20] *Improving 911 Reliability; Reliability and Continuity of Communications Networks, Including Broadband Technologies,* PS Docket Nos. 13–75 and 11–60, Order on Reconsideration, 30 FCC Rcd 8650, 8655, para. 11 (2015) (*2015 911 Reliability Recon. Order*) (explaining further that providing CSPs with the flexibility to implement alternative measures was ''essential to support and encourage the transition to NG911,'' because the 2013 rules do not afford another option for most NG911 CSPs to

Continued

In July 2024, the Commission adopted a national NG911 transition framework that has accelerated the growth of the NG911 ecosystem.[21] The new transition framework specifies a two-phased approach to guide the transition to NG911, in which 911 Authorities initiate each phase by submitting a valid request to originating service providers (OSPs) within the relevant jurisdiction, and OSPs must comply with NG911 requirements for that phase within a defined period.[22] In the *NG911 Transition Order,* the Commission defined ''Next Generation 911'' to include interoperability, security, use of commonly accepted standards, and other criteria.[23] It also noted the potential for NG911 to support improved reliability and interoperability and that some commenters had urged it to consider specific reliability and interoperability requirements.[24] The Commission deferred consideration of reliability, interoperability, and accessibility [25] proposals because at the time they were beyond the scope of the proceeding. The NG911 transition framework rules took effect in March 2025,[26] and since then, 911 Authorities have issued more than 190 requests to begin Phase 1 service and one request for Phase 2 service. The requests cover parts or all of twenty-eight states and encompass more than 2,200 PSAPs.[27]

2025 NG911 Reliability FNPRM. In March 2025, the Commission proposed to modernize the 911 reliability framework to better ensure the resiliency, reliability, interoperability, and accessibility of NG911 networks.[28] In particular, the Commission proposed to expand the definition of covered 911 service providers so that IP-based providers and facilities that have emerged as essential to NG911 are subject to FCC reliability standards. The Commission proposed to clarify that it had already defined certain NG911 core services as CSPs under the 2013 reliability rules, because they provide NG911 capabilities that are functionally equivalent to the call routing, automatic location information, and automatic number identification functions of covered legacy facilities.[29]

The Commission proposed to update the three 911 reliability benchmarks (physical diversity, network monitoring, and backup power) that identify presumptively-reasonable measures to reflect sound, industry-standard network practices that support the reliability of modern NG911 networks.[30] The proposed updated physical diversity benchmark included ensuring automatic rerouting capabilities, load balancing, and the geographic distribution of routing facilities, transport nodes, and node links sufficient to eliminate all single points of failure.[31] The network monitoring proposal included monitoring critical NG911 facilities using geographically distributed automatic disruption detection and alarm mechanisms appropriate for IP systems.[32] The Commission proposed to update the backup power benchmark by renaming it ''operational integrity'' and defining it to include providing location information server (LIS) and legacy network gateway (LNG) facilities with continuous power to maintain operations and the capability to automatically switch over to geographically diverse facilities.[33] The Commission also proposed in the *NG911 Reliability FNPRM* a new requirement for ESInets to be interoperable.[34] Finally, the Commission proposed several reforms to its oversight of the CSP reliability certification process.[35]

Evolution of 911 Architecture

Like telecommunications networks generally, 911 networks are evolving from Time-Division Multiplex (TDM)-based architectures to IP-based architectures. As 911 Authorities transition to the NG911 ecosystem, they must entirely replace the circuit-switched architecture of legacy 911 with IP-based technologies and applications that provide all of the same functions as the legacy 911 system, as well as new capabilities. In its end state, NG911 will facilitate interoperability and system resilience, improve connections between PSAPs, and support the transmission of text, photos, videos, and data to PSAPs by individuals seeking emergency assistance. Many 911 Authorities have made significant progress to implement the transition to NG911.[36] As 911 architectures evolve, the entities that support essential functions and control critical components and pathways on 911 networks also change. In considering the CSPs that must take reasonable measures to provide reliable 911 service, the Commission has monitored the changing roles and responsibilities of different entities within legacy, transitional, and NG911 network architectures.

Legacy 911 Networks

In 2013, when the Commission adopted the *911 Reliability Order,* the legacy networks of incumbent wireline providers typically connected PSAPs to those seeking help, whether the call for assistance originated on a landline or a wireless phone.[37] In these call flows, OSPs originate and transmit 911 calls placed by their customers, together with information about the callers' locations, to legacy 911 networks, where the calls are collected at an aggregation point called a selective router.[38] The selective router identifies the appropriate PSAP to receive each call by accessing an internal routing table that compares the caller's location information to the service areas of local PSAPs. The routing table data are populated with the assistance of a Master Street Address Guide (MSAG), a database that stores all

demonstrate their reliability). *See also* 47 CFR 9.19(c)(1)(ii), 9.19(c)(2)(ii), 9.19(c)(3)(ii) (If necessary, a CSP may certify that one or more of the reliability requirements does not apply to its network and provide a supporting explanation.).

[21] *See generally Next Generation 911 (NG911) Valid Requests,* PS Docket No. 25–143.

[22] *Facilitating Implementation of Next Generation 911 Services (NG911),* PS Docket No. 21–479, PS Docket No. 18–64, Report and Order, 39 FCC Rcd 8137, 8139, para. 3 (2024) (*NG911 Transition Order*). ''Originating service providers'' are defined for purposes of the NG911 transition rules as ''[p]roviders that originate 911 traffic, specifically wireline providers; commercial mobile radio service (CMRS) providers, excluding mobile satellite service (MSS) operators to the same extent as set forth in § 9.10(a); covered text providers, as defined in § 9.10(q)(1); interconnected Voice over internet Protocol (VoIP) providers, including all entities subject to subpart D of this part; and internet-based Telecommunications Relay Service (TRS) providers that are directly involved with routing 911 traffic, pursuant to subpart E of [part 9].'' 47 CFR 9.28.

[23] 47 CFR 9.28.

[24] *NG911 Transition Order,* 39 FCC Rcd at 8220–28, paras. 182–197.

[25] *Id.* at 8217, 8218–19, paras. 174, 176, 179.

[26] *Public Safety and Homeland Security Bureau Announces Compliance Date and Provides Guidance on Information Collection for the Implementation of Next Generation 911,* Public Notice, 40 FCC Rcd 2057 (PSHSB 2025).

[27] *See* PS Docket No. 25–143.

[28] *NG911 Reliability FNPRM,* 40 FCC Rcd at 2669, para. 1.

[29] *Id.* at 2680, para. 29.

[30] *Id.* at 2691–96, paras. 59–70.

[31] *Id.* at 2693–95, paras. 62–66.

[32] *Id.* at 2695–96, paras. 67–68.

[33] *Id.* at 2696, paras. 69–70.

[34] An ESInet is an ''(IP)-based network that is managed or operated by a 911 Authority or its agents or vendors and that is used for emergency services communications, including Next Generation 911.'' 47 CFR 9.28.

[35] *NG911 Reliability FNPRM,* 40 FCC Rcd at 2702–10, paras. 88–110.

[36] Forty-two states, the District of Columbia, Guam, and Puerto Rico reported expenditures on NG911 programs in calendar year 2024. FCC, Seventeenth Annual Report to Congress on State Collection and Distribution of 911 and Enhanced 911 Fees and Charges at 3 (2026), *https://www.fcc.gov/sites/default/files/17thAnnual911FeeReport-021326.pdf.* The total amount of reported NG911 expenditures in 2024 was $535,126,846.47. *Id.*

[37] *Derecho Report* at 12.

[38] *911 Reliability Order,* 28 FCC Rcd at 17478–79, paras. 7–8; *NG911 Reliability FNPRM,* 40 FCC Rcd at 2680–81, para. 30. *See also* Appendix B.

valid physical addresses within each PSAP's service area, and an ANI/ALI database that pairs provisioned phone numbers with MSAG addresses. After the selective router identifies the appropriate PSAP for each call, it determines the correct routing path for the call and transmits it, together with the caller's location and telephone number, to the central office serving the PSAP. Finally, the central office transmits the 911 call and associated caller information to the PSAP, typically along dedicated trunk lines. The PSAP validates the caller's location and callback number by querying ANI/ALI databases, and dispatches emergency services to the identified location.[39]

NG911 Networks

As part of the broader IP transition, 911 Authorities are deploying new, IP-based NG911 networks to receive, process, and deliver 911 traffic to PSAPs, and OSPs are changing how they transmit 911 traffic to those networks.[40] At the core of NG911 networks are ESInets that receive and process 911 traffic from OSPs and forward that traffic to PSAPs. 911 traffic enters the ESInet at one or more points of interconnection (POIs). When 911 Authorities designate a POI under our NG911 transition framework, it is called an ''NG911 Delivery Point.'' [41]

OSP IP infrastructure. To reach the POI, OSPs may connect directly in IP or convert their TDM legacy 911 voice traffic to an IP format using an LNG.[42] In some cases, OSPs may contract with third parties providing high-capacity IP-based fiber networks to carry 911 traffic to an ESInet's POI.[43] This traffic may be combined with other telecommunications traffic over major IP transport, or it may be segregated and combined with 911 traffic from other OSPs over 911-specific IP traffic aggregation facilities. OSPs use LISs [44] to store and manage customer location information and records, replacing functions of ANI/ALI databases.[45]

NG911 network infrastructure. ESInets process 911 traffic through a series of interconnected NG911 Core Services (NGCS) that collectively replace the caller location and routing functions of selective routers, ANI/ALI databases, and the MSAG in legacy 911 networks.[46] These services typically include Location Validation Functions (LVFs), Emergency Call Routing Functions (ECRFs), and related technologies that enable the real-time provision of 911 caller location information to PSAPs (together, NGCS Location Facilities).[47] The LVF is a server that validates civic location information against a Geographic Information System (GIS) database to deliver more dynamic and actionable information about a caller's location than legacy ALI/ANI databases can, and the ECRF is a database function that determines the appropriate destination PSAP by mapping the caller's validated location within the boundaries of emergency response zones.[48] NGCS also include Emergency Services Routing Proxies (ESRPs), Policy Routing Functions (PRFs), and other technologies that enable the real-time routing, delivery, and transfer of 911 traffic to PSAPs along with callback information and other associated data (together, NGCS Routing Facilities).[49] The ESRP is a routing engine that queries the ECRF and routes the traffic to the geographically appropriate PSAP in accordance with the PRF, which is the rule set that decides how traffic should be routed based on predetermined policies (*e.g.,* priority levels, time of day, and load balancing).[50]

NG911 networks also may connect with ESInets in other states or with other ESInets serving different regions in the same state. ESInet interconnecting facilities act as bridges between ESInets and support the rerouting of 911 traffic in the event of outages, which enhances the overall resiliency of the NG911 ecosystem across the interconnected service areas.[51]

Transitional NG911 Networks

While nationwide end-state NG911 remains the Commission's goal, it is necessary to recognize and accommodate intermediate architectures during the nationwide transition to NG911. The commonly-accepted transition path for NG911 envisions that NG911 will reach a mature ''end state'' after all PSAPs have migrated from legacy E911 systems based on TDM circuit-switched telephony to all-IP systems that operate over ESInets and provide the full array of NGCS.[52] Achieving end-state NG911 will take time, and transitional NG911 networks need significant intermediate and transitional mechanisms in the interim. Transitional NG911 networks blend some legacy network components with IP-based infrastructure while the transition to end-state NG911 is still ongoing. Consequently, such deployments may retain selective routers, ANI/ALI, and other legacy elements as part of the call path even while implementing ESInets and NGCS. Transitional NG911 deployments also typically include gateway facilities that translate 911 traffic between TDM and IP formats as needed, including LNGs, emergency services gateways (ESGWs), legacy selective router gateways (LSRGs), and legacy PSAP gateways (LPGs).[53]

In this *Order,* we modernize our 911 reliability framework for NG911 networks.[54] We seek to ensure that

[39] *NG911 Reliability FNPRM,* 40 FCC Rcd at 2680–81, para. 30.

[40] *NG911 Transition Order,* 39 FCC Rcd at 8152, para. 28.

[41] 47 CFR 9.28.

[42] *NG911 Transition Order,* 39 FCC Rcd at 8171, para. 71.

[43] *NG911 Reliability FNPRM,* 40 FCC Rcd at 2687, para. 48.

[44] A LIS is a functional element that provides locations of endpoints. A LIS can provide Location-by-Reference or Location-by-Value, and, if the latter, in geodetic or civic forms. A LIS can be queried by an endpoint for its own location, or by another entity for the location of an endpoint. 47 CFR 9.28.

[45] *NG911 Transition Order,* 39 FCC Rcd at 8179–80, para. 86.

[46] *NG911 Reliability FNPRM,* 40 FCC Rcd at 2680–83, paras. 29–32; *NG911 Transition Order,* 39 FCC Rcd at 8179, para. 86. The Border Control Function (BCF) acts as a firewall between the ESInet and external networks. *NG911 Reliability FNPRM,* 40 FCC Rcd at 2682, para. 31 & n.84.

[47] NGCS location facilities are NG911 IP facilities connected to an ESInet that enable the real-time provision of 911 caller location information to the PSAPs, including but not limited to the Emergency Call Routing Function (ECRF), the Location Validation Function (LVF), and successor technologies. Appendix A (§ 9.19(a)(14), defining ''NGCS location facilities''); *NG911 Reliability FNPRM,* 40 FCC Rcd at 2681–82, para. 31.

[48] *NG911 Reliability FNPRM,* 40 FCC Rcd at 2681–82, para. 31. GIS is a mapping system that collects, stores, and analyzes spatial data, ensuring that emergency services can pinpoint where to send help. *Id. See also* 47 CFR 9.28 (''Location Validation Function'').

[49] NGCS routing facilities are NG911 IP facilities connected to an ESInet that enable the real-time routing, delivery, or transfer of 911 traffic to the PSAPs along with callback information and other associated data, including but not limited to the Emergency Services Routing Proxy (ESRP), the Policy Routing Function (PRF), and successor technologies. Appendix A (§ 9.19(a)(15), defining ''NGCS routing facilities''); *NG911 Reliability FNPRM,* 40 FCC Rcd at 2681–82, para. 31.

[50] *NG911 Reliability FNPRM,* 40 FCC Rcd at 2681–82, para. 31.

[51] *Id.* at 2689–90, paras. 54–55.

[52] NENA: The 9–1–1 Association (NENA), NENA i3 Standard for Next Generation 9–1–1 at 2 (Oct. 7, 2021), *https://cdn.ymaws.com/www.nena.org/resource/resmgr/standards/NENA-STA-010.3e-2021_i3_Stan.pdf* (*NENA i3 Standard*); Task Force on Optimal PSAP Architecture (TFOPA), An FCC Federal Advisory Committee, Adopted Final Report at 17, 37–38, 138 (2016), *https://transition.fcc.gov/pshs/911/TFOPA/TFOPA_FINALReport_012916.pdf* (*TFOPA Final Report*).

[53] *NENA i3 Standard* at 3.

[54] In today's *Order,* ''NG911 networks'' refers to both transitional NG911 and end-state NG911 networks and ecosystems unless otherwise specified.

entities essential to delivering emergency calls in the NG911 environment implement common sense reliability measures to minimize risk of 911 outages, particularly catastrophic multi-state outages. To this end, we clarify and expand the CSP definition to identify which entities in the NG911 environment fall under the Commission's 911 reliability framework; update the reliability standards to reflect the capabilities and architectures of IP networks; adopt a definition for interoperability specifically tailored to NG911; and improve oversight processes available to the Bureau and 911 Authorities. The purpose of these actions is to ensure the continued resiliency, reliability, interoperability, and accessibility of the NG911 ecosystem.

Today's *Order* also eliminates the annual certification requirement for 911 reliability that the Commission imposed in 2013. Going forward, we establish a streamlined filing process in which CSPs will submit a one-time reliability certification subject to updates only in the event of material changes. This revised approach recalibrates our 911 reliability framework to focus on critical aspects of the NG911 transition while reducing regulatory burdens. The new certification process will allow CSPs to certify to reliability at the network level on a per-state basis and will no longer require submission of detailed site-based data for thousands of different facilities. These changes will substantially lighten the burden of previous compliance measures in place since 2013 and will enable providers to redirect those resources to implementing reliable networks for the transmission of NG911 traffic.[55]

Development of 911 Network Reliability Practices

The required NG911 reliability practices we adopt today are based on two decades of investigations by the Commission into major network outages, studies and recommendations by federal advisory committees, rulemakings, and ongoing collaboration with industry stakeholders. For example, the Bureau found during its investigation into widespread 911 outages caused by the 2012 derecho that several reliability measures available to NG911 networks—including IP routers with automatic fail-over capability, diverse IP paths to PSAPs, interoperability between PSAPs, and diverse network monitoring—''likely could have significantly lessened the derecho's impact on emergency communications.'' [56] In 2018, following its investigation into several major network outages, PSHSB identified increased monitoring of 911 network components and faster failovers to redundant network equipment as key mitigating measures.[57] And in 2020, following another series of major communications outages affecting 911, the Bureau encouraged CSPs to follow industry best practices for network reliability including circuit diversity and auditing, rerouting capabilities, and active network monitoring.[58]

CSRIC regularly advises the Commission on ways to ensure the security, reliability, and interoperability of communications systems and to safeguard 911 service. In 2019, CSRIC VI provided recommendations to the Commission and to service providers concerning needed improvements to the reliability and resiliency of 911 systems during the transition to NG911.[59] CSRIC based its report on information from a wide variety of sources, including industry subject matter experts, 911 Authorities, public safety groups, CSRIC best practices and other CSRIC efforts, industry documents related to NG911 reliability, and FCC reports.[60] CSRIC recommended, for example, that service providers monitor for events that could result in a loss of service; [61] incorporate network monitoring tools on originating and transport networks specifically, to protect 911 traffic before it reaches the ESInet perimeter; [62] and work with stakeholders to share monitoring information.[63] CSRIC's updated best practices for NG911 included: geographic separation of network redundancy facilities; configuring backup power at critical sites to auto-engage in the event of a failover; development of standards for network interconnections; securing transport over the public internet with authentication and confidentiality mechanisms such as digital signatures and Virtual Private Network (VPN) tunneling; logical diversity for NG911 signaling networks, confirmed with regular diversity audits; dedicated, geo-diverse, and redundant IP connection points; geographically diverse 911 location servers; functional redundancy and geographic diversity for critical network elements; physical and geographic redundancy for critical facilities links; diverse routing from OSPs to the ESInet; and redundant connectivity from the ESInet to PSAPs.[64]

Separately, the Commission asked CSRIC VII to survey the state of interoperability for the nation's 911 systems, including for legacy 911 networks, transitional 911 networks, and NG911.[65] CSRIC observed that 911 systems are highly interconnected and that interoperability between call-taking and call processing components is critical.[66] CSRIC concluded that the state of national NG911 interoperability is highly dependent on the degree of progress made by state and local 911 authorities in transitioning their respective systems to mature or end-state NG911 capability.[67] CSRIC

[55] Exec. Order No. 14,192, § 1, Unleashing Prosperity Through Deregulation, 90 FR 9065, 9065 (Feb. 6, 2025).

[56] *Derecho Report* at 44.

[57] See *Public Safety and Homeland Security Bureau Encourages Communications Service Providers to Follow Best Practices to Help Ensure Network Reliability,* Public Notice, 33 FCC Rcd 3776 (PSHSB 2018). The Bureau also created a new network reliability page (*http://www.fcc.gov/network-reliability-resources*) to help ensure that network providers, public safety entities, and the general public can readily access the Bureau's work promoting industry best practices. *Id.* at 3776.

[58] *See Public Safety and Homeland Security Bureau Encourages Communications Service Providers to Implement Important Network Reliability Practices,* PS Docket Nos. 11–60 and 20–183, Public Notice, 35 FCC Rcd 13179 (PSHSB 2020) (*2020 Best Practices Public Notice*).

[59] CSRIC VI Working Group 1, Final Report—Recommendations for 9–1–1 System Reliability and Resiliency during the NG9–1–1 Transition; Version 2.0—March 8, 2019 (Addition of Best Practices) (2019), *https://www.fcc.gov/sites/default/files/csric6wg1_finalreport_030819.pdf* (*CSRIC VI WG 1 Report*).

[60] *Id.* at 7, 11–14.

[61] *Id.*

[62] *Id.* at 69–70.

[63] *Id.* CSRIC also provided information on commercially-available tools used ''to detect, deter and mitigate network anomalies within the 9–1–1 networks infrastructure.'' *Id.* at 75, Appendix A.

[64] *Id.* at 86, 87, 109, 114, 122, 124.

[65] CSRIC VII, Working Group 4, Report on the Current State of Interoperability in the Nation's 911 Systems (2020), *https://www.fcc.gov/CSRICReports* (*CSRIC VII WG 4 Report*).

[66] *Id.* at 5.

[67] *Id.* at 22–23. CSRIC utilized the ''maturity states'' defined by the FCC's earlier TFOPA in crafting its report formulation. *See* TFOPA, Working Group 2, Phase II Supplemental Report: NG9–1–1 Readiness Scorecard at 13 (Dec. 2, 2016), *https://transition.fcc.gov/pshs/911/TFOPA/TFOPA_WG2_Supplemental_Report-120216.pdf.* (*TFOPA Scorecard*). The scorecard defined states of transition ranging from legacy state, through foundational, transitional, and intermediate states, culminating in the jurisdictional and nation-wide ''end state'' of NG9–1–1 service. Per TFOPA, ''End State'' refers to the state in which PSAPs have evolved to become emergency communications centers (ECCs) and are served by standards-based NG911 systems and/or elements and OSPs are providing SIP interfaces with location information during call setup, and ESInets are interconnected providing interoperability on a national basis, supported by established agreements, policies and procedures. *See also* James Careless, *PSAP & Emergency Communications Centers Explained,* Public Safety Broadband Technology Association (Jun. 16, 2025), *https://thepsbta.org/psap-emergency-communications-centers-explained-psbta/* (''[A]n ECC performs the 911 call center functions of a PSAP, but can offer additional capabilities as well. For instance, an ECC can

identified interoperability challenges and indicators of successful interoperability and recommended that the U.S. ''continue to move forward with the deployment of NG9–1–1, with a strong focus on achieving interoperability, as defined in this report, which includes industry standards-based solutions.'' [68]

The Need for Changes to the 911 Reliability Framework

NG911 provides significant advantages over legacy 911 systems, including enhanced reliability, redundancy, interoperability, and accessibility. However, without robust design, NG911 networks can heighten the risk to the public of widespread outages due to their increased aggregation and consolidation of traffic. In contrast to legacy 911 networks, in which call origination, routing, and delivery occur locally and are managed by a small set of providers, the NG911 ecosystem typically aggregates traffic from OSPs across broad geographic regions, transports this traffic over long distances, and relies on multiple operators. This aggregation makes the NG911 ecosystem more capable and flexible but also larger and more complex than the legacy ecosystem, with higher traffic volumes carried over longer transport paths than in legacy networks. Additionally, as noted above, the transitional NG911 ecosystem depends on functional elements that translate 911 calls between TDM and IP formats—elements often located far from the point where calls originate or are handed off to ESInets and PSAPs. The risks posed by substandard implementation of this new network architecture are not theoretical, as evidenced by recent 911 outages attributable to vulnerabilities in heretofore unregulated network elements.[69] As NG911 deployment accelerates, close coordination between industry, public safety entities, 911 Authorities, and the Commission is essential to ensure against vulnerabilities that could undermine 911 reliability, resiliency, and accessibility.

Alongside the broader IP transition, the emergence of NG911 has given rise to new classes of service providers that did not exist in legacy 911 networks but play essential roles in the NG911 ecosystem's call path. These new provider classes include third-party transport providers retained by OSPs to carry 911 traffic over high-capacity fiber networks; specialized entities that aggregate 911-only traffic for transport and delivery; and providers of IP-based signaling translation functions.[70] NG911 network providers frequently engage third-party operators to manage servers and other critical facilities supporting 911 call routing and other key functions across multiple states and jurisdictions.[71] Some of these new providers are not covered by the Commission's previous 911 reliability rules, despite their essential and expanding role in maintaining the continuity of 911 service.[72] Other NG911 capabilities fall within the category of ''functional equivalents'' under the prior rules, yet, as we detail below, the record demonstrates that many new providers of these capabilities have not recognized that the prior rules apply to them. Moreover, the prior reliability rules are inherently static, such that tethering NG911 ''functional equivalents'' to the legacy environment does not allow the rules to scale effectively to accommodate the continued evolution of IP-based NG911 call-originating technologies and exchanges of information. Without clarifying the 911 reliability framework to expressly cover all critical NG911 providers and functions, the Commission cannot effectively address or mitigate the risks of significant outages on IP-based and NG911 networks.[73]

As the Commission observed in the *NG911 Reliability FNPRM,* the landscape of 911 outage risk has evolved significantly since 2013. The *FNPRM* specifically cited examples of major 911 outages affecting millions of Americans in multiple states as 911 Authorities seek to transition from legacy 911 to NG911.[74] Moreover, since the release of the *FNPRM,* additional 911 outages have occurred in Pennsylvania, Mississippi, Louisiana, Alabama, Wyoming, and Montana, highlighting continued vulnerabilities that can affect statewide and multi-state NG911 deployments.[75] Some of these outages were triggered by single fiber cuts, which indicates that NG911 networks have not yet consistently implemented the geographically-distributed reliability measures we adopt in our *Order* today. Several failures originated in portions of the NG911 call flow located downstream of originating providers' owned-and-operated networks but upstream of ESInet and NGCS elements covered as ''functional equivalents'' under the 2013 reliability rules.[76] Failures in these

handle non-emergency calls, assist in coordinating responses to multiple emergencies, and manage multi-agency communications during large-scale incidents.'').

[68] *CSRIC VII WG 4 Report* at 25.

[69] *See, e.g.,* New York Public Service Commission (NYPSC) Comments at 2 (attesting to widespread 911 outages in New York originating in major transport networks that ''took significantly longer to identify and understand'' because the networks were not covered by the 911 reliability rules); NENA Comments at 1–2 (reporting that ''failures downstream of the [OSP] but upstream of the [ESInet]'' have been the cause for ''several states that have had repeated widespread outages'' resulting in ''wide swaths of the state [being] unable to place 9–1–1 calls''); Colorado Council of Authorities, Inc. (CCOA) Comments at 2 (stating that unregulated ''aggregators and operators of high-capacity transport facilities'' have been the source of recent vulnerabilities, which ''disrupts critical 911 functions and impacts multiple'' PSAPs); Colorado Public Utilities Commission (COPUC) Comments at 2; Brian Rosen Comments at 3. *See also NG911 Reliability FNPRM* at 2676–77, paras. 16–18.

[70] *See* Letter from Frank Pozniak, Executive Director, Massachusetts State 911 Department, to Marlene H. Dortch, Secretary, FCC, PS Docket Nos. 21–479, 13–75, at 2–3 (filed Jun. 18, 2026) (*Massachusetts Ex Parte*) (endorsing inclusion of third-party 911 service providers as CSPs based on Massachusetts' experience that most OSPs are heavily reliant on CSPs in NG911).

[71] FCC Public Safety and Homeland Security Bureau, April 2014 Multistate 911 Outage: Cause and Impact, PS Docket No. 14–72 at 1–2 (2014), *https://www.fcc.gov/document/april-2014-multistate-911-outage-report.*

[72] NENA Comments at 1–2; COPUC Comments at 2. One of the 911 aggregation service providers has ''deployments of NG911 call aggregation service in states and counties across the country'' and claims to serve over 30% of the U.S. population. Sinch, *Inteliquent exceeds 30% of population with recent next generation call aggregation deployments, https://sinch.com/news/ng911-call-aggregator-inteliquent-leads-us-public-safety/?UTM-Inteliquent* (last visited May 19, 2026) (Sinch acquired Inteliquent in 2021.); Sinch, *Bring public safety to the digital age with NG911, https://sinch.com/voice/next-generation-911/* (last visited May 19, 2026).

[73] *See* COPUC Comments at 4; NENA Comments at 1–3; National Association of State 911 Administrators (NASNA) Comments at 1–2. *See also* 47 CFR 9.19(4)(i).

[74] *See NG911 Reliability FNPRM,* 40 FCC Rcd at 2676–77, paras. 16–17.

[75] Meir Rinde, *Pennsylvania's 911 service experiencing statewide outage* (Jul. 11, 2025), *https://whyy.org/articles/pennsylvania-911-calls-philadelphia-emergency-response/; 911 emergency lines restored in Mississippi, still down in parts of Louisiana* (Sept. 25, 2025), *https://www.cbsnews.com/news/911-emergency-lines-down-mississippi-louisiana/; AT&T Attributes Mass 911 Outages in 3 States to Fiber Cuts Made by 'Third Parties'* (Sept. 26, 2025), *https://www.usnews.com/news/best-states/mississippi/articles/2025-09-26/at-t-attributes-mass-911-outages-in-3-states-to-fiber-cuts-made-by-third-parties;* Renée Jean, *Broken Fiber Line In Park County Exposes Fragility In Wyoming's 911 System* (Jan. 7, 2026), *https://cowboystatedaily.com/2026/01/07/broken-fiber-line-in-park-county-exposes-fragility-in-wyomings-911-system/;* Jenn Rowell, *Fiber Optic Line Maintenance Causes 911 Outage in Cascade County,* The Electric (Mar. 4, 2026), *https://theelectricgf.com/2026/03/04/fiber-optic-line-maintenance-causes-911-outage-in-cascade-county/.*

[76] The Commission requires certain OSPs to transmit 911 calls with appropriate location information to a PSAP, to a designated statewide default answering point, or to an appropriate local emergency authority. 47 CFR 9.4, 9.8, 9.10, 9.11,

Continued

uncovered transport and aggregation segments can interrupt 911 service to dozens or hundreds of PSAPs, yet, to date, both the Commission and 911 Authorities have lacked visibility into the reliability practices employed by providers operating in this segment.[77] Without remedial action, these vulnerabilities could contribute to the continued occurrence of major ''sunny day'' 911 outages.[78]

The framework we adopt today is narrowly tailored to strengthen NG911 networks while eliminating unnecessary regulatory burdens. By eliminating the requirement that CSPs file annual certifications and replacing it with a streamlined certification process, we maintain accountability while reducing the administrative burden on CSPs. We further align this streamlined regulatory oversight with the actual flow of 911 traffic in NG911 networks to ensure the rules remain appropriately limited to demonstrated areas of vulnerability. Our updated definition of ''covered 911 service provider'' focuses on those entities that play essential roles in routing, validating, or transporting 911 traffic in real time and whose failure would pose the most significant risk to service availability. Our updated reliability benchmarks address the principal vulnerabilities in NG911 architecture without imposing unnecessary or overly prescriptive requirements on CSPs. These benchmarks incorporate reliability measures recommended by CSRIC and recognized in the record as prevailing best practices, while also leveraging the inherent strengths of IP-based systems to adapt and self-heal in real time.[79] The new framework will optimize NG911 to meet operational needs today and tomorrow and ensure that actionable location and call back information and other data reliably move from callers to PSAPs and enable PSAPs to dispatch emergency responders quickly and effectively.

The record also underscores the importance of updating our 911 reliability framework now, while the NG911 transition is still in a relatively formative phase, rather than waiting for further NG911 deployments or full completion of the transition.[80] We agree with 911 Authorities, national public safety organizations, and some OSPs that an orderly transition to the NG911 ecosystem requires prompt updating of the definition of CSPs and the 911 reliability standards.[81] We disagree with industry commenters who argue that such action is premature.[82] We conclude that waiting until the transition is completed to see what problems remain to be addressed ignores demonstrated risks to 911 reliability and needlessly delays implementation of available solutions.[83] The stakeholder community has already developed detailed and well-established technical architecture and commonly accepted standards for NG911 systems,[84] and the reliability framework we adopt today is based on well-documented best practices for IP networks that can readily be implemented by CSPs as part of their network build-outs.

Concurrently, many 911 Authorities have initiated the implementation of NG911 functional elements, made substantial investments in NG911 systems (spending over $500 million on NG911 programs in 2024 alone),[85] and submitted valid requests for NG911 service covering a significant portion of the United States. These collective efforts demonstrate that the NG911 ecosystem has reached a level of maturity where uniform expectations for reliability are both feasible and necessary. These efforts have also provided us with ample guidance to modernize the reliability framework in a way that reflects current operational realities and keeps pace with the fast-moving technological evolution of the capabilities inherent in IP-based networks. Adopting an updated framework now ensures that NG911 networks will be designed according to reasonable reliability standards from the outset and avoids the need for inefficient and costly retrofits in the future.[86] Early action also provides 911 Authorities with tools to engage in appropriate oversight of newly deployed NG911 services, enabling more effective planning and management of subsequent system performance and resiliency.[87] We revise our oversight framework in a streamlined manner, ensuring transparency and accountability while minimizing burdens and protecting sensitive operational information. In addition, we are providing an 18-month transition period for implementation of the new framework to afford CSPs time to integrate the updated reliability benchmarks into their ongoing NG911 deployments and to refine their networks, operations, and reliability practices accordingly. These actions reaffirm our commitment to ensuring that 911 remains dependable, resilient, and available when Americans need it most.

911 Reliability

Covered 911 Service Providers

As proposed in the *NG911 Reliability FNPRM,* we update the definition of

9.14, 9.18. Under the Commission's NG911 transition framework, OSPs also have the obligation to deliver 911 traffic to the NG911 delivery point, which is a logical demarcation dividing the responsibilities of OSPs and 911 Authorities for the delivery of 911 traffic. *See* 47 CFR 9.29, 9.32, 9.33.

[77] *NG911 Reliability FNPRM,* 40 FCC Rcd at 2676–77, paras. 16–18.

[78] *See 2014 911 Reliability NPRM,* 29 FCC Rcd at 14222, para. 32 (noting that the 2013 rules may need to be updated to address changes in 911 technologies and the persistence of ''sunny day'' 911 outages).

[79] *NG911 Transition Order,* 39 FCC Rcd at 8222, para. 186 & n.546. (citing Intrado's assertion that ''establishing direct OSP connectivity via SIP to ESInets 'will materially reduce the number of 911 outages through improved network reliability and availability'''). *See also, e.g.,* StateScoop, *North Carolina officials say next-generation 911 network withstood Hurricane Helene* (October 21, 2024), *https://statescoop.com/north-carolina-next-generation-911-hurricane-helene/* (''Had the old technology and analog network still been in place, the infrastructure would have been destroyed and we would not have had the capability to route calls to other PSAPs and connect people to critical emergency services . . . . Thanks to the resiliency and redundancy of this network, we had no reports of 911 calls not being delivered.'').

[80] Association of Public-Safety Communications Officials, International (APCO) Reply at 14–15; COPUC Comments at 1–2.

[81] *See, e.g.,* NYSPSC Comments at 1–2; Texas 9–1–1 Entities Comments at 2–3; COPUC Comments at 1–2; Michigan State 911 Committee Comments at 1; Colorado Council of Authorities, Inc. (CCOA) Reply at 2–3; NASNA Comments at 1; NENA Comments at 1; APCO Reply at 14–15; Palmetto Broadband Coalition Reply at 3; Home Telephone ILEC, LLC (Home Telephone) Comments at 11. *See also* Public Knowledge Comments at 4.

[82] Lumen Comments at 2. *See also* Intrado Life & Safety, Inc. (Intrado) Comments at 1–2, 16–17; USTelecom—The Broadband Association (USTelecom) Comments at 2–4; Bandwidth Inc. and *Bandwidth.com* (Bandwidth) Comments at 1–2; NCTA—The internet and Television Association (NCTA) Comments, PS Docket No. 21–479, WC Docket Nos. 04–36, 10–90, 17–97, GN Docket No. 13–5 at 2–3 (rec. Jun. 11, 2025) (NCTA Comments); Intrado Reply at 2–3; Industry Council for Emergency Response Technologies (iCERT) Reply at 2; Comtech Telecommunications Corp. (Comtech) Reply at 4–5.

[83] Lumen Comments at 2; iCERT Reply at 2.

[84] *See TFOPA Final Report; NENA i3 Standard.* In July 2021, NENA released the third version of the i3 standard for NG911. NENA, NENA Releases New Version of the i3 Standard for Next Generation 9–1–1 (July 12, 2021) *https://www.nena.org/news/572966/NENAReleases-New-Version-of-the-i3-Standard-for-Next-Generation-9-1-1.htm.* In October 2021, the NENA i3 standard was approved by the American National Standards Institute (ANSI). NENA, ANSI Approves NENA's i3 Standard for Next Generation 9–1–1 (Oct. 7, 2021), *https://www.nena.org/news/582667/ANSI-Approves-NENAs-i3-Standard-for-Next-Generation-9-1-1.htm.*

[85] *Seventeenth Annual 911 Fee Report* at 3.

[86] *See, e.g.,* APCO Reply at 14 (''[R]eliability measures must be built into these systems from the outset.''); COPUC Comments at 1–2; NASNA Comments at 1–2.

[87] NASNA Comments at 6 (''CSPs should not be permitted under the rules to omit critical functional elements during procurement and then lay the responsibility at the feet of the local 911 jurisdiction citing *caveat emptor.*''); NYSPSC Comments at 2.

''covered 911 service provider'' to accurately reflect the modern NG911 ecosystem and ensure that providers of critical NG911 services design their networks to safeguard 911 traffic.[88] We preserve the reliability requirements for legacy covered 911 services while more specifically defining the NG911 routing and location capabilities covered as part of this definition. We do this by clarifying that NGCS that provide NG911 location and routing capabilities are the ''functional equivalent'' of legacy selective routing and ANI/ALI services. We also expand the covered 911 services definition to include transport and aggregation facilities carrying substantial 911 traffic from two or more OSPs as well as some other shared facilities. These actions ensure that the term ''covered 911 service provider'' encompasses entities providing 911, E911, or NG911 services for which a failure would impede the real-time routing, delivery, or transfer of 911 traffic.[89]

While the transition to NG911 is progressing alongside broader IP modernization, 911 Authorities and OSPs will continue for some time to rely on legacy selective routers and other TDM-based infrastructure for delivery of 911 calls to PSAPs.[90] In transitional NG911 systems, these legacy 911 network elements (selective routers; ANI/ALI databases; and TDM 911 circuits between selective routers, ALI/ANI databases, and the last central office serving a PSAP) will be treated as covered 911 facilities as they were under the 2013 reliability rules.[91] NGCS facilities and ESInet IP paths to PSAPs will also be covered 911 facilities, as will ESInet paths between NG911 delivery points and NGCS facilities. The definition of covered 911 services includes operation of NG911 and transitional elements serving two or more OSPs, such as LNGs, ESGWs, LSRGs, LISs, and LPGs.

In more mature NG911 systems, in which the selective router, legacy ANI/ALI facilities, and covered 911 TDM circuits connecting selective routers are no longer part of the call flow, the updated definition of covered 911 services includes ESInets, NGCS facilities, and ESInet IP covered 911 paths, as well as NGCS routing and location facilities such as the ESRP, PRF, ECRF, and LVF.[92] Covered 911 services also include several multi-OSP services, including IP 911 traffic aggregation, major IP transport, and shared LIS and LNG facilities.[93]

Technologically neutral regulation of 911 reliability. Historically, the Commission has allowed providers to use various proven technologies and approaches to comply with 911 reliability rules rather than prescribing specific solutions.[94] We reaffirm this commitment to a technologically neutral approach for regulating covered 911 providers in order to ''future-proof'' our framework, an approach that is strongly supported by commenters in this proceeding and will provide regulated entities compliance flexibility. Consistent with this principle, we define a CSP as any entity that provides covered 911 services, which are 911, E911, or NG911 services for which a failure would impede the real-time routing, delivery, or transfer of 911 traffic.[95] This definition uses informative, non-normative examples,[96] with reference to functional elements featured in current commonly accepted NG911 standards, in order to clearly delineate the types of services that are critical to 911 reliability today. Our technologically-neutral approach also serves to ensure that we do not ''inadvertently stifle innovation, create misalignment with standards-based implementations, or sweep in entities whose operations do not materially impact the delivery of emergency services.'' [97] We believe that our approach is flexible enough to not only ensure clear compliance today but also to guide future compliance as technologies change.

Preserving State and Local Government Flexibility. Today's action leaves in place the exemption for state and local governments operating their own facilities that would otherwise be covered 911 services. Thus, no PSAP, 911 Authority, or other governmental authority directly providing 911, E911, or NG911 capabilities is a CSP or is otherwise subject to these regulations.[98] Further, we emphasize that we do not preclude states from adopting their own 911 reliability approaches that do not conflict with the Commission's goals in this proceeding, for example, by adopting reliability measures for smaller transport facilities than those we regulate today.[99] In addition, for CSPs that directly serve 911 Authorities, today's framework leaves in place the ability to implement alternative reliability measures to mitigate the risk of failure in certain situations, taking

[88] Appendix A (§ 9.19(a)(4)).

[89] *NG911 Reliability FNPRM,* 40 FCC Rcd at 2686–2687, 2689, paras. 44–45, 53.

[90] *Reducing Barriers to Network Improvements and Service Changes; Accelerating Network Modernization,* WC Docket Nos. 25–209 and 25–208, Report and Order, FCC 26–19, 2026 WL 1016892 (Mar. 27, 2026). The Commission's goal during this period is to encourage the development and deployment of advanced IP networks and services, including NG911, while ensuring seamless 911 connectivity. *Id.* at *25, para. 69. To that end, among other protections, the Commission requires carriers seeking to discontinue services supporting interconnection trunks or exchange of traffic to provide impacted 911 Authorities, 911 service providers defined as an entity that provides 911, E911, or NG911 capabilities or the functional equivalent of those capabilities directly to a PSAP, and directly interconnecting local exchange service providers that support essential functions within 911 networks with advance notice and a point of contact with which to coordinate an orderly transition away from legacy facilities that support 911. *Id.* at *24–25, paras. 67, 69 (''[W]e expect that carriers and service providers will engage in a planned and managed process for the orderly shutdown or reduction of services to . . . 911 Authorities handling live traffic, while ensuring compliance with regulatory requirements and a smooth transition to alternative providers.'').

[91] Appendix B provides three illustrative network diagrams that demonstrate the application of our updated 911 reliability framework for legacy and transitional environments as well as for more mature NG911 configurations. The diagrams include an overlay of the presumptive cost allocation between OSPs and 911. Historically, the Commission has found that OSPs should bear the costs associated with transmitting legacy 911 calls from their end users to the points where they hand off such calls to selective routers used to transmit those calls to appropriate PSAPs. *NG911 Transition Order,* 39 FCC Rcd at 8202–03, para. 146 (citing *Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems; Request of King County, Washington,* CC Docket No. 94–102, Order on Reconsideration, 17 FCC Rcd 14789 (2002)). Under the Commission's NG911 transition framework, OSPs similarly are financially responsible for the costs of transmitting 911 traffic from their end users to NG911 Delivery Points, in the absence of an alternative cost arrangement with the relevant 911 Authority. *Id.* at 8201–06, paras. 145–153.

[92] *See* Appendix B.

[93] *See id.* (Figure 3 also shows LPGs and interstate interconnecting ESInet facilities as covered 911 services).

[94] *See, e.g., NG911 Transition Order,* 39 FCC Rcd at 8159–60, paras. 39–40.

[95] USTelecom Comments at 6 (''USTelecom recommends that the Commission define CSPs based on core NG911 functionalities—namely, whether a service enables the selective routing or delivery of 911 calls or the associated transmission of caller location and call-back information.''); iCERT Comments at 7 (stating the FCC's CSP definition ''should cover providers that enable the real-time routing, delivery, or transfer of 911 calls or texts, along with location or callback information, and other associated data (collectively, the 'NG911 Core Functions'), rather than stipulating whether a particular service falls into a predefined category''). Appendix A (§ 9.19(a)(4)(i)).

[96] ATIS Reply at 3.

[97] USTelecom Comments at 5. *See also* CTIA Reply at 2–3, 5; Verizon Comments at 3.

[98] We make non-substantive, clarifying edits to the language in section 9.19(a)(4)(ii) setting forth this exemption. The revised rule now specifies that 911 Authorities are exempt governmental authorities and that the 911 capabilities that are exempted include E911 and NG911 capabilities. Appendix A (§ 9.19(a)(4)(ii)(A)).

[99] COPUC Comments at 2 (explaining the Commission's and states' ''shared concurrent jurisdiction'' over 911, where ''the Commission sets a baseline for 911 networks and call delivery and the states add to this through statute, regulation, and service level agreements'').

into account the level of service ordered by the PSAP or 911 Authority.[100]

Applicability to OSPs. The Commission requires OSPs—by which we generally mean entities that offer end users the ability to originate 911 calls—to transmit such calls with appropriate location information to a PSAP, to a designated statewide default answering point, or to an appropriate local emergency authority.[101] As part of the NG911 transition framework, the Commission also requires OSPs to deliver all 911 traffic to NG911 Delivery Points following the receipt of a valid request from a 911 Authority for Phase 1 or 2 service.[102] This *Order* does not alter the scope or applicability of such OSP requirements, nor does it apply 911 CSP reliability requirements to OSPs. However, as discussed below, we revise the 911 reliability framework to address third-party transport and aggregation of 911 traffic from OSPs to NG911 delivery points.

The 911 transmission rules already in place are distinct from the measures to support 911 reliability that we adopt today. As an initial matter, the 911 transmission rules and the 911 reliability framework apply to two different classes of providers. The 911 transmission rules apply to telecommunications carriers and certain other providers that originate 911 traffic, *i.e.,* OSPs. CSPs, on the other hand, provide 911, E911, or NG911 capabilities that do not include call origination.[103] Originators of 911 calls have been explicitly excluded from the 911 reliability framework where another service provider, typically a CSP, transmits the calls to a PSAP.[104] We maintain this exemption while updating it to reflect the reality that, in NG911 networks, 911 traffic is delivered to 911 Authorities at their ESInet POI.[105] However, to fulfill their transmission obligations under our rules, OSPs frequently contract with third parties to pick up 911 traffic from their networks and transport it to 911 Authorities' 911 networks.[106] Under the framework adopted in this *Order,* some of these third parties—specifically major IP transport providers and IP 911 traffic aggregators—will now be CSPs.

Some commenters contend that extending the scope of the CSP requirements to entities that contract with OSPs creates a substantial new regulatory burden without a corresponding benefit to 911 systems.[107] We disagree. It is reasonable to assume that OSPs already consider, when selecting transport and aggregation vendors, whether those vendors have implemented reasonable reliability measures in order to support their 911 transmission obligations.[108] Today, we add an additional level of assurance for OSPs if they select an entity providing major IP transport or IP 911 traffic aggregation services, because our new framework now requires these entities to implement basic resiliency and reliability measures. Since these new types of CSPs consolidate enough 911 traffic that an outage affecting them would severely impact the availability of 911 services to the public, ensuring that these entities implement basic reliability measures is a reasonable step. Additionally, extending reliability requirements to these new types of CSPs supports the ability of OSPs to fulfill their 911 transmission obligations.

For these reasons, we disagree with comments contending that our amendments to section 9.19 will duplicate obligations that OSPs already have under the 911 transmission rules and that the 911 transmission rules are sufficient to ensure reliability on the OSP side of the NG911 call path.[109] In reality, our updated reliability framework empowers the Commission to apply its 911 oversight authority preventatively to facilities instead of after an outage when transmission rule violations have already occurred. Moreover, as discussed in greater detail below, we have addressed these commenters' concerns by adjusting the proposed definitions of the newly-covered CSP facilities so that they apply exclusively to high-volume, third-party services provided to two or more OSPs and not to transmission capabilities that OSPs provide via their own networks. Far from imposing duplicative burdens on OSPs, our amendments to section 9.19 provide greater certainty for OSPs that contract with third-party CSPs to provide 911 transport or delivery services. OSPs will now be able to easily assess the reliability of these service providers based on their implementation of the Commission's requirement to provide reasonably reliable 911 services.

NG911 cost allocation. In legacy 911 networks, ILECs operate most or all of the network infrastructure used to route and deliver 911 calls to PSAPs under tariff or contractual agreement with

[100] *911 Reliability Order,* 28 FCC Rcd at 17497, para. 62 (''The Bureau will consider a number of factors in determining whether the particular alternative measures are reasonably sufficient to ensure reliable 911 service. Such factors may include the technical characteristics of those measures, the location and geography of the service area, the level of service ordered by the PSAP, and state and local laws (such as zoning and noise ordinances).''). *See also id.* at 17504, 17510, paras. 83, 98.

[101] We call the relevant provisions at sections 9.4, 9.8, 9.10, 9.11, 9.14, and 9.18 the ''911 transmission rules'' in this *Order. See* 47 CFR 9.4 (requiring telecommunications providers to transmit all 911 calls to a PSAP, designated statewide default answering point, or appropriate local emergency authority; rule does not address transmission of location information); 47 CFR 9.8 (requiring fixed telephony service providers to transmit caller location information with 911 calls); 47 CFR 9.10(b) (requiring CMRS providers to transmit all wireless 911 calls and provide certain location information to a PSAP, designated statewide default answering point, or appropriate local emergency authority); 47 CFR 9.11(b)(2)(ii) (requiring interconnected VoIP providers to transmit all 911 calls and provide certain location information to a PSAP, designated statewide default answering point, or appropriate local emergency authority); 47 CFR 9.14(d)(iii) (requiring VRS and IP relay providers to transmit all 911 calls, certain location information, and other information to a PSAP, designated statewide default answering point, or appropriate local emergency authority); 47 CFR 9.14(e) (requiring IP CTS providers to transmit all 911 calls, certain location information, and other information to a PSAP, designated statewide default answering point, or appropriate local emergency authority); 47 CFR 9.18(a) (requiring providers of Mobile-Satellite Service to provide Emergency Call Center service, where personnel must ''determine the emergency caller's phone number and location and then transfer or otherwise redirect the call to an appropriate public safety answering point'').

[102] *See* 47 CFR 9.28 (defining OSPs); 47 CFR 9.29(a), (b) (NG911 delivery rules).

[103] 47 CFR 9.19(a)(4); iCERT Comments at 12 (''While OSPs are responsible for originating 911 calls or texts, they do not perform the core NG911 functions that the Commission has historically tied to CSP obligations, such as the routing, delivery, or location processing of 911 calls and associated data to the appropriate PSAP.'').

[104] 47 CFR 9.19(a)(4)(ii)(b).

[105] Appendix A (§ 9.19(a)(4)(ii)(B)); Letter from Steve Morris, Vice President and Deputy General Counsel, NCTA, to Marlene H. Dortch, Secretary, FCC, PS Docket Nos. 21–479, 13–75, at 2 (filed May 4, 2026) (encouraging the Commission ''to clarify that OSPs that contract with third parties for regulated functions are not themselves covered by the new rules.'').

[106] *NG911 Reliability FNPRM,* 40 FCC Rcd at 2677, para. 17. OSPs may, as an alternative, directly connect to 911 networks. *Id.*

[107] Lumen Reply at 2 & n.5; USTelecom Comments at 6 (''[B]ecause [OSPs] are further away from PSAPs than entities currently falling within the definition of a CSP, they have less direct control over public safety outcomes[.]'').

[108] *Amendments to Part 4 of the Commission's Rules Concerning Disruptions to Communications,* PS Docket No. 15–80, Order on Reconsideration, 39 FCC Rcd 7362, 7368, para. 14 (2024) (*911 Outage Notification Recon. Order*) (noting ''long-held Commission precedent that licensees and other regulatees are responsible for the acts and omissions of their contractors, and that it does not serve the public interest to create a means for OSPs to 'contract away' their obligations''); 47 U.S.C. 217 (''[T]he act, omission, or failure of any officer, agent, or other person acting for or employed by any common carrier or user, acting within the scope of his employment, shall in every case be also deemed to be the act, omission, or failure of such carrier or user as well as that of the person.''); *Lumen Technologies,* Notice of Apparent Liability for Forfeiture, 38 FCC Rcd 9750, 9752, para. 8 (2023).

[109] *See* Verizon Comments at 9; iCERT Reply at 5 (urging the Commission not to impose overlapping, duplicative requirements between OSPs and CSPs); CTIA Comments at 2–4; T-Mobile Comments at 2–4.

PSAPs and emergency authorities.[110] When the Commission adopted the 2013 reliability rules, these tariff and contractual arrangements were well-established, so the Commission did not address cost issues at that time. Instead, the Commission focused on enhancing the reliability of the 911 capabilities being provided through these relationships.[111] When the Commission established its NG911 Transition framework in 2024, it found it necessary to expressly allocate NG911 costs between OSPs and 911 Authorities, because uncertainty and disagreements over the basic terms on which OSPs would begin to provide NG911 service were delaying the nationwide transition to NG911.[112] Under the NG911 Transition framework, OSPs are presumptively responsible for the costs of translating 911 traffic into SIP format and the costs of delivering 911 traffic and associated routing and location information to the NG911 Delivery Points designated by 911 Authorities.[113] In other words, OSPs are ''responsible for the costs of complying with their own 911 service obligations,'' [114] while 911 Authorities bear the costs incurred beyond NG911 Delivery points to process and transmit 911 traffic to the appropriate PSAP.[115] OSPs and 911 Authorities may, however, modify these default cost allocations by mutual agreement.[116]

As the national transition to IP-based telecommunications has advanced and NG911 network architectures have evolved, the array of entities providing 911 capabilities has become more complex. The contractual arrangements through which NG911 service is provided have become more complex as well. For example, we identify today several new classes of IP-based CSPs that have become essential to the routing and delivery of 911 traffic in the NG911 environment. Among them are CSPs that provide processing and transport of 911 traffic from OSPs' networks to NG911 Delivery Points or ESInet POIs. These entities often have contractual relationships with OSPs rather than direct relationships with PSAPs or 911 Authorities. Several commenters question which entities should bear the costs of newly designated CSP services in the NG911 environment.[117] We therefore clarify that nothing in this *Order* changes the default cost allocation the Commission adopted in the *NG911 Transition Order.* OSPs remain presumptively responsible for costs of delivery to the NG911 Delivery Point or other ESInet POI, regardless of whether they deliver traffic entirely over their own networks or hire third-party CSPs to provide intermediate transport and/or aggregation.[118] 911 Authorities remain presumptively responsible for completing 911 calls after they are handed off at the NG911 Delivery Point and therefore bear the costs of ESInets, NGCS, and other NG911-related CSP services beyond that point.[119] We emphasize, however, that the framework's division of cost responsibilities is not prescriptive, and 911 Authorities and OSPs may agree to alternative cost structures.[120]

NG911 Functional Equivalents

As proposed in the *NG911 Reliability FNPRM,* we define NG911 location and routing capabilities that are part of NGCS as covered 911 services because they are the functional equivalents of legacy selective routing and ANI/ALI services that were identified as covered services under the original CSP definition.[121] The Commission adopted the ''functional equivalent'' language in 2013 to ensure that the CSP definition would be flexible enough to capture emerging NG911 entities while avoiding overbroad regulation.[122] While this approach has been effective to a degree, the recent acceleration of the NG911 transition requires us to provide additional clarity to aid in compliance with 911 reliability framework. NENA points out that some companies operating critical NG911 facilities have argued the ''functional equivalent'' language in the 2013 rules does not include their facilities, and so no specific reliability measures are required.[123] CCOA also cites a service provider that has argued the original circuit diversity rules only apply to circuits from routing facilities in central offices and not to critical circuits elsewhere in the 911 call path.[124]

To address these concerns, we reference specific NGCS location and routing functions to make the updated 911 reliability framework clearly applicable to critical NGCS services and facilities.[125] We define NGCS location facilities as functional elements connected to an ESInet that enable the real-time provision of 911 caller location information to PSAPs, including but not limited to the LVF, the ECRF, and successor technologies. We define NGCS routing facilities as functional elements connected to an ESInet that enable the real-time routing, delivery, or transfer of 911 traffic to PSAPs along with callback information and other associated data, including but not limited to the ESRP, the PRF, and successor technologies.[126] We emphasize that these listed NGCS elements are merely examples of transitional and future technologies performing routing and location functions, and are not intended to be exclusive.

We provide these clarifications because NG911 systems process routing and location information differently than legacy 911 systems. For example, the caller location function in NG911 does not rely on legacy ANI/ALI databases or MSAGs [127] to perform live-call location; instead, the LIS and LVF supply location data to other 911

[110] *2014 911 Reliability NPRM,* 29 FCC Rcd at 14214, para. 16.

[111] *See generally* 47 CFR 9.19(a)(4) (defining CSPs as entities that directly serve PSAPs).

[112] *NG911 Transition Order,* 39 FCC Rcd at 8197, para. 134.

[113] *Id.* at 8196, para. 132.

[114] *Id.* at 8202–03, para. 146 (noting that making OSPs responsible for the cost of meeting their service obligations ''is analogous to the cost requirement the Commission adopted over two decades ago during the implementation of wireless E911'') (citing *Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems; Request of King County, Washington,* CC Docket No. 94–102, Order on Reconsideration, 17 FCC Rcd 14789, 14789, 14792–93, paras. 1, 8–10 (2002)).

[115] *NG911 Transition Order,* 39 FCC Rcd at 8196, para. 132.

[116] *Id.* at 8180, para. 87; 47 CFR 9.34.

[117] *See, e.g.,* NTCA and the RLEC Parties Comments at 4–5 (''[T]he Commission should reaffirm the carriers' relative responsibilities for the costs they will incur under the new NG911 regime . . . and specifically clarify that state 911 [A]uthorities and NG911 [CSPs] cannot pass on to OSPs any compliance costs the former assume associated with the adoption of the proposed reliability framework.''); USTelecom Reply at 4–6 (requesting clear distinctions between OSPs and CSPs to avoid unfair cost burdens); Intrado Comments at 16–17.

[118] *NG911 Transition Order,* 39 FCC Rcd at 8196, 8202–03, paras. 132, 146.

[119] *Id.* at 8196, para. 132.

[120] *Id.* at 8180, para. 87; 47 CFR 9.34.

[121] 47 CFR 9.19(a)(4)(i)(A) (CSPs are entities that provide 911 call routing or location information ''or the functional equivalent of those capabilities.'').

[122] *911 Reliability Order,* 28 FCC Rcd at 17489, para. 37.

[123] NENA Comments at 2.

[124] *NG911 Reliability FNPRM,* 40 FCC Rcd at 2684, para. 36.

[125] Appendix A (§ 9.19(a)(4)(i)(C), 9.19(a)(14), (15)).

[126] COPUC Comments at 3; Michigan State 911 Committee Comments at 1. *But see* NENA Comments at 5 (stating the PRF should be integrated with the ESRP and need not be listed). We include the PRF in light of the comment record reflecting variations in how NGCS systems are being deployed. *Compare* NENA Comments at 4, *with* iCERT Comments at 9 (disagreeing whether the LVF requires reliability in NGCS configurations); *compare* NENA Comments at 5–6, *with* iCERT Comments at 10 (disagreeing whether the MSAG Conversion Service, GeoCode Service, and Mapping Data Service functional elements require reliability in NGCS configurations).

[127] NENA, *NENA Knowledge Base, https://kb.nena.org/wiki/MSAG_(Master_Street_Address_Guide),* (last visited May 19, 2026).

functional elements through periodic updates typically.[128] As iCERT explains, while the LIS is functionally equivalent to legacy ALI/ANI databases and the LVF is functionally equivalent to the MSAG, the LVF may perform live-call critical functions in NG911 of validating location addresses as a 911 call is made.[129] As such, the prior rule does not perfectly correlate critical NG911 location and routing elements to their ''functionally equivalent'' legacy 911 service in every instance.[130]

We agree with commenters that suggest we include LVF and similar location validation functional elements as examples of covered NGCS functional elements, but only when used in live-call processing.[131] This modification addresses variation in how NGCS providers configure the LVF to interface with other functional elements.[132] If an NGCS provider is using its location validation facilities for real-time location queries, those facilities are subject to our 911 reliability framework. If a NGCS provider has chosen to arrange its system so that its location validation facilities only periodically send information to a LIS or other NGCS element, then the LVF is being used more like the GIS, and thus there is no need to include it as a covered 911 facility.

In addition to the LVF, we include the ECRF as an example of covered live-call NGCS location facilities, and the ESRP and the PRF as examples of covered live-call NGCS routing facilities. While we provide these specific examples, we also retain the ''functional equivalent'' language from the prior rule to capture both transitional NG911 elements and future technologies that may be developed to perform NGCS functions. As NASNA notes, including transitional routing and location functional elements as covered 911 facilities is important to ensure transitional 911 systems remain reliable.[133] For example, IP selective routers and IP ALI databases are examples of transitional architecture that may perform basic IP routing and location functions at an ESInet before a 911 Authority has built and deployed full NGCS routing and location capabilities.[134]

Some commenters question whether certain NGCS elements—such as MSAG Conversion Service, GeoCode Service, and Mapping Data Service—are needed for 911 live-call routing or location information.[135] The functional definition we adopt today resolves the issue by including these functions only when the NGCS provider uses them for live-call routing or location information. We also agree with NENA and other commenters that recommend against including GIS as an example of covered NGCS Location Facilities. GIS is a ''a system for capturing, storing, displaying, analyzing, and managing data and associated attributes which are spatially referenced'' to map and visualize data such as the locations of streets and buildings.[136] While GIS plays an important role in NG911, we exclude it because it is not used for the delivery of real-time 911 caller location information. Instead, GIS is a data resource that supplies information to a LIS or NGCS element only periodically so that those covered elements can perform the live caller location function.[137]

Direct Service to 911 Authorities. As proposed in the *NG911 Reliability FNPRM,* we require providers of NGCS covered 911 services to comply with the 911 reliability framework when providing such services directly, by contract or tariff, to a 911 Authority, whether via owned and operated facilities or leased or contracted facilities.[138] While some commenters support extending reliability requirements for NGCS functional elements to services provided indirectly as well as directly to 911 Authorities, we are persuaded by commenters who argue that the Commission should avoid adopting overbroad regulations that could increase 911 Authorities' and PSAPs' costs.[139] We agree with NASNA that CSP obligations should fall on the NGCS ''primary provider'' in a jurisdiction, instead of on every NGCS subcontractor.[140] We also agree with APCO and other commenters that direct regulation of NGCS subcontractors is excessive and unnecessary, because the CSP providing direct service is best positioned to ensure reliability and because direct regulation of a CSP's third-party contractors could unnecessarily increase costs.[141] We therefore decline to follow the suggestion of NENA and other commenters asking to directly cover any NGCS routing and location service subcontractor regardless of its relationship to 911 Authorities.[142] However, as discussed in more detail below, we apply the 911 reliability framework independently to a narrow subset of critical NG911 facilities (ESInets and associated transitional gateways) that may be provided by the NGCS provider or its subcontractors.

Finally, as recommended by several commenters, we replace the word ''PSAP'' with ''911 Authority'' to ensure all necessary NGCS entities are covered. This change is necessary to account for the variety of state and local governance structures for 911,[143] and we incorporate the definition of ''911 Authority'' adopted in the *NG911 Transition Order.*[144]

Administrative Lines. Some commenters advocate revisions to

[128] iCERT Comments at 10; NASNA Comments at 2.

[129] iCERT Comments at 10.

[130] APCO Comments at 8; NENA Comments at 1.

[131] *See, e.g.,* NASNA Comments at 2 (urging the exclusion of GIS as an NGCS Location Facility due to its ''distance from the real time call flow'' and acknowledging that an LVF can replicate legacy ALI/ANI real time location functionality); iCERT Comments at 9 (LVF ''utilize[s] GIS information and data that are critical to the real-time routing and delivery of 911 calls within an NG911 environment''); Intrado Comments at 15 (Capabilities should not be covered if they are ''outside the call flow and [are] not directly related to real-time call routing or transmission of caller location information.'').

[132] NENA Comments at 4; iCERT Comments at 9.

[133] NASNA Comments at 1 (noting the importance of protecting reliability during the NG911 transition).

[134] NENA NG9–1–1 Transition Plan, Considerations Information Document, at 56 (Nov. 20, 2013) *https://cdn.ymaws.com/www.nena.org/resource/resmgr/standards/standards1/NENA-INF-008.2_NG9-1-1Transi.pdf* (''[A]n internet Protocol Selective Router (IPSR) function . . . is an IP-based Selective Router that that provides E9–1–1 functionality while incorporating the ability to receive native SIP emergency calls'' and deliver them to PSAPs); *see also* Indiana Statewide 911 Board, The History of Accomplishments of 911 in Indiana, at 17 (Nov. 2020) *https://www.in911.net/uploads/1/2/4/9/124957688/2020_history_and_accomplishments_final.pdf* (''INdigital customers receive ALI via a distributed IP ALI system (INDB). This will change with the full deployment of the dual ESInets.'').

[135] NENA Comments at 5–6; iCERT Comments at 10.

[136] NENA, *NENA Knowledge Base, https://kb.nena.org/wiki/GIS_(Geographic_Information_System)* (last visited May 19, 2026); *see also NG911 Transition Order,* 39 FCC Rcd at 8224–25, para. 191 & n.566.

[137] NASNA Comments at 2; NENA Reply at 2; DATAMARK Technologies (DATAMARK) Reply at 4–5.

[138] *NG911 Reliability FNPRM,* 40 FCC Rcd at 2684–85, paras. 36, 39.

[139] City of Coconut Creek, FL July 21, 2025 Comments at 1.

[140] NASNA Comments at 2 (''The FNPRM delves into the complexities of layers within the NG911 ecosystem and contractual/sub contractual relations, and the rules need to be clear that the responsibility for the 911 jurisdiction's network reliability lies within the primary provider as defined and set forth by the 911 jurisdiction.'').

[141] APCO Comments at 7; Texas 9–1–1 Entities Comments at 3; Intrado Comments at 14; T-Mobile Comments at 2; NCTA Reply at 4–5.

[142] NENA Comments at 3; CCOA Comments at 2–3; Comtech Comments at 14–15. *See also* Michigan State 911 Committee Comments at 1 (encouraging the Commission to hold indirect providers accountable ''either through direct certification or through clear responsibility by the contracting [CSP]'').

[143] NENA Comments at 3; Brian Rosen Reply at 2.

[144] *NG911 Transition Order,* 39 FCC Rcd at 8164, para. 50; 47 CFR 9.28.

remove administrative lines from the definition of essential facilities to be maintained by legacy CSPs.[145] We decline to revise the legacy 911 reliability definition at this time, because TDM-based administrative lines continue to be used in legacy PSAPs as a backup option during outages as well as for PSAP-to-PSAP calls.[146] However, we anticipate that this requirement will become moot as legacy PSAPs replace TDM administrative lines with VoIP connectivity delivered by ESInets.[147] Accordingly, we encourage 911 Authorities, PSAPs, CSPs, and OSPs to work together to quickly migrate and retire legacy TDM facilities consistent with the overall goals of the NG911 transition and the IP transition. As the NG911 transition progresses, the Commission may re-evaluate the continued importance of reliability requirements for legacy administrative lines.

ESInets and Legacy PSAP Gateways

As proposed in the *NG911 Reliability FNPRM,* we designate the operation of ESInets, as covered 911 services subject to our 911 reliability framework.[148] The Commission has historically treated ESInet providers as CSPs to the extent they provide covered 911 services.[149] The Commission has also recognized that ESInet paths to PSAPs are ''critical 911 circuits'' under the 2013 rules.[150] The *NG911 Reliability FNPRM* proposed to explicitly identify ESInet transport paths to PSAPs as covered facilities.[151] We adopt this proposal in today's *Order,* affirming that operation of an ESInet is a covered 911 service. This recognizes the fact that ESInet operators typically manage critical NG911 circuits and paths needed to receive and process 911 calls from OSPs and transmit them to 911 telecommunicators, forming the ''backbone'' of NG911.[152] As a practical matter, identifying ESInet operators as CSPs is not a major rule change, because most current ESInet operators have already filed 911 reliability certifications under the prior rules.

Because of the central and critical role of transport performed by ESInets in the NG911 ecosystem, we classify all ESInet providers as CSPs regardless of whether they provide services directly or indirectly to a 911 Authority. As NENA notes, there may be instances where a regulation covering NGCS providers ''directly serving'' a 911 Authority may not capture corresponding ESInet providers, as the two entities might be separate with only one of the two having a contract with the 911 Authority.[153] To accommodate potential variation in state and local government NG911 deployments and ensure that all ESInets meet reliability standards, we include the operation of an ESInet as a covered 911 service whether the service is provided directly or indirectly to 911 Authorities.

Transitional Legacy PSAP Gateways. We also include NG911 transitional gateways used with ESInets as covered 911 services.[154] Specifically, we include legacy PSAP gateways (LPGs) as covered transitional elements, which link NGCS and ESInet facilities to legacy PSAPs, permitting 911 Authorities to upgrade PSAPs to NG911 on a graduated basis as funding and resources become available.[155] As with all of the CSP categories we adopt today, if an LPG is operated directly by the PSAP or 911 Authority instead of a private vendor, it is excluded from our covered 911 services definition and no certification is required.

Other services. Some commenters claim they lack visibility into the network path diversity of their downstream or leased transport providers and therefore cannot implement 911 reliability measures with respect to those facilities.[156] Some of these commenters ask the Commission to directly regulate the ESInets' underlying transport providers or Multiprotocol Label Switching (MPLS) vendors as CSPs.[157] While we decline to classify such underlying transport or MPLS providers as CSPs independently, we agree that ESInet providers should not be required to certify to the network architecture of IP paths beyond the information they can reasonably obtain in service level agreements.[158] Accordingly, and as discussed further below, we adopt additional safeguards and certification processes to ensure that all CSPs, including ESInet operators, can certify to the Commission that they satisfy reasonable reliability based on measures that they themselves can implement.

Location Information Servers and Transitional Gateways

In the *NG911 Reliability FNPRM,* the Commission proposed to include Location Information Servers (LISs) and Legacy Network Gateways (LNGs) in the definition of covered 911 services because these services are critical to the call path of 911 traffic.[159] A LIS is an NG911 functional element that allows OSPs to send caller location information to PSAPs for IP networks, replacing the legacy ALI/ANI database.[160] An LNG converts TDM 911 traffic from OSPs to IP format before it reaches an NG911 ESInet, and as such it is critical to ensure 911 reliability during the NG911 transition.[161] Unlike LISs, LNGs are transitional facilities that will be phased out when the NG911 transition is complete.

We adopt the *FNPRM* proposal to include LISs and LNGs in the definition of covered 911 services, but only for operators that provide LIS or LNG

[145] NASNA Comments at 3; *see also* NCTA Reply at 6 & n.20. The term ''legacy CSP'', when used in this *Order,* refers to providers of TDM-based 911 or E911 covered services under the original 2013 reliability rules. *See* 47 CFR 9.19(a)(4)(i)(A)–(B).

[146] *See 2020 Best Practices Public Notice,* 35 FCC Rcd at 13179–81 (''If primary and secondary routing to . . . [PSAPs] are not available, [CSPs] and [OSPs] should take steps to ensure that the 911 caller receives assistance, such as routing 911 calls to the administrative lines of destination PSAP(s)[.]'').

[147] NC 911 Board, North Carolina 911 Board Meeting Minutes for Aug. 28, 2020 at 7 (2020), *https://it.nc.gov/20200828-nc911-board-minutes-approved/download?attachment* (discussing the ''conversion of PSAP administrative lines to SIP to provide additional capabilities and protection'' and stating that doing so ''would also provide cost savings in the long run. Not all administrative lines could be converted . . . and this could only be done for those utilizing a hosted call handling solution on the ESInet.'').

[148] Appendix A (§ 9.19(a)(4)(i)(D)).

[149] *911 Reliability Order,* 28 FCC Rcd at 17491, para. 43 (''[W]e decline at this time to cover all operators of [ESInets][.] . . . ESInet operators will be required to certify reliability only to the extent they qualify as Covered 911 Service Providers under our rules.'').

[150] *Id.* at 17503, para. 81 & n.179 (''NG911 networks may use IP-based ESInets to interconnect the selective router function to the PSAP. The facilities that compose these ESInets would be considered 'critical 911 circuits.'''').

[151] *NG911 Reliability FNPRM,* 40 FCC Rcd at 2694, para. 65 (NG911 data paths subject to physical diversity ''include[] IP traffic paths from NGCS facility capabilities . . . .''); *id.* at 2689, para. 53 (asking if the proposed rules would ''capture instances where ESInet operators accept 911 traffic at an NG911 Delivery Point, send the traffic out of state for processing, and then back in-state to the ESInet for ultimate delivery to a PSAP'').

[152] NENA, *NENA Knowledge Base, https://kb.nena.org/wiki/ESInet_(Emergency_Services_IP_Network)* (last visited May 19, 2026).

[153] NENA Comments at 12.

[154] Appendix A (§ 9.19(a)(4)(i)(F)).

[155] *See* Mike Guerra, Director of NG9–1–1 Products, AT&T, *Keeping 9–1–1 Connected as Networks Evolve: How T9–1–1 Bridges the Gap for PSAPs* (Jan. 20, 2026), *https://about.att.com/blogs/2026/t911.html* (describing a solution with which AT&T will use legacy PSAP gateways to maintain connectivity with legacy PSAPs during the IP transition).

[156] Comtech Comments at 14–15; Intrado Comments at 20; iCERT Comments at 13.

[157] Comtech Comments at 15; NENA Comments at 9. *See also* NENA, NENA Knowledge Base, *https://kb.nena.org/wiki/MPLS_(Multiprotocol_Label_Switching)* (last visited May 19, 2026) (defining MPLS).

[158] iCERT Comments at 13.

[159] *NG911 Reliability FNPRM,* 40 FCC Rcd at 2686–87, paras. 44–46.

[160] *NG911 Transition Order,* 39 FCC Rcd at 8170–71, para. 70; *see also* 47 CFR 9.28 (defining ''LIS'').

[161] *NG911 Reliability FNPRM,* 40 FCC Rcd at 2687, paras. 45–46.

services to two or more OSPs.[162] This modification addresses concerns raised by wireless industry commenters that operate LIS and LNG facilities for their own traffic only.[163] We clarify that the 911 reliability framework does not apply to OSPs that self-provision a LIS or LNG, to OSPs that contract with providers of aggregated LIS or LNG services, or to LIS/LNG providers that only serve a single OSP.[164]

To provide additional clarity as to the 911 services addressed in our 911 reliability framework, we also include operators of emergency services gateways (ESGWs), which provide critical connectivity between IP paths and legacy trunks connecting to a selective router, and operators of legacy selective router gateways (LSRGs), which provide an interface between legacy selective routers and ESInets during the transition until IP facilities are installed to replace all TDM facilities in the 911 call path between the OSP and the ESInet.[165] Similarly to the LNG and LIS, we limit coverage of transitional gateways on the OSP side of the call path to those that serve two or more OSPs. Therefore, OSPs that self-provision their own transitional gateways without offering service to other OSPs, while subject to the OSP 911 transmission rules, are not subject to the 911 reliability framework.

We disagree with commenters who argue against including shared LIS and LNG facilities as covered 911 services, as they are unambiguous chokepoints in NG911 architecture, not subject to state and local governmental or Commission direct visibility and oversight under the 2013 reliability rules, and can benefit from reasonable reliability measures. At the same time, we agree with commenters that it is not necessary to apply the full array of reliability obligations to LIS and LNG facilities that apply to other critical NG911 elements. Therefore, we are not imposing automatic rerouting or load balancing obligations on LIS, LNG, or similar transitional covered 911 facilities—which are IP path reliability standards—but only the operational integrity benchmarks which apply to server facilities and similar equipment. We also acknowledge that the LNG is a mixed TDM–IP transitional network element that may not always be able to provide automatic switchover to redundant facilities depending on behaviors of the ''sending carrier's'' facilities.[166] We reiterate that CSPs may certify to the Commission that they are using alternative reliability measures based on technology or customer limitations. In addition, as will be the case with similar transitional mixed TDM–IP facilities like the LPG, we will not dictate to CSPs whether their LNGs, LSRGs, or ESGWs should satisfy IP reliability practices or legacy reliability practices; so long as they satisfy one or the other, we will deem the practices presumptively reasonable. We defer to CSPs to implement the most reasonable combination of practices under the circumstances, including practices that pick and choose from both categories as alternative measures.

Finally, we agree with Intrado that ''the aim should be to eliminate these LNGs as quickly as possible by accelerating end-to-end NG911.'' [167] The Commission is actively engaged in multiple proceedings to expedite the NG911 and IP transitions.[168] We take this opportunity to encourage all CSPs, OSPs, and 911 Authorities to continue to work expeditiously and cooperatively to retire their legacy TDM-based facilities to upgrade and replace them with IP and NG911 facilities as fast as possible. The NG911 and IP transitions are interdependent and necessitate stakeholders in the NG911 ecosystem to coordinate, including around ensuring the reliability of 911 for the benefit of consumers. Today's 911 reliability framework will provide greater visibility into how the NG911 transition is working for state and local governments and for the Commission and will allow us to exercise better oversight into these transition processes, and to help resolve problems where they arise.

Major IP Transport Facilities and IP 911 Traffic Aggregation Facilities

We categorize providers of both major IP transport facilities and 911 IP aggregation facilities as CSPs, consistent with the Commission's proposals in the *NG911 Reliability FNPRM.*[169] However, in response to the record, we have narrowed the scope of our definitions of major IP transport facilities and 911 IP traffic aggregation facilities to focus on large-scale transport and aggregation facilities that would have the most significant impact on 911 service in the event of an outage. For major IP transport facilities, we raise the capacity threshold of services that would be subject to the 911 reliability framework. Moreover, for both major IP transport and 911 IP aggregation, we include such providers within our definitions only if they provide services to two or more OSPs, excluding any 911 traffic originated on the provider's own network.

In legacy 911, most OSPs deliver 911 calls directly to their local ILEC, which uses selective routers to receive and route the calls to the appropriate PSAP. When the Commission identified selective routers as critical 911 facilities in the 2013 *911 Reliability Order,* it recognized that selective routers perform not only the routing function but also aggregate 911 calls from multiple OSPs.[170] In the *NG911 Reliability FNPRM,* the Commission recognized that, in NG911 architecture, the routing and aggregation functions previously performed by ILEC selective routers are performed by an entirely new set of routing and aggregation facilities. Moreover, many of these routing and aggregation facilities are provided by third parties who operate downstream from OSPs but upstream from the POIs where 911 traffic is handed off to ESInets for routing to the appropriate PSAP.[171] In the *FNPRM,* the Commission noted that these facilities were not subject to the Commission's 911 transmission rules or the then-current 911 reliability rules because providers of third-party transport and aggregation services did not meet the definition of either CSPs or OSPs.[172] The Commission tentatively concluded that these providers had become sufficiently crucial to the provision of NG911 service that they should be

[162] Appendix A (§ 9.19(a)(4)(i)(E)–(F)).

[163] *See, e.g.,* CTIA Comments at 3–4.

[164] NCTA Reply at 6; Letter from Steven Morris, Vice President and Deputy General Counsel, NCTA, to Marlene H. Dortch, Secretary, FCC, PS Docket No. 21–479 *et al.,* at 2 (filed May 4, 2026) (NCTA May 4, 2026 *Ex Parte*).

[165] *CSRIC VI WG 1 Report* at 129 (''The LSRG provides an interface between a 9–1–1 Selective Router and an ESInet, enabling calls to be routed and/or transferred between Legacy and NG networks. A tool for the transition process from Legacy 9–1–1 to NG9–1–1.''); NENA, NENA Legacy Selective Router Gateway (LSRG) Standard at 2 (2022), *https://cdn.ymaws.com/www.nena.org/resource/resmgr/standards/nena-sta-034.1-2022_lsrg_202.pdf. See also* NENA, NENA Knowledge Base, ESGW (Emergency Services Gateway), *https://kb.nena.org/wiki/ESGW_(Emergency_Services_Gateway)* (last visited May 30, 2026).

[166] Intrado Comments at 18.

[167] *Id.*

[168] *See, e.g., NG911 Transition Order,* 39 FCC Rcd at 8137, para. 1; *Advancing IP Interconnection et al.,* WC Docket No. 25–304 et al., Notice of Proposed Rulemaking, FCC 25–73, 2025 WL 3677909 (Oct. 29, 2025); *Reforming Legacy Rules for an All-IP Future; Accelerating Network Modernization,* WC Docket Nos. 25–311 and 25–208, Notice of Proposed Rulemaking, FCC 26–11, 2026 WL 567517 (Feb. 19, 2026).

[169] Appendix A (§ 9.19(a)(4)(i)(G)–(H)); *NG911 Reliability FNPRM,* 40 FCC Rcd at 2687–89, paras. 47–53.

[170] *NG911 Reliability FNPRM* at 2694, para. 65 & n.141 (citing *911 Reliability Order,* 28 Rcd at 17478, para. 7 (''The local switch then sends the call to an *aggregation point* called a selective router[.]'')).

[171] *Id.* at 2677, para. 17.

[172] *Id.* At 2687–88, para. 48.

subject to the same reliability requirements as other providers of covered 911 services.[173] The Commission also proposed to focus reliability requirements on major transport and aggregation providers and not to extend them to smaller providers whose facilities do not pose a risk of widespread 911 outages.[174]

Public safety commenters emphasize the importance of including third-party transport and aggregation services in the definition of covered 911 services.[175] These commenters also confirm that several recent significant 911 outages have resulted from failure of these facilities.[176] To date, neither the Commission nor 911 Authorities have had sufficient visibility into or oversight of these critical NG911 market participants to ensure reliable 911 services.[177] Designating the operators of these facilities as CSPs will ensure that the reliability practices of these critical providers in the 911 call path are visible to 911 Authorities and the Commission in the event that problems or call failures arise.[178]

Our action also provides greater certainty for OSPs contracting with third-party CSPs to provide 911 transport or aggregation. OSPs express concern that they could face increased risk of liability for 911 outages caused by failures of third-party NG911 transport providers and aggregators if such entities are not subject to FCC regulation and oversight.[179] Today's 911 reliability framework extending FCC oversight to transport providers will allow OSPs to better vet their NG911 third-party CSPs based on the FCC's NG911 reliability benchmarks. Similarly, strengthening the reliability of third-party aggregation services benefits OSPs by providing additional assurances that entities responsible for aggregating their customers' 911 calls are taking measures to support reliability.[180]

We disagree with commenters who contend that the 911 transmission rules applicable to OSPs are sufficient to ensure reliability of third-party 911 transport and aggregation between OSPs and ESInets.[181] While the 911 transmission rules, in conjunction with the NG911 transition framework, hold OSPs responsible for delivering 911 calls originated on their networks to ESInets and PSAPs, they do not impose any specific reliability obligations on the third parties that many OSPs rely on to accomplish such delivery. Moreover, as the Commission recognized in the *NG911 Reliability FNPRM,* the reliability practices of these third parties may be invisible to OSPs until after an outage has occurred.[182] By applying the 911 reliability framework to third-party providers, we enable 911 Authorities and the Commission to work collaboratively with industry and state and local governments to *prevent* these kinds of 911 outages before they happen.[183] The Commission's goal, through the application of this 911 reliability framework to major IP transport and IP 911 traffic aggregation facilities, is to reduce the risk of multistate or multi-OSP 911 outages such that there are fewer instances in which callers cannot reach their local PSAP in case of emergency.

We also disagree with commenters who contend that extending our 911 reliability framework to third-party providers will result in OSPs necessarily bearing unwarranted additional costs for NG911 reliability.[184] Under the NG911 transition framework, OSPs are presumptively responsible for the costs of 911 transport to NG911 delivery points, whether they provide such transport directly or through a third-party provider. However, requiring third-party providers to take reliability measures gives OSPs more options, not fewer, for controlling such costs while reducing their outage risk.[185] OSPs retain flexibility to use dedicated third-party CSP transport or aggregation services or to directly connect to ESInets. OSPs that choose to use third-party CSPs will have greater assurance that the CSPs are providing reliable dedicated service. OSPs also have cost-effective options to purchase geo-diverse cloud-based paths or VPN circuits over the public internet—neither of which is itself a covered 911 service, but both of which, with suitable precautions, can help OSPs or CSPs to achieve 911 path diversity and ensure reliable 911 traffic delivery. OSPs may also reduce costs by reaching agreements to use the same IP paths between ESInets and PSAPs to send originating customer 911 traffic upstream to reach the NGCS facilities.[186]

Major IP transport facilities. In the *NG911 Reliability FNPRM,* the Commission proposed to apply reliability requirements to major transport facilities providers, defined as providers offering OC3 or higher capacity (155 Mbps), and to exclude smaller transport providers with capacity below this threshold. Some commenters argue that the proposed threshold for major IP transport is too low and could be costly when applied to rural areas, or even impossible to achieve in some cases.[187] We agree with these commenters that compliance with the reliability requirements imposes some costs, and that IP transport providers serving small and rural areas may face a greater cost burden. To address these concerns, we are raising the threshold for IP major transport to focus on the largest transport facilities that pose the greatest risk of causing multistate or multi-OSP 911 outages.[188]

We define major IP transport facilities as dedicated SIP voice and text transport facilities meeting or exceeding Optical Carrier 48 (OC48)/2.5 Gbps in capacity that collect and/or transmit IP 911 traffic mixed with non-911 traffic from two or more OSPs, and transport it over interstate dedicated SIP routes, for ultimate delivery to an NG911 Delivery Point or equivalent ESInet point of interconnection. The threshold for major IP transport facilities includes any 2.5 Gbps equivalent or higher capacity transport facilities, whether

[173] *Id.* at 2687, para. 47.

[174] *Id.* at 2688, para. 49.

[175] NYPSC Comments at 2; CCOA Comments at 2; NENA Comments at 1–2.

[176] NENA Comments at 1–2; COPUC Comments at 2.

[177] Brian Rosen Reply at 2; CCOA Comments at 2.

[178] NYSPSC Comments at 1–2; COPUC Comments at 7.

[179] Home Telephone NG911 Transition Comments, PS Docket 21–479, at 5 (rec. Aug. 9, 2023) (''[S]everal large Aggregators will be consolidating massive portions of the country's critical emerging NG911 services on their systems with little Commission oversight.''); *id.* at 13 & n.6, 16–17; Windstream NG911 Transition Reply, PS Docket 21–479, at 2–3 (rec. Sep. 8, 2023).

[180] Home Telephone NG911 Transition Comments, PS Docket 21–479, at iii (rec. Aug. 9, 2023) (''The Commission should establish standards and reporting requirements for these 'Aggregators' to ensure the NG911 network is safe and reliable for IP emergency transmissions destined to local PSAPs.''); Windstream NG911 Transition Reply, PS Docket 21–479, at 2–3 (rec. Sep. 8, 2023).

[181] Verizon Comments at 6–7; CTIA Comments at 4; USTelecom Reply at 2–3.

[182] *NG911 Reliability FNPRM,* 40 FCC Rcd at 2677, para. 18.

[183] NYSPSC Comments at 2; Virginia State Corporation Commission Comments, PS Docket No. 13–75 et al., at 4 (rec. Mar. 23, 2015) (''[I]n the public safety arena the priority must be on prevention versus determining blame after a tragic event.'').

[184] NTCA and the RLEC Parties Comments at 2, 4–5.

[185] *Id.* at 4–5.

[186] Home Telephone Comments at 10–11 & n.32 (''The concept would utilize the connection between the ESInet provider and the PSAP which is used to transmit information down to the PSAP on a two-way basis to transmit traffic from the OSP back to the ESInet. . . . Thus, the need for new or separate facilities for the transmission from the OSP to the ESInet is eliminated, reducing cost, complexity, and potential failure points.'').

[187] Lumen Comments at 4–5; Verizon Comments at 13–14; Verizon Reply at 4 & n.12.

[188] *NG911 Reliability FNPRM,* 40 FCC Rcd at 2689, para. 53 (asking if the OC capacity threshold should be updated with a Gbps equivalent).

using OC, ethernet, or another technology. We clarify that this CSP definition of major IP transport capacity does not alter any existing Network Outage Reporting System obligations under part 4 of our rules.[189]

Consistent with the *NG911 Reliability FNPRM* proposals and goals, we differentiate between major IP transport providers, which we designate as CSPs, and general internet transit providers, which we do not designate as CSPs.[190] Major IP transport providers are those network operators that meet the OC48/2.5 Gbps threshold and offer dedicated SIP service that includes voice and/or text to two or more OSPs for 911 traffic. General internet transit includes public internet, VPN, or cloud-based service products and their underlying transport networks that provide IP connectivity but do not offer dedicated voice or text service.[191] For the reasons NENA explains, we anticipate that OSPs, CSP major IP transport providers, and other CSPs may use general internet paths as diverse pathways for transport of 911 traffic to ensure 911 reliability.[192] We seek to encourage and not to foreclose use of these available paths to support diversity and redundancy in the NG911 ecosystem.[193] Therefore, while we apply our 911 reliability framework to CSPs even if they choose to use general internet transit paths for redundancy or downstream transmission, we do not classify the internet transit providers or their underlying transport networks as CSPs, and we exclude them from the CSP regulatory framework. Such regulation is unnecessary and would be highly burdensome; in addition, no commenter has requested regulation of internet paths.

We provide relief to some OSPs offering IP transport facilities that otherwise meet the OC48/2.5 Gbps threshold by further limiting the definition of major IP transport facilities to those transporting the 911 traffic of two or more OSPs. To account for instances in which a major IP transport facility provides transport to another OSP on an incidental basis, we exclude 911 traffic originated on the provider's network in the determination of whether a particular facility is transporting the 911 traffic of two or more OSPs. Accordingly, an OSP that transports its own voice and text 911 traffic, plus the 911 traffic of one other OSP, is not a provider of major IP transport facilities, regardless of whether it meets the increased threshold definition. We agree with NCTA that this change helps us achieve our goals of balanced regulation by requiring reliability best practices only for network facilities carrying substantial risk of multi-OSP outages.[194] This change also avoids imposing undue burdens on OSPs that provide limited and incidental third-party transport services.[195] To harmonize our 911 reliability framework and ensure consistency, we apply these same changes to the definition of IP 911 traffic aggregation facilities, which must carry 911 traffic for two or more OSPs, not counting any 911 traffic originated on the facility provider's own network.

We further exclude any dedicated SIP transport that is exclusively used to carry data traffic with no dedicated OSP voice or text to avoid capturing non-911 transport, as requested by NCTA and Intrado.[196] We believe these exclusions narrow the proposal sufficiently to avoid unnecessary burdens.[197] Accordingly, our definition of major IP transport facilities includes providers that comingle 911 traffic transport from two or more OSPs with general OSP voice traffic. We believe this revised definition reasonably ensures reliability of major NG911 traffic conduits to ESInets without overburdening industry. Our priority is the reliability of the largest interstate transport routes and facilities carrying 911 traffic from two or more OSPs, the failure of which poses the greatest risk to the transmission of 911 traffic for the public. Today's modifications accomplish this goal, while also creating regulatory certainty for business and avoiding undue burdens and costs for entities that provide IP transport but carry little or no dedicated 911 traffic.

Our implementation of these exclusions, and raising of the IP transport capacity threshold, mitigate concerns raised by commenters that some IP transport providers may be unable to ascertain whether they carry 911 traffic.[198] Because only large providers that serve two or more OSPs fall under the major IP transport definition, we believe it is reasonable to expect them to inquire as to whether or infer that they carry 911 traffic. Under the Commission's robocall mitigation and know-your-customer rules, voice service providers have an affirmative responsibility to know their upstream providers and the nature of the traffic they are receiving from those providers to ensure their networks or services are not being used to transmit illegal calls.[199] The Commission's call blocking rules also require or permit providers to block calls under certain conditions, but place robust restrictions on blocking of 911 and other emergency calls.[200] At most, the downstream providers of high-capacity, interstate long-haul dedicated

[189] *See* 47 CFR 4.7(d) (defining OC3 user minutes for determining NORS outage reporting threshold criteria). Under the NORS reporting requirements, cable communications providers, IXC or LEC tandem facilities providers, satellite operators, SS7 providers, wireless service providers, and wireline communications providers must submit electronically a notification to the Commission when the outage threshold criteria pertaining to each service have been met. *See* 47 CFR 4.9(a)–(g). While an entity defined as a CSP may be required to report in NORS, it would be by virtue of its status as one of the entities regulated under § 4.9(a)–(g) and not because of its status as a CSP.

[190] *NG911 Reliability FNPRM,* 40 FCC Rcd at 2688, para. 49 (''[W]e propose to limit the definition Major Transport Facilities to providers that operate dedicated SIP transport facilities . . . .''); *id.* at 2695, para. 66 (''We note that today's proposed rules are not meant to capture every single transit provider of general internet traffic, but rather dedicated transport providers that carry *substantial* 911 traffic.'') (italics added); *id.* at 2729, Appendix A, Proposed Rule 9.19(a)(12) (defining ''Major Transport'' as ''Dedicated SIP transport facilities'').

[191] NENA Comments at 10–11.

[192] *Id.*

[193] *Id.*

[194] NCTA May 20, 2026 *Ex Parte* at 3.

[195] *Id.*

[196] NCTA Reply at 7 (quoting Intrado Comments at 18).

[197] NCTA May 4, 2026 *Ex Parte* at 2.

[198] Verizon Comments at 7–8; Lumen Comments at 6–8.

[199] *See* 47 CFR 64.1200(n)(5) (requiring that all voice service providers ''[t]ake reasonable and effective steps to ensure that any originating provider or intermediate provider, foreign or domestic, from which it directly receives traffic is not using the provider to carry or process a high volume of illegal traffic onto the U.S. network''); *see also Lingo Telecom, LLC,* File No. EB–TCD–24–00036425, Consent Decree, 39 FCC Rcd 9304, 9316–17, paras. 3–4 (EB 2024) (requiring specific know-your-upstream-provider compliance requirements for ''any customer who purchases a SIP Trunking Product from Lingo Telecom'' and ''prior to transmitting any call as a gateway or intermediary provider on behalf of any immediate upstream provider''). The Commission recently proposed further strengthening the know-your-upstream provider rules. *Call Authentication Trust Anchor, Advanced Methods to Target and Eliminate Unlawful Robocalls,* WC Docket No. 17–97, CG Docket No. 17–59, Further Notice of Proposed Rulemaking, FCC 26–32, at 8–18, paras. 14–28, 2026 WL 1284762, at *5–8 (May 21, 2026) (proposing to strengthen the know-your-upstream-provider rule and require that voice service providers follow specific measures to fulfill their obligations under that rule).

[200] *See* 47 CFR 64.1200(k), (n), (o) (describing required and permissive call blocking practices); *id.* at 64.1200(k)(5)–(6) (requiring providers that block calls consistent with the Commission's rules make all reasonable efforts to avoid blocking calls from PSAPs and government outbound emergency numbers and never block emergency calls to 911 unless the provider knows without a doubt that the calls are unlawful); 47 CFR 64.6305(g) (prohibiting providers from accepting calls directly from a domestic voice service provider that does not appear in the Robocall Mitigation Database); *id.* at 64.6305(g)(5) (providing that, notwithstanding that prohibition, ''[a] provider may not block a voice call under any circumstances if the call is an emergency call placed to 911; and (ii) [a] provider must make all reasonable efforts to ensure that it does not block any calls from public safety answering points and government emergency numbers'').

SIP transport must ask OSPs or upstream providers whether their traffic includes 911 traffic, or if the OSP has segregated out its 911 traffic prior to handoff. To the extent major IP transport providers are not already inquiring about this from their upstream customers, we believe it is a reasonable measure to reduce the risk of large-scale 911 outages.

IP 911 traffic aggregation facilities. The Commission proposed in the *NG911 Reliability FNPRM* to require third-party operators of IP-based 911 aggregation facilities to implement reliability practices because a large percentage of 911 traffic passes through such facilities.[201] The Commission stated in the *FNPRM* that IP 911 aggregation facilities have become critical to the transmission of 911 traffic,[202] and that IP 911 aggregation services have already emerged as a significant market during the transition to NG911.[203] The record confirms that IP 911 traffic aggregation is a critical NG911 function that should be covered by our 911 reliability framework.[204] We therefore designate IP-based 911 aggregators as CSPs to ensure visibility and oversight into providers for which OSPs may not have substantial leverage or practical control, and for which the FCC and state and local governments lack visibility or oversight.

We define IP 911 traffic aggregation facilities as IP-based facilities that collect and segregate 911 traffic from non-911 traffic for two or more OSPs, or that aggregate and transport 911-only traffic from two or more OSPs for ultimate delivery to NG911 delivery points.[205] Unlike major IP transport facilities, for which we define a capacity threshold, we do not put such a threshold on IP-based 911 aggregation facilities because, by definition, these facilities handle only 911 traffic. Any entity that collects and segregates IP 911 traffic from non-IP 911 traffic on behalf of two or more OSPs must meet the reliability requirements because the aggregation of 911 traffic creates a heightened risk to 911 callers if there is an outage. We reiterate that an OSP hiring an IP 911 traffic aggregator is not a CSP, nor is an OSP providing 911 IP aggregation for its own traffic or that of its wholly-owned subsidiaries or operating companies.[206] We also include reference to ''911'' in the name of this CSP category to avoid confusion with more general IP traffic aggregation facilities not collecting 911-only traffic.[207]

IP 911 traffic aggregators that lack visibility into the paths of their 911 traffic via underlying networks may certify to the reliability measures they are taking in the same way we have specified for ESInet operators.[208] Specifically, IP 911 traffic aggregators may identify the underlying network providers they have retained to ensure path diversity, the visibility into network architecture those providers offer via service level agreements, and any additional multi-homing, cloud-based, or VPN backup measures the IP 911 aggregator is using to ensure path diversity. As in the case of underlying network providers that support ESInet operations, underlying network providers that contract to carry the traffic of a 911 IP aggregator are not CSPs if they do not otherwise meet the CSP definition.[209] However, we recognize that market arrangements are not identical across the NG911 ecosystem, and we want to ensure our 911 reliability framework is flexible enough to adapt to changing conditions. Accordingly, in situations where OSPs segregate 911 traffic on their own network and send it to a third-party carrier for dedicated SIP transport, those third-party carriers would also be CSPs under the IP 911 traffic aggregator definition we adopt, provided they aggregate 911 traffic from two or more OSPs.[210] We reiterate that, in such cases, the same minor effort we expect of major IP transport providers to inquire of their customers or upstream providers would apply to IP 911 traffic aggregators as well.[211]

Interstate Interconnecting ESInet Facilities

We adopt the proposal from the *NG911 Reliability FNPRM* to designate operators of interstate interconnecting facilities between ESInets as covered 911 service providers.[212] Interstate interconnecting ESInet facilities are interstate facilities that transport IP 911 traffic from an ESInet for ultimate delivery to another ESInet, including facilities designated for intermittent, contingent, or backup exchange of IP 911 traffic between ESInets. We believe it is reasonable to treat interstate ESInet interconnection providers as CSPs in instances where 911 Authorities elect to connect ESInets with one another across state lines. Connections between ESInets can provide important resiliency during natural disasters and other major emergencies,[213] but only if those connections between ESInets are sufficiently reliable. We therefore designate the operation of interstate interconnecting ESInet facilities as a covered 911 service and subject the associated facilities supporting interconnection to IP path diversity requirements.[214]

Reliability Requirements

Reasonable Measures

We adopt our proposal to make the new classes of IP-based CSPs identified above subject to 911 reliability requirements.[215] This will require them to take reasonable measures to provide reliable 911 service with respect to physical diversity, network monitoring, and operational integrity.[216] The structure of our framework provides CSPs with regulatory clarity and enables them to implement consensus-driven IP reliability best practices that marshal the flexible capabilities of IP architecture, such as automatic rerouting and geodiversity.[217] In addition, our framework preserves flexibility such that CSPs may satisfy

[201] *NG911 Reliability FNPRM,* 40 FCC Rcd at 2688, para. 50.

[202] *Id.* at 2687–89, paras. 47–53.

[203] Lumen Comments at 1 (stating that Lumen is a transport provider and an aggregator of 911 IP traffic in several states); *NG911 Reliability FNPRM,* 40 FCC Rcd at 2688, 2692, paras. 50, 60 & nn.105–106, 129 (describing 911 IP aggregation services of Sinch and Bandwidth).

[204] NYPSC Comments at 2; CCOA Comments at 2.

[205] As with major IP transport facilities, we define ''two or more OSPs'' for IP 911 traffic aggregation to exclude 911 traffic originating on the provider's own network.

[206] NCTA May 4, 2026 *Ex Parte* at 2.

[207] NCTA Reply at 8–9.

[208] Intrado Comments at 18; Verizon Comments at 9.

[209] Verizon Comments at 8–9.

[210] *See NG911 Reliability FNPRM,* 40 FCC Rcd at 2695, para. 66 (seeking comment on ensuring the class of 911 IP aggregator CSPs subject to path diversity benchmarks captures enough critical facilities).

[211] *Cf.* Verizon Comments at 8–9 (arguing IP 911 aggregators might not have visibility into their OSP customers' traffic).

[212] Appendix A (§ 9.19(a)(4)(i)(I)); *NG911 Reliability FNPRM,* 40 FCC Rcd at 2689–90, paras. 54–55.

[213] NENA Comments at 8.

[214] We disagree with Intrado that interstate interconnecting ESInet facilities would lack visibility into their traffic for the same reasons explained in the context of major IP transport: namely, voice providers are already under obligations to know what traffic they are receiving from upstream providers. *See* Intrado Comments at 20.

[215] Appendix A (§ 9.19(b)).

[216] The physical diversity and operational integrity benchmarks will only apply to specified classes of NG911 and IP CSPs. We expect our amendments to regulatory text will provide clarity for CSPs as to which benchmarks they must certify. Nevertheless, we will retain the option for CSPs to certify that a benchmark is not applicable to their services or facilities.

[217] *See NG911 Transition Order,* 39 FCC Rcd at 8221–22, para. 185 & n.546 (''NG911 materially reduces the number of 911 outages by improving network availability and reliability as IP allows for greater redundancy. It provides greater geodiversity for PSAPs—no longer will there be a single point of failure at a selective router.'') (internal citation omitted).

the reliability requirement by performing each element of the reliability benchmarks or by adopting alternative measures in lieu of any specifically-delineated benchmark that are reasonably sufficient to mitigate the risk of failure. A CSP also may certify that one or more benchmarks are inapplicable to its network.

Expanding the reasonableness requirement to additional IP-based CSPs critical to NG911 fulfills the Commission's longstanding commitment to keep the 911 reliability framework current as the technology landscape evolves. The Commission has advised for years that, when appropriate, it would expand the rules ''to cover new best practices or additional entities that provide NG911 capabilities[.]'' [218] We conclude that extending the reasonableness requirement to additional IP-based CSPs is a logical and timely step that aligns the updated 911 reliability framework with the NG911 networks increasingly in use and strengthens the overall integrity of the nation's 911 system. We also conclude that it is reasonable for NG911 CSPs to protect network reliability by adhering to prevailing industry standards.[219] Our benchmark framework provides a consistent basis for the Bureau to exercise its delegated authority to investigate and validate the reliability of 911 networks based on CSPs' certifications, and it enables the Bureau to monitor trends in these networks in order to identify and proactively mitigate potential risks to 911 service.[220]

Our approach also facilitates state, local, and tribal planning and control of 911 networks and implementation of NG911 in their jurisdictions. For example, in NG911 systems, a state 911 Authority may decide that paying for diverse IP transmission paths to remote or rural PSAPs is cost prohibitive, and that a preferred approach would be to implement NGCS policy routing functions that automatically reroute calls to available PSAPs when one PSAP goes offline.[221] Even at this early stage of NG911 deployment, this NGCS policy routing technology has already worked to connect people to 911 during a natural disaster when the local PSAP's communication connections were disabled.[222] We expect 911 Authorities to take advantage of these new capabilities as cost-effective reliability solutions, and we expect to find these capabilities to be reasonable alternatives in those circumstances—as the Commission has judged similar technologically reasonable alternatives in the past.[223] Accordingly, our 911 reliability framework affords 911 Authorities flexibility to fashion such solutions as part of their contracts with CSPs and based on specific local conditions.[224]

Public safety commenters strongly support the Commission's overall approach, stating, for example, that it ''fully aligns with sound public policy by giving the Commission reasonable oversight of NG911 network reliability without micromanaging the construction and operation of the various aspects of the network.'' [225] We disagree with those commenters that suggest replacing our 911 reliability framework with a requirement for CSPs to stay compliant with reliability standards developed by external standards bodies, such as NENA and ATIS.[226] Commenters advocating this view do not agree on which external standards the Commission should endorse, nor do they explain why those standards are preferable to the Commission's reliability framework, which draws heavily from cumulative recommendations made by CSRIC. We believe CSRIC is an ideal source of guidance because it is dedicated to NG911 reliability and other public safety communications issues, and its membership includes expert representatives from major service providers, industry trade groups, manufacturers, government agencies, public safety interest groups, and industry- and public safety-led standards bodies.[227] CSRIC's work is collaborative and consensus-driven, and so the best practices it recommends generally involve aspects of service that most providers are already adopting consistently.[228] Using the Commission's rulemaking process to periodically update reliability standards ensures transparency and affords CSPs the opportunity to help inform our actions. The Commission will continue to monitor the root causes of 911 outages, the reliability practices that CSPs report that they have implemented, and CSRIC's future recommendations regarding 911 reliability best practices, and will consider updating the 911 reliability framework as necessary.

Benchmarks

Physical Diversity

We update the physical diversity benchmark and several related definitions to reflect the prevailing mechanisms by which IP networks can and should provide reliable traffic delivery through physically diverse functional elements.[229] Specifically, we require IP-based CSPs to certify, for all the IP covered 911 paths in their networks, whether they have implemented automatic rerouting and failover capabilities, load balancing, and geographically distributed routing facilities, transport nodes, and node

[218] *2014 Reliability NPRM,* 29 FCC Rcd at 14221, para. 40 (quoting *911 Reliability Order,* 28 FCC Rcd at 17533, para. 159).

[219] *See NG911 Reliability FNPRM,* 40 FCC Rcd at 2690, para. 56 & n.118 (citing *CSRIC VI WG 1 Report* at 115, 122, 124).

[220] *See* 47 CFR 0392(h).

[221] *NG911 Transition Order,* 39 FCC Rcd at 8223, paras. 188–189 (NG911 policy routing ''will reduce 911 call failures'' because ''[i]n legacy 911 networks, selective routers must be relatively close to the PSAPs they serve, whereas in NG911, traffic can be easily rerouted to servers and locations outside the affected area, providing more resiliency and redundancy in disaster situations,'' and because NG911 policy routing allows ''911 calls to be re-directed or redistributed among PSAPs based on outages, maintenance, or other emergencies.'').

[222] North Carolina 911 Board, 911 Call and Data Interoperability Resiliency Compendium at 2, (Apr. 2026), *https://content.govdelivery.com/attachments/NC911BOARD/2026/04/01/file_attachments/3604080/NC911%20Board%20Resiliency%20Compendium%20V1%202026.04.01_FINAL.pdf* (stating that during Hurricane Helene, North Carolina's ESInet allowed for ''the seamless delivery of 911 calls outside the impacted area to other PSAPs for call processing''); *see also* Sophia Fox-Sowell, *North Carolina officials say next-generation 911 network withstood Hurricane Helene,* (Oct. 21, 2024), *https://statescoop.com/north-carolina-next-generation-911-hurricane-helene/.*

[223] Verizon Comments at 15 (stating that the Commission articulated reasonable alternative measures for legacy 911 in 2013 and similar clarity is needed for NG911); *911 Reliability Order,* 28 FCC Rcd at 17510, paras. 98–99 (reasonable alternative measures could include spreading out equipment and trunks within a single building to ''provide a modest level of diversity'' and that ''may be considered reasonably sufficient to mitigate the risk of insufficient physical diversity, depending on the facts'').

[224] *911 Reliability Order,* 28 FCC Rcd at 17497, para. 62 (''Because the decision whether to order diverse access through multiple selective routers, or the functional equivalent, typically rests with the PSAP and is driven by budgetary and other local concerns, we agree that service providers should not be inflexibly required to install costly, redundant circuits where a PSAP has not ordered that level of service.'').

[225] Texas 9–1–1 Entities Comments at 3; *see also, e.g.,* APCO Comments at 6 (''These practices are essential to ensuring that 9–1–1 systems remain resilient, secure, and capable of functioning during emergencies when they are needed most.''); NENA Comments at 12, 21; City of Coconut Creek, FL July 21, 2025 Comments at 1; COPUC Comments at 9; CCOA Reply at 3 (''The proposed changes to require that CSPs provide physical diversity, operational integrity, network monitoring, and interoperability for their covered 911 facilities are necessary and critical to the foundation on which NG911 core services will operate.''); NASNA Comments at 6.

[226] *See* iCERT Comments at 14–15; Comtech Comments at 16.

[227] *See, e.g., CSRIC VI WG 1 Report* at 11–15 (listing contributors, including multiple NENA representatives). The report considers and incorporates ATIS standards throughout. *See generally id.*

[228] *NG911 Reliability FNPRM,* 40 FCC Rcd at 2673–74, para. 10.

[229] Appendix A (§ 9.19(c)(1)).

links sufficient to reasonably mitigate the risks of single points of failure. This is a modification of the benchmark proposed in the *NG911 Reliability FNPRM,* which would have required CSPs to *eliminate* all single points of failure rather than mitigate them. CSPs meeting this new benchmark are required to mitigate these risks in both the physical and logical layers of 911 transport. CSPs may meet the benchmark through alternative measures if appropriate, or they may certify that the diversity benchmark is inapplicable to their networks. We also clarify that CSPs may secure dedicated diverse backup paths outside of their engineered networks, including MPLS transport, cloud-based path redundancy, or VPN services over the public internet, and implement logical diversity such as through multi-homing, to mitigate the risk of single points of failure.

Updates to the physical diversity benchmark. We find that updating the physical diversity benchmark is necessary to ensure that our reliability framework keeps pace with the technological realities of IP-based NG911 networks. These networks, when engineered properly, can achieve highly resilient call delivery, and requiring them to incorporate prevailing reliability practices ensures CSPs will implement these resiliency features consistently. Updating the benchmark also streamlines the reliability certification process for IP-based CSPs, because they will no longer need to provide detailed descriptions of their IP-based mitigation practices as ''alternative measures'' to an inapplicable legacy standard.[230]

Mitigating single points of failure. Both legacy, circuit-switched 911 networks and IP-based NG911 networks address the risks posed by single points of failure through physical diversity, but the strategies they use to do so are fundamentally different.[231] Legacy 911 networks determine the circuits and switches that a call will traverse from its origin to its destination when the call is set up. This means that a problem in any network component along the planned route can cause the transmission to fail. Legacy networks minimize that risk by providing at least two independent sets of physically-separated circuits and switches, which eliminates the possibility that a failure of any single network element will disrupt the transmission.[232] The legacy physical diversity benchmark reflects this strategy, as it requires CSPs to certify whether they have eliminated all single points of failure along their critical 911 circuits.[233]

In contrast, NG911 and IP networks create physical diversity primarily by being capable of automatically and dynamically rerouting 911 traffic throughout a web of alternate paths.[234] The IP routers or nodes in the network decide where to forward packetized call data based on internal routing tables, connected by IP paths and node links.[235] If a router or node detects a failure in the primary path, it automatically and instantly reroutes the call along a secondary path. This capability means that, ''[i]f there is any path between two points in an IP network, then the network will automatically find and use that path.'' [236] Because NG911 networks can deliver traffic along numerous possible routes, physical separation of individual IP paths may not be essential in all locations to achieve reasonable network reliability.[237] Instead, NG911 networks create resiliency by maintaining redundant routers or nodes and node links that automatically failover to redundant elements and paths. These networks typically space redundant elements widely in different geographic locations and different physical facilities to protect them from failing due to the same external event.[238] These networks practice load balancing by dynamically distributing network traffic across multiple available databases or call processing facilities so that the network maintains continuity of service to prevent redundant elements from becoming overwhelmed even when traffic surges.[239] The physical diversity benchmark we adopt today is broadly worded to reflect these prevailing approaches while remaining technology-neutral so as to provide legacy and NG911 CSPs a high degree of flexibility when choosing their implementation strategies.

The specific capabilities we incorporate into the physical diversity benchmark—automatic rerouting and failover across geographically-distributed routing facilities, transport nodes, and node links, supported by load balancing—are well-recognized strategies that are synonymous with sound IP architecture. In its 2013 *Derecho Report,* the Bureau found that NG911 networks would likely have mitigated the 911 outages caused by the 2012 derecho due to the resiliency and redundancy these networks provide using IP routers with automatic fail-over; automatic rerouting; and diverse IP paths.[240] When CSRIC updated its best practice recommendations for NG911 in 2019, it assumed that the design of transitional and end-state ESInets would ensure ''all network elements and transport facilities are deployed with redundancy.'' [241] CSRIC explained that ''[t]ypically, network redundancy is achieved through the addition of alternate network paths, which are implemented through redundant standby network elements, routers and switches. When the primary path is unavailable, the alternate path

[230] We are not persuaded by Lumen's concern that the benchmark might conflict with the reliability implementations of CSPs that already have ''fortif[ied] their networks.'' *See* Lumen Comments at 7. These CSPs likely incorporated the prevailing measures we adopt today, or they may certify their configurations as alternative measures if appropriate.

[231] In general, ''physical diversity'' means that data between two points in a network can be transmitted over diverse routes that do not share any common physical segments, such as fiber-optic cables, conduits, or structures, so that a single failure at any point on one of those data paths, such as a power outage, equipment failure, or cable cut, would not cause both paths to fail and disrupt the transmission of data between those points. 47 CFR 9.19(a)(8). *See also* NENA, NENA Knowledge Base, *https://kb.nena.org/wiki/SIP* (last visited May 19, 2026) (''Single Point of Failure is a failure of a hardware or software component or sub-system which causes a system to fail.'').

[232] *See, e.g., 911 Reliability Order,* 28 FCC Rcd at 17504, para. 83 (''Physical diversity, sometimes called route diversity, means that two circuits follow different routes separated by some physical distance so that a single failure such as a power outage, equipment failure, or cable cut will not result in both circuits failing.''); 47 CFR 9.19(a)(8) (defining physical diversity); NENA Comments at 23 (''When considering physical diversity, conventional wisdom within telecom has always been 'two of everything at each of two sites.' '').

[233] 47 CFR 9.19(c)(1)(i).

[234] Intrado Comments at 20 (''NG911 routing . . . presents a spiderweb-like, nearly infinite matrix of physical and virtual connections over which disassembled packets traverse.'').

[235] *NG911 Reliability FNPRM,* 40 FCC Rcd at 2693, para. 62.

[236] NENA Comments at 10. An IP network's ability to automatically detect failures and reroute traffic is sometimes referred to as ''self-healing.'' *See, e.g.,* USTelecom Comments at 7.

[237] USTelecom Comments at 7–8; NENA Comments at 10.

[238] *See, e.g.,* BRETSA Reply at 3 (''With geographically diverse network paths, loss of service on a single network path due to an equipment failure or the severing of a fiber line by a backhoe, for example, will not disrupt service. In the event one of two diverse paths is disrupted, all traffic will flow across the second path. *Network path diversity significantly reduces the likelihood of an outage.*'') (emphasis in original); USTelecom Comments at 7–8.

[239] *2014 Reliability NPRM,* 29 FCC Rcd at 14227, para. 45 & n.107; *NG911 Reliability FNPRM,* 40 FCC Rcd at 2693, para. 62.

[240] *Derecho Report* at 44. *See also 2014 911 Reliability NPRM,* 29 FCC Rcd at 14227, para. 45 (''We also believe that the [CSP reliability] certification should indicate whether a service provider's IP-based 911 architecture is geographically distributed, load-balanced, and capable of automatic reroutes to backup equipment in the event of a hardware, network, software or database failure.'').

[241] *CSRIC VI WG 1 Report* at 51.

can be instantly deployed to ensure continuity of network services.'' [242]

Our benchmark also reflects CSRIC's best practice recommendations for NG911 service providers. CSRIC recommends that service providers ensure the geographic separation of network redundancy facilities; dedicated, geo-diverse, and redundant IP connection points; functional redundancy and geographic diversity for critical network elements; physical and geographic redundancy for critical facilities links; diverse routing from OSPs to the ESInet; and redundant connectivity from the ESInet to PSAPs.[243] It further recommends that service providers manage ''critical network elements and architecture that are essential for network connectivity and subscriber services considering . . . functional redundancy and geographical diversity''; ''ensure that networks built with redundancy are also built with geographic separation where feasible (*e.g.,* avoid placing mated pairs in the same location and redundant logical facilities in the same physical path)''; use load balancing to ''ensure that the utilization on either node is less than half of each node's capacity so that if one node fails the other node will absorb the load''; and ''plac[e] and maintain[ ] 9–1–1 . . . IP based networks over diverse interoffice transport facilities (*e.g.,* geographically diverse facility routes), automatically invoked standby routing, diverse digital cross-connect system services, self-healing fiber ring topologies, or any combination thereof.'' [244]

Commenters identify other logical and physical diversity mitigation strategies, including the use of diverse MPLS transport, cloud-based services, or the public internet as automatically re-routed backup paths.[245] Although the record demonstrates that these strategies can make NG911 more resilient, we decline to specify that any of them is a benchmark practice at this time.[246] CSRIC has not identified these practices as necessary to all NG911 implementations, and we are concerned that requiring them could be overly prescriptive or cost prohibitive in some scenarios. NG911 networks vary substantially in size, geography, legacy configurations, and available commercial infrastructure, and the benefits of these measures may depend on technical and economic factors that differ across jurisdictions. Instead, we identify these approaches as permissible mitigation strategies and strongly encourage CSPs to adopt them where appropriate to enhance resiliency. This approach preserves flexibility for providers to tailor their reliability solutions to their own operational environments while ensuring that foundational NG911 reliability standards remain clear, achievable, and technologically neutral.[247]

We leave unchanged the physical diversity requirements for legacy CSPs, but take this opportunity to revise the requirements for brevity and clarity.[248] Legacy CSPs may continue to satisfy the physical diversity benchmark by ensuring that all covered 911 circuits in their network are tagged and physically diverse such that no network or facility element constitutes a single point of failure and by conducting annual diversity audits. In addition, both legacy and IP CSPs retain the option to implement alternative measures to the benchmarks that mitigate the risks of a lack of physical diversity or to demonstrate that the physical diversity requirements do not apply to one or more covered portions of their networks.[249]

Definitions. To facilitate compliance with the physical diversity benchmark, we update the definition of ''physically diverse'' to incorporate the IP benchmark capabilities that we describe above, as well as to reference ''paths'' in addition to ''circuits,'' so that the definition accurately reflects common terminology for IP transport elements.[250] We also adopt new definitions for the terms ''geographically distributed'' and ''load balanced'' based on their meanings as described in the *NG911 Reliability FNPRM* and as previously recognized by the Commission.[251] We find that adopting functional definitions of these terms will explain important technical concepts reflected in the physical diversity benchmark, provide guidance to CSPs seeking to implement the benchmark, and assist 911 Authorities and other stakeholders responsible for overseeing the provision of reliable 911 service. Accordingly, we adopt the following definitions:

- *Physically diverse.* Circuits or paths are physically diverse if they provide more than one physical route between end points with no common points where a single failure at that point would cause both circuits or paths to fail. Circuits or paths that share a common segment such as a fiber-optic cable or circuit board are not physically diverse even if they are logically diverse for purposes of transmitting data. IP routers, transport nodes, and node links create physical diversity if these elements are redundant, geographically distributed, load balanced, and capable of automatic failover and rerouting to redundant elements sufficient to reasonably mitigate the risks of single points of failure.
- *Geographically distributed.* 911 network architecture is geographically distributed if 911 traffic can be delivered through more than one covered 911 circuit or path in different geographic locations in different physical facilities.
- *Load balanced.* 911 network architecture is load balanced if call volume is dynamically distributed among multiple active databases or call

[242] *Id.*

[243] *Id.* at 86, 87, 109, 114, 122, 124; *see also 2020 Best Practices Public Notice,* 35 FCC Rcd at 13179–81 (reminding CSPs to adopt industry best practices, including diverse data paths and call rerouting).

[244] FCC, CSRIC Best Practices 13–10–06, 13–10–507, 13–12–322, 13–12–3277, and 13–9–0566, *https://opendata.fcc.gov/Public-Safety/CSRIC-Best-Practices/qb45-rw2t/about_data* (last visited May 19, 2026); *cf.* NENA Comments at 22 (''While there are certainly circumstances where load balancing is a characteristic that is built into systems, generically, IP networks don't perform load balancing.'').

[245] *See, e.g.,* NENA Comments at 9–11, 20; Brian Rosen Reply at 5. Intrado suggests replacing the physical diversity benchmark entirely with a requirement for CSPs to secure backup paths via other providers' networks. *See* Intrado Comments at 21 (''[T]he standard could be to require a CCSP to procure a minimum number of diverse connections from different network providers with a minimum number of points of interconnection in geographically diverse locations.'').

[246] *See, e.g.,* USTelecom Comments at 8 (''In many cases, modern networks inherently offer greater reliability, not because of any single element such as physical route diversity, but because of a combination of design strategies tailored to specific network environments and operational needs.'').

[247] Verizon Reply at 4 (''[C]ommenters broadly recognize the need for flexibility in applying any new 'conformance' and 'alternate measures' certification standards.'').

[248] *See NG911 Reliability FNPRM,* 40 FCC Rcd at 2693, para 62.

[249] We reject Lumen's claim that the benchmark imposes inescapable requirements on CSPs. *See* Lumen Comments at 6. While it reflects best practices that are feasible in typical NG911 deployments and should be followed in most cases, CSPs may certify alternative measures if necessary.

[250] Appendix A (§ 9.19(a)(8)).

[251] Appendix A (§ 9.19(a)(10), (11)); *NG911 Reliability FNPRM,* 40 FCC Rcd at 2693, para 62 & n.133 (quoting 2014 *Reliability NPRM,* 29 FCC Rcd at 14227, para. 45 & n.106 (''[N]etwork architectures utilizing . . . databases in different geographic locations . . . will be more reliable and resilient than those that route all calls through a single active database. . . .'')); *id.* at 2693, para 62 & n.134 (quoting 2014 *Reliability NPRM,* 29 FCC Rcd at 14227, para. 45 & n.107 (''A 911 network is 'load balanced' if call volume is dynamically distributed among all available databases or call processing facilities rather than concentrated in one location. Calls assigned to each database should be automatically rerouted to the other in the event of a fault with the primary route. Furthermore, if two or more PSAPs share the same 911 service provider and rely on each other as a backup PSAP for rerouting of 911 calls, the 911 service provider should consider assigning each PSAP to a different primary routing database.'')).

processing facilities to accommodate changes in traffic volume.

The Commission asked in the *NG911 Reliability FNPRM* whether it should define geographic distribution more specifically to mean the housing of functional elements in different cities or states.[252] We decline to further specifically define geographic distribution at this time. Any fixed standard for geographic distribution could prove too prescriptive or invalidate some existing IP network architectures. We also expect that national NG911 CSPs naturally will space their routing elements widely across different regions and that state and local 911 Authorities will negotiate the placement of NG911 facilities within their jurisdictions to maximize reliability. We therefore find it unnecessary at this time to define geographic diversity with greater specificity than as proposed in the *NG911 Reliability FNPRM.*

The physical diversity benchmark applies to ''covered 911 circuits and paths.'' [253] Accordingly, we update the definition of this term as well so that it includes the IP-based transport facilities we newly-designate today as covered facilities. Specifically, we adopt the *NG911 Reliability FNPRM*'s proposal specifying that the IP paths covered by our 911 reliability framework include major IP transport paths, IP 911 traffic aggregation paths, interstate interconnecting ESInet facilities, and IP traffic paths from NGCS facilities to PSAPs.[254]

We also include all IP transport paths that originate at an NG911 delivery point or ESInet point of interconnection and terminate at the last routing facility before reaching the PSAP, and all equipment necessary for the delivery of 911 traffic to the PSAP, including any trunks, circuits, or paths to and from NGCS facilities and the ESInet transmission network necessary for routing and caller location information to the PSAP(s), and any intermediate paths in the chains of delivery.[255] These are appropriate segments of NG911 networks to receive physical diversity protections because they encompass the processing and transport facilities at which 911 traffic is most heavily concentrated. They also are the elements in NG911 networks that are functionally equivalent to the critical circuits in legacy networks that are subject to the legacy physical diversity requirement.[256] We include in our definition of IP 911 covered paths the transport routes emerging from or terminating at NG911 transitional architecture, such as an LSRG or LPG. We reiterate that transitional mixed TDM–IP facilities should apply legacy or IP reliability benchmarks as appropriate to TDM paths or IP paths.

To avoid any ambiguities going forward, we remove language from the proposed IP covered 911 paths definition referencing ''central offices,'' and add language covering ''circuits,'' in order to respond to concerns from CCOA and NASNA.[257] CCOA states that legacy providers of paths to PSAPs have argued that the 2013 circuit auditing and diversity benchmarks do not apply to them.[258] NASNA adds that the Commission's proposed definition of critical 911 paths to PSAPs is inadequate to capture the full range of ESInet traffic.[259] Updating this language is important both for current clarity where ILECs continue to route 911 traffic to PSAPs through legacy central offices and networks and for modernized and upgraded networks as legacy central offices are retired and replaced by IP-based paths.

We decline to exclude intermediate paths in the chain of delivery from our definitions of covered IP paths, as this would allow providers to circumvent our reliability regime merely by handing off traffic to another entity.[260] However, we reiterate that IP 911 traffic aggregators may make the same certifications as ESInet operators about which underlying transport providers or MLPS vendors they have service level agreements with, the extent to which those providers are sharing network data or delivering path diversity as promised, and any multi-homing or other measures the IP 911 aggregators are implementing to ensure IP path diversity. The IP diversity benchmark we adopt today, which incorporates geo-diversity per the CSRIC best practices, provides robust reliability that should reduce the risk of 911 outages resulting from fiber cuts—and particularly instances where a fiber cut in a single location results in a 911 outage across an entire state or region. If the Commission receives reports that underlying transport providers are not reasonably cooperating to ensure 911 reliability, and that this lack of cooperation is resulting in 911 outages, we can revisit our CSP categories at that time.

The updated IP physical diversity benchmark and associated definitions have strong support from public safety commenters.[261] CCOA, for example, believes the benchmark strengthens reliability by requiring CSPs to ''provide physical diversity'' that is ''necessary and critical to the foundation on which NG911 core services will operate.'' [262] Commenters note the importance of adding a requirement for geographic diversity, because it protects 911 service against more causes of outages than simple physical diversity.[263]

[252] *Compare, e.g.,* NENA Comments at 22 (routing elements should be distributed widely so that they are not affected by the same weather events), *with* Comtech Comments at 18 (''[G]eographic diversity is a continuum and is inherently more subjective (*e.g.,* whether network elements are sufficiently far apart geographically . . . .'').

[253] Appendix A (§ 9.19(c)(1)).

[254] Appendix A (§ 9.19(a)(5)); *NG911 Reliability FNPRM,* 40 FCC Rcd at 2694, para. 65 (stating that ''IP traffic paths from NGCS facility capabilities (when provided directly to PSAPs)'' are covered 911 paths under the proposed rules); *id.* at 2695, para. 66 (stating that ''major transport paths and 911 aggregator networks'' are covered 911 paths under the proposed rules); *id.* at 2690, para. 55 (stating that ''interconnection facilities should be treated as critical facilities'' subject to reliability requirements under the proposed rules).

[255] Palmetto Broadband Coalition, a group of 15 South Carolina RLECs, argues that ESInet operators are not adequately covered by the prior 911 reliability rules. Palmetto Broadband Coalition Reply at 1–2 & n.4; *id.* at 2–3 (''We are concerned about the current lack of clear and consistent rules applicable to ESInet providers like Comtech'' which has argued that it provides ''information services'' and is therefore not subject to regulation by the state public utilities commission). *See also* Home Telephone Comments at 12.

[256] *See* 47 CFR 9.19(a)(5). The *NG911 Reliability FNPRM* proposed to include the ESInet and NGCS by reference to them as ''functional equivalents'', but the definition we adopt today defines critical IP paths more explicitly by their location and function to provide regulatory clarity. *See NG911 Reliability FNPRM,* 40 FCC Rcd at 2694, para. 65; *id.* at 2728 (proposed language in 47 CFR 9.19(a)(5)).

[257] *NG911 Reliability FNPRM,* 40 FCC Rcd at 2728 (proposed rule 47 CFR 9.19(a)(5)).

[258] CCOA Reply at 4 (''This FNPRM provides an opportunity to close what one CSP claims is a 'gap' in the diversity audit process. The 'gap' results from use of the phrase 'central office that serves the PSAP.' '').

[259] NASNA Comments at 3 (''NASNA recommends that the term 'trunk' be replaced with the term 'circuit' in the covered service provider definition . . . . While the IP-equivalent to TDM trunks are SIP trunks, there are a lot of other services and protocols that will traverse ESInet networks besides SIP traffic[.]'').

[260] Intrado Comments at 19; *see also Massachusetts Ex Parte* at 4 (''[W]hen the combined traffic of multiple OSPs is not delivered directly but is instead delivered to a second aggregator in the call delivery path where it is aggregated with the second aggregator's combined traffic, the risk of an outage affecting the delivery of each OSP's traffic increases at least two-fold at the second aggregation point.'').

[261] *See, e.g.,* NASNA Comments at 7; BRETSA Reply at 3; NENA Comments at 20 (''Network paths must be geographically diverse.''); APCO Comments at 6; CCOA Reply at 4; COPUC Comments at 10; Brian Rosen Reply at 2.

[262] CCOA Reply at 3 (''Physical diversity of covered 911 facilities is of utmost importance.'').

[263] *See, e.g.,* COPUC Comments at 10 (''It does very little good to have two transport circuits for redundancy, both of which run through the same conduit or along the same roadway where they can both be cut by the same construction worker.''); CCOA Reply at 4; BRETSA Reply at 3 (''Geographic

Continued

Commenters also support retaining the physical diversity benchmark for legacy providers, which we do.[264] We decline Lumen's suggestion to modify the benchmark for IP path diversity by identifying auditing and tagging as presumptively reasonable, because auditing and tagging are legacy TDM reliability practices that do not necessarily measure the inherently more-resilient geodiversity of IP networks.[265] However, CSPs may certify to auditing and tagging their IP paths to ensure complete physical route diversity as an alternative measure. We also decline to adopt one commenter's suggestion to require legacy CSPs to produce new types of data during diversity audits of critical circuits and to require all OSPs to perform diversity audits as well.[266] These changes would greatly expand the scope and burden of the diversity benchmark, and there is insufficient evidence in the record to suggest that such an expanded requirement would provide commensurate benefits.

Support for the diversity benchmark from service providers is mixed, but several providers oppose the benchmark language proposed in the *NG911 Reliability FNPRM* in whole or in large part because it would have required IP physical diversity measures that ''eliminate all single points of failure.'' [267] They argue that such a requirement would be cost prohibitive or infeasible, because NG911 networks reroute calls dynamically without preplanning or tracing call routes, and packetized call data may sometimes converge at single points without the provider being aware.[268] We acknowledge that eliminating all single points of failure is not presently a design goal of typical NG911 deployments, and we have revised the IP physical diversity benchmark accordingly to require reasonably sufficient *mitigation* of single points of failure.

In response to Intrado's concern that upstream or downstream providers could interfere with its performance of the benchmark, we clarify that a CSP's compliance depends solely on the CSP's configuration and operation of facilities under its control.[269] We emphasize, however, that CSPs must take full responsibility for meeting the benchmarks, or implementing reasonable alternative measures, and that nonperformance with respect to facilities under the CSP's control cannot be justified by the practices or limitations of third parties. The 911 reliability framework, together with the Commission's NG911 transition framework, synergistically afford providers and 911 Authorities the flexibility and control they need to plan and deploy seamless NG911 connectivity. To use Intrado's hypothetical example, a NGCS CSP and 911 Authority that provide two entry points to an ESInet to support geographic diversity can require OSPs to deliver 911 traffic to both POIs in a format that is compatible with the CSP's network configuration.[270]

Other IP reliability measures. For clarity, the updated benchmark does identify several examples of diverse IP paths that CSPs may adopt, but it does not require that any specific one, or all, of them be implemented.[271] Significant developments in network design and operational practices in recent years have allowed modern NG911 and IP networks to employ additional strategies to increase the reliability of call transmission.[272] Providers may create additional geo-diverse redundancy beyond their own engineered paths by securing backup paths from third-party cloud- or internet-based solutions.[273] These solutions typically connect into the CSP's network through secure, SIP-capable interfaces that automatically activate if the CSP's primary path fails. The services then deliver 911 traffic through the cloud or over the public internet using a VPN for security. Third-party services may handle call delivery, or they may provide a routing solution and hand off 911 traffic to a non-failing portion of the CSP's network or to another CSP for delivery. CSPs also may arrange backup paths over the public internet without using third-party services.[274] We note that using the public internet may expose 911 traffic to risks such as possible Denial of Service (DoS) and Telephony Denial of Service (TDoS) attacks, making enhanced security protections advisable. While we do not mandate such measures today, we encourage OSPs and CSPs relying on the public internet for backup purposes to implement common-sense security measures to protect the reliability of 911 traffic.[275]

NG911 providers may also secure access to dedicated third-party high-capacity physical transport that is geographically diverse from their own facilities, such as MPLS networks that transport data between nodes based on short path labels, which avoids complex

Diversity Is the *Sine Qua Non* of Network and Service Reliability.''); NENA Comments at 20 (''Network paths must be geographically diverse.''); Brian Rosen Reply at 2; USTelecom Comments at 9 (''[G]eographic diversity . . . may offer greater reliability than physically diverse fiber routes serving the same region.''). *See also* Comtech Comments at 18 (noting the importance of distinguishing geographic diversity from physical diversity).

[264] NASNA Comments at 7.

[265] Lumen Comments at 6 (urging the Commission to ''maintain the current balance promoted by section 9.19 of its rules, where the adherence to CSP physical circuit diversity is safeguarded by circuit auditing and CSPs' annual reliability certifications'').

[266] BRETSA Reply at 3–5.

[267] *See NG911 Reliability FNPRM,* 40 FCC Rcd at 2729; *see also, e.g.,* Motorola Comments at 7–8 (arguing that, if this language were corrected, the resulting benchmark ''would accomplish the FCC's goal of ensuring that 'critical paths established by CSPs [are] geographically diverse, load-balanced, and capable of automatic failover to the backup element . . . and automatic reroutes to redundant paths in the transport layer in the event of path failure,' while recognizing the operational realities of NG911 networks.''); iCERT Comments at 15 (expressing support if the requirement to eliminate single points of failure were removed); Comtech Comments at 18 (same); USTelecom Comments at 7–8 (any benchmark update should ''preserve flexibility for OSPs and CSPs to determine the most effective means of ensuring resilience in their own networks''); Lumen Comments at 5.

[268] Lumen Comments at 4–7; Intrado Comments at 21 (''[A] CSP has no way to know if these geographically diverse and provider-diverse connections could eventually experience packet convergence at a single point of failure, making it effectively impossible to certify truthfully to the Commission that there is no single point of failure.''); Motorola Comments at 6–7 (The ''dynamic IP routing of 911 calls . . . prevents precise tracing of each physical route that calls may take within the network.'').

[269] *See* Intrado Comments at 16–17; *id.* at 21–22 (''[A]n NGCS provider can provide OSPs with an interconnection guide and recommendations for redundant connectivity, load balancing, and advance routing, but it cannot force the OSP to purchase or configure a particular architecture.''). *See also* Verizon Comments at 14 (suggesting the 911 Authorities' readiness could impact OSPs' performance).

[270] *See* Intrado Comments at 21; 47 CFR 9.32 (''A 911 Authority may designate one or more NG911 Delivery Points where [OSPs] must deliver 911 traffic to the ESInet[.]''); 47 CFR 9.29(a) (At Phase 1, OSPs must ''[d]eliver all 911 traffic . . . in the IP-based SIP format requested by the 911 Authority''). We remind providers that, if they cannot conform to a benchmark practice, they may implement reasonable alternative measures. *Cf.* Intrado Comments at 17–18.

[271] Appendix A (§ 9.19(c)(1)(i)).

[272] USTelecom Comments at 8 (''In many cases, modern networks inherently offer greater reliability, not because of any single element such as physical route diversity, but because of a combination of design strategies tailored to specific network environments and operational needs.'').

[273] USTelecom Comments at 8.

[274] *See, e.g.,* NENA Comments at 10 (''To maintain very high reliability, it is essential that there be some paths that use the public internet, possibly with a [VPN], and follow Commonly Accepted Standards for NG9–1–1 security.'').

[275] NENA Comments at 10–11 (noting DoS and TDoS attack risks and advising that CSPs' network implementations ''should not rely exclusively on the public internet to connect to an ESInet or NG9–1–1 facility''); *CSRIC VI WG 1 Report* at 109 (''Network Operators that utilize the Public internet for signaling, transport, or maintenance communications should employ authentication, authorization, accountability, integrity, and confidentiality mechanisms (*e.g.,* digital signature and encrypted VPN tunneling).'').

lookups in routing tables.[276] CSRIC notes the use of MPLS transport as an optional method to increase redundancy in ESInets but does not designate it a high-priority capability for all CSPs.[277] We find that CSPs may use dedicated diverse private facilities such as MPLS, cloud-based path redundancy, or VPN services over the public internet, or equally secure industry protocols as additional automatically re-routed backup paths.

CSPs may also mitigate the risk of internal network failures by employing various forms of logical diversity.[278] Logical diversity is the use of multiple, independent routing instructions or virtual paths through an IP network.[279] Unlike physical and geographic diversity, which require network facilities to be separated by physical space, logical diversity can operate within shared infrastructure and relies on independent routing logic to bypass failures in a network's processes.[280] Multi-homing is a form of logical diversity used in some NG911 networks.[281] It involves connecting critical network elements to multiple independent upstream networks or service providers simultaneously. This configuration establishes multiple distinct routing paths at the network layer, but some underlying physical infrastructure may overlap. As a result, multi-homing enhances overall network reliability and resiliency against outages, congestion, or localized network disruptions. CSRIC recommends the use of logical diversity strategies like multi-homing in addition to physical diversity where feasible.[282]

Operational Integrity

We adopt the *NG911 Reliability FNPRM* proposal to (1) update the ''backup power'' benchmark so that it applies to IP-based CSPs that operate multi-OSP LNGs, multi-OSP LISs, or covered NGCS functional elements, and (2) change the benchmark name to ''operational integrity'' to better reflect the methods by which IP networks protect service continuity.[283] We additionally specify that operators of covered LSRGs, ESGWs, and LPGs are subject to the benchmark, consistent with our determination in this *Order* that these elements are essential to transitional NG911 networks.[284] IP CSPs meet the benchmark if their covered facilities have the capability to ensure continuity of services via an uninterruptible and continuous power supply and automated switchover to geographically diverse backup facilities and configurations sufficient to prevent service disruption. For legacy CSPs, the backup power requirements for central offices remain the same substantively, but we implement minor updates to improve readability. All legacy and IP CSPs also retain the option to achieve operational integrity through alternative measures.[285]

Extending the operational integrity benchmark to CSP operators of covered LNGs, LISs, LSRGs, ESGWs, LPGs, and NGCS functional elements is appropriate because those facilities perform 911 call aggregation, routing, and delivery functions analogous to the functions performed at central offices in legacy 911 networks, to which the 2013 legacy backup power benchmark applies.[286] These functions are essential to NG911 connectivity, and their failure can disable the transmission of 911 traffic across entire communities or even large areas of the country.[287] However, we do not extend this benchmark to CSP providers of major IP transport facilities or IP 911 traffic aggregation facilities, for which geographically diverse failover capability may not be practical and supplying continuous backup power is likely to be inapplicable or unduly burdensome. While we find the operational integrity benchmark to be inapplicable to these CSP categories, we emphasize that they remain subject to the redundancy and geographic diversity elements of the physical diversity benchmark. In addition, we encourage all CSPs that have taken measures to supply continuous power and automatic switchover capability to their covered facilities to describe them in their reliability filings, which will enhance the Commission's understanding of the status of the NG911 ecosystem.

Requiring continuous power and geographically diverse automatic failover capability for applicable CSPs is consistent with CSRIC recommendations. In 2019, CSRIC VI updated its best practices for 911 service providers to recommend, for example, that service providers connect power loads at critical sites to on-site generators configured to auto-engage in the event of commercial power outages.[288] It also noted that service providers should deploy network elements in transitional and end-state NG911 networks with redundancy ''for quickly swapping network operations onto redundant infrastructure in the event of an error within a network element or transmission path'' and that automatic and instant failover should include ''redundant standby network elements, routers and switches . . . to ensure continuity of network services.'' [289] CSRIC's latest best practices continue to reflect these recommendations.[290] Adding these recommended and prevailing practices to the benchmark will help mitigate the

[276] NENA Comments at 9–10 (''Many NG9–1–1 deployments depend on a single carrier's MPLS network to interconnect OSPs, NGCS components and PSAPs.''); Brian Rosen Reply at 5 (referring to ''NGCS operator[s] who purchase MPLS paths to form their ESInets''); *see also* NENA, NENA Knowledge Base, *https://kb.nena.org/wiki/MPLS_(Multiprotocol_Label_Switching)* (last visited May 19, 2026).

[277] FCC, CSRIC Best Practices 13–12–3258, *https://opendata.fcc.gov/Public-Safety/CSRIC-Best-Practices/qb45-rw2t/about_data* (last visited May 19, 2026) (''Public Safety ESInets may use diverse private facilities or their functional equivalent (*e.g.,* MPLS, generic routing encapsulation (GRE) tunneling, virtual private network (VPN), or equally secure industry protocols) and where appropriate and supported by service level agreements.'').

[278] *See, e.g., CSRIC VI WG 1 Report* at 122 (''Network Operators . . . and Service Providers should, where feasible, provide both physical and logical diversity of critical facilities links.'').

[279] *See 911 Reliability Order,* 28 FCC Rcd at 17504, para. 83 (''[T]wo circuits that are modulated onto two wavelengths are logically diverse. If they are then placed onto two physically separate optical fibers whose routes do not meet, they are also physically diverse . . . . If, instead, they are placed onto the *same* optical fiber, they are no longer physically diverse, but they retain their logical diversity.'').

[280] *See* 47 CFR 9.19(a)(8) (''Circuits that share a common segment such as a fiber-optic cable or circuit board are not [p]hysically diverse even if they are logically diverse for purposes of transmitting data.'').

[281] *See, e.g., CSRIC VI WG 1 Report* at 109 (recommending as a best practice that service providers ''who deploy next generation signaling networks should consider industry guidelines for logical diversity (*e.g.,* multi-homing), and perform network diversification validation on a scheduled basis (*e.g.,* twice a year)'').

[282] *See, e.g., id.* at 122 (''Network Operators . . . and Service Providers should, where feasible, provide both physical and logical diversity of critical facilities links.'').

[283] Appendix A (§ 9.19(c)(2)).

[284] *NG911 Reliability FNPRM,* 40 FCC Rcd at 2696, paras. 69–70.

[285] 47 CFR 9.19(c)(2)(ii).

[286] *See* Intrado Comments at 22 (stating it is ''generally supportive'' of the proposed operational integrity benchmark, agreeing with the Commission's assessment that ''the backup power benchmark becomes less significant if the Commission extends the physical redundancy requirements to NGCS facilities and location services'').

[287] *See 911 Reliability Order,* 28 FCC Rcd at 17514, para. 106.

[288] *CSRIC VI WG 1 Report* at 51.

[289] *Id.* at 51.

[290] *See, e.g.,* FCC, CSRIC Best Practices 13–10–5058, 13–9–5204, 13–9–0657, and 13–9–1028, and 13–12–0497, *https://opendata.fcc.gov/Public-Safety/CSRIC-Best-Practices/qb45-rw2t/about_data* (last visited May 19, 2026) (Service providers should maintain critical communications services during power outages by supplying all critical facilities with backup power that that is on-site and engages automatically.); *id.,* Best Practices 13–9–0575, 13–9–0510, 13–10–5075, and 13–10–1065 (Network elements that are essential for connectivity, including gateway servers and LISs, should be redundant and geographically diverse).

impact of power outages on NG911 service while streamlining the certification process for IP CSPs.

Commenters are generally supportive of this proposal,[291] although some request adjustments. COPUC suggests that we extend the durations for backup power at legacy central offices beyond 24–72 hours as required under the 2013 reliability rules, but we find that there is no CSRIC best practice or basis in the record to prescribe any longer duration.[292] However, we strongly encourage CSPs operating central offices to secure additional power reserves from a variety of sources (on-site generators, mobile generators and generator delivery services, batteries, fuel reserves, etc.) to maximize their resiliency during lengthy commercial power outages. We also find it unnecessary to subject central offices that do not directly serve PSAPs to backup power standards, as one commenter suggested, because such intermediary offices likely can reroute 911 calls along physically diverse circuits or paths to reach the terminal central office that directly serves the PSAP.[293] In response to NENA's concern that CSP backup power systems too often have failed when they were needed, we remind CSPs that, by certifying their compliance with the operational integrity benchmark, they represent to the Commission that they have properly installed any necessary backup power facilities and have conducted all necessary testing and maintenance to keep them operational.[294] We also clarify that the benchmark applies only to the offices and network elements operated by the CSPs to which the benchmark applies and not to ingress or other facilities that are outside of the CSP's control.[295]

Network Monitoring

As proposed in the *NG911 Reliability FNPRM,* we update the network monitoring benchmark to enable IP-based CSPs to demonstrate the reasonableness of their network monitoring measures using geographically distributed automatic disruption detection and alarm systems.[296] To qualify, the systems must protect a CSP's IP covered facilities, as well as any IP routers, transport nodes, and node links it relies on to meet the physical diversity requirement for IP covered 911 paths. Legacy CSPs may continue to demonstrate reasonable network monitoring by using physically diverse monitoring aggregation points, monitoring links, and Network Operations Centers (NOCs) and auditing the diversity of those facilities annually.[297] All CSPs retain the option to certify that they have adopted alternative network monitoring measures or to claim that network monitoring requirements are inapplicable to their networks.[298]

We adopt this modification because the 2013 network monitoring benchmark is too restrictive for IP-based CSPs. The Commission created the benchmark to respond to monitoring failures in the legacy networks of primary 911 service providers during the 2012 derecho and to implement CSRIC's recommended best practices for such providers at that time.[299] The 2013 benchmark accordingly requires CSPs to protect their monitoring functions by physically separating monitoring facilities and the links connecting them to the NOCs where data are analyzed. As we have noted, however, IP networks typically do not rely on auditing physical wire separation along each individual IP path. IP-based CSPs therefore have defaulted to certifying and describing their network monitoring practices as ''alternative measures'' in their filings. Providing a suitable monitoring benchmark for IP CSPs streamlines the certification process for providers, more effectively supports the reliability of NG911 networks, and improves the Bureau's ability to evaluate CSP reliability submissions.

We tailor this amended benchmark to reflect CSRIC's recommended practices for NG911 service providers and the prevailing architectures of modern NG911 networks. CSRIC recommends that NG911 service providers ''be responsible for monitoring IP connections for transport and for capturing network traffic, generating alarms and producing other metrics for monitoring and troubleshooting outages within [ESInets], as well as those impacting the ability of an [ESInet] to deliver calls to the target PSAP.'' [300] This means that service providers upstream from the ESInet should ''monitor for transport alarms associated with IP connections to the [ESInet]'' and that, after traffic reaches the ESInet POI, service providers should ''be able to detect when IP connectivity to the PSAP, or IP connectivity between the first routing element in the [ESInet] and other downstream network elements, is unavailable'' and ''monitor[ ] IP connections for transport alarms.'' [301] IP networks commonly do this by transmitting ''heartbeat'' signals at regular intervals between peer devices that trigger failover alarms automatically if heartbeats are not answered.[302]

Public safety commenters support this revised benchmark, which is substantively the same as proposed in the *NG911 Reliability FNPRM.*[303] They agree that a network monitoring requirement for IP-based CSPs is necessary and state that the Commission's proposal reflects the need for CSPs to quickly identify and address service disruptions.[304] Lumen acknowledges that the network monitoring requirement serves ''to facilitate as soon as possible a provider's response to, and notification to others

[291] *See, e.g.,* APCO Comments at 7; COPUC Comments at 10–11; Intrado Comments at 22 (observing that the addition of an automatic failover requirement to redundant and geo-diverse facilities reduces reliance on backup power to ensure continuity of service).

[292] The Commission based the 24–72 hour benchmark on the many comments it received on the topic in the 2013 reliability proceeding. *See 911 Reliability Order,* 28 FCC Rcd at 17518, para. 115. CSRIC currently recommends a minimum of three hours of battery reserve for central offices equipped with fully automatic standby systems. FCC, CSRIC Best Practices 13–10–0672, *https://opendata.fcc.gov/Public-Safety/CSRIC-Best-Practices/qb45-rw2t/about_data* (last visited May 19, 2026).

[293] COPUC Comments at 10–11.

[294] *See* NENA Comments at 22–23.

[295] *See* Intrado Comments at 22; COPUC Comments at 10–11.

[296] Appendix A (§ 9.19(c)(3)).

[297] We rename the definition ''aggregation point'' as ''monitoring aggregation point'' to distinguish the points at which monitoring data is aggregated from the points in 911 networks at which 911 traffic itself is aggregated, such as selective routers and ESInet POIs. *See* Appendix A (§ 9.19(a)(1)).

[298] 47 CFR 9.19(c)(3)(ii).

[299] *See 911 Reliability Order,* 28 FCC Rcd at 17524–25, paras. 133–134.

[300] *CSRIC VI WG 1 Report* at 52.

[301] *Id.; 2020 Best Practices Public Notice,* 35 FCC Rcd at 13179–81 (citing CSRIC best practice 12–9–0574). *See also* FCC, CSRIC Best Practices 13–10–0514 and 13–12–0608, *https://opendata.fcc.gov/Public-Safety/CSRIC-Best-Practices/qb45-rw2t/about_data* (last visited May 19, 2026) (''Network Operators [and] Service Providers should[,] when available, utilize a device management architecture that provides a single interface with access to alarms and monitoring information from all critical network elements;'' ''Network Operators [and] Service Providers . . . should utilize network surveillance and monitoring to keep overflow traffic conditions from adversely affecting networks (this includes OSPs and E9–1–1/NG9–1–1 SSPs).''). CSRIC best practices refer to both covered 911 service providers and OSPs as ''service providers.''

[302] *CSRIC VI WG 1 Report* at 52.

[303] The draft rule in Appendix A to the *NG911 Reliability FNPRM* stated that the monitoring requirement would apply to IP CSPs' covered facilities. *See NG911 Reliability FNPRM,* 40 FCC Rcd at 2730. The Commission explained in the *NG911 Reliability FNPRM* that routing elements ''responsible for path diversity'' are critical facilities in the NG911 ecosystem that should be monitored. *See id.* at 2695–96, para. 68. We include IP routers, transport nodes, and node links used to meet the physical diversity requirement for covered 911 circuits and paths in the benchmark we adopt today for clarity.

[304] *See, e.g.,* COPUC Comments at 11 (''Both IP and legacy facilities should be monitored for disruptions continuously.''); APCO Comments at 7.

regarding, an outage potentially affecting completion of 911 calls,'' but it argues the *NG911 Reliability FNPRM* proposal is overly prescriptive and that CSPs already employ robust network monitoring to comply with their outage notification duties under part 4 of the Commission's rules.[305] We do not believe the network monitoring benchmark is overly prescriptive, because it broadly describes functional capabilities—automatic disruption detection and alarming—without specifying a particular architectural solution or product. It therefore is consistent with the Commission's technology-neutral approach to facilitating reliability in NG911 networks.[306] We also disagree with the assertion that the revised monitoring benchmark is duplicative of the part 4 requirement to provide outage notification to PSAPs.[307] The PSAP outage notification rules do not include minimum network monitoring standards, and, moreover, do not apply to the new classes of CSPs identified in this order. In any event, CSPs with monitoring solutions in place can certify them as compliant with the benchmark or as alternative measures if necessary.

Other Benchmarks

Several commenters urge the Commission to add new reliability benchmarks addressing risks stemming from software failures, cyber attacks, and privacy breaches, and one initially endorsed the adoption of a ''five nines'' (99.999%) reliability standard. We agree that these are important considerations, but, at this time, we decline to adopt additional benchmarks beyond those proposed in the *NG911 Reliability FNPRM.*

Software diversity. NENA initially requested that the Commission add a software reliability benchmark to combat the rise of software defects as ''the single most common cause of NG9–1–1 failure[.]'' [308] It noted that, if components throughout a network are managed by the same software, then the software can act a single point of failure and disrupt service to an entire NG911 system.[309] NENA later withdrew its request, however, and asked the Commission to investigate software errors comprehensively in a different forum.[310] We agree that software failures have emerged as a cause of multi-state outages in recent years and that mitigating this threat is a priority.[311] The Commission recently re-chartered CSRIC and tasked it with investigating measures that will reduce common causes of ''sunny day'' outages, which include internal network failures due to software errors.[312] We defer consideration of this complex issue to a future proceeding, so we can develop a better record with contributions from all relevant stakeholders.

Cybersecurity. Several commenters suggest adding a reliability benchmark focused on defending against cyber threats.[313] Attempted cyberattacks against the nation's communications networks continue to be a major threat, and the Commission is taking steps to mitigate that threat through numerous rulemakings and enforcement actions.[314] We will continue to advance the implementation of cybersecurity measures in communications networks. We encourage NG911 service providers, OSPs, and 911 Authorities to support the cybersecurity of their systems during the transition to NG911, and we refer them to recommendations and best practices put forward by the Task Force on Optimal PSAP Architecture (TFOPA) and CSRIC VII. Both TFOPA and CSRIC VII recommended adherence to the widely adopted approach to cyber defense detailed in the National Institute of Standards and Technology (NIST) Cybersecurity Framework (NCF).[315] CSRIC VII also recommended that 911 Authorities implement specific cybersecurity mitigation techniques, with, if necessary, the assistance of their NG911 vendors, including: continuous cyber monitoring, regular vulnerability assessments, minimum backups, a written cyber response plan, cyber-hygiene training, and other techniques.[316] Finally, we encourage NG911 service providers, OSPs, and 911 Authorities to leverage resources made available by other federal agencies, most notably CISA, to foster and enhance cybersecurity and to consider incorporating cybersecurity measures in their service agreements.[317]

Privacy protections. Public Knowledge supports our updated benchmarks, but it argues we should require CSPs to comply with consumer data privacy and other Customer Proprietary Network Information (CPNI) requirements when handling 911 traffic.[318] It identifies potential cyber breaches of customer data and carrier misconduct as risk vectors.[319] These risks are serious, but they are outside the scope of issues addressed in the *NG911 Reliability FNPRM.* We note as well that the Commission already prohibits carriers from making unwarranted disclosures of 911-related CPNI.[320] Because these rules protect the

[305] Lumen Comments at 8. *See also* 47 CFR 4.9(h).

[306] *See, e.g., NG911 Transition Order,* 39 FCC Rcd at 8159–60, paras. 39–40. *See also* APCO Comments at 7 (Network monitoring requirements should ''allow for variances in CSP networks and implementation.''). Nothing in today's *Order* prevents 911 Authorities or CSPs from exploring any available technology to monitor networks and detect and prevent outages. *See* Letter from Leo A. Wrobel, CEO, FailSafe Communications, Inc., to Marlene H. Dortch, Secretary, FCC, PS Docket Nos. 21–479, 13–75, at 2 (filed Jun. 10, 2026).

[307] Lumen Comments at 8 (arguing the ''Commission's stringent Part 4 outage notification rules already entail robust network monitoring in order to comply with them.'').

[308] NENA Comments at 2, 21; Brian Rosen Reply at 3 (''We see more software defects as a root cause than any other source of failures in NG9–1–1 systems.'').

[309] NENA Comments at 11; Brian Rosen Reply at 5–6 (''If every switch in an MPLS network is running the same software, or every switch in the underlying optical network runs the same software, then an ESInet that relies on that single network with the same software everywhere is not going to be reliable enough for 9–1–1.'').

[310] NENA Reply at 3.

[311] *See 2014 Reliability NPRM,* 29 FCC Rcd at 14227, para. 45 (noting that the reliability and testing of software and databases used to process 911 calls, including planned maintenance and software upgrades, is an important area to address).

[312] *FCC Announces Intent to Re-Charter the Communications Safety, Reliability, and Interoperability Council and Solicits Nominations for Membership,* Public Notice, DA 26–134 (2026), *https://docs.fcc.gov/public/attachments/DA-26-134A1.pdf.*

[313] *See* Michigan State 911 Committee Comments at 1 (''The proposal would benefit from a more focus on cybersecurity. As NG911 becomes increasingly data-driven and interconnected, cyber threats pose a risk to service continuity. Resiliency must include cyber protections, guidance, and accountability.''); Intrado Comments at 6; APCO Reply at 14.

[314] *See Protecting the Nation's Communications Systems from Cybersecurity Threats,* PS Docket No. 22–329, Order on Reconsideration, FCC 25–81, at 1–2, para. 1 & n.1 (Nov. 21, 2025) (summarizing initiatives).

[315] *TFOPA Scorecard* at 23–24; CSRIC VII, Report on Security Risks and Best Practices for Mitigation in 9–1–1 in Legacy, Transitional, and NG 9–1–1 Implementations, § 6.2 (Sept. 16, 2020), *https://www.fcc.gov/sites/default/files/csric7_report_secuirtyrisk-bestpracticesmitigationlegacytransitionalng911.pdf.*

[316] CSRIC VII, Report Measuring Risk Magnitude and Remediation Costs in 9–1–1 and Next Generation 9–1–1 (NG911) Networks, § 5.2.1 (Mar. 10, 2021), *https://www.fcc.gov/file/20607/download.*

[317] *See, e.g.,* Cybersecurity & Infrastructure Security Agency, 911 Cybersecurity Resource Hub, *https://www.cisa.gov/911-cybersecurity-resource-hub* (last visited May 19, 2026).

[318] Public Knowledge Comments at 5.

[319] *Id.* at 6.

[320] *See, e.g.,* 47 CFR 64.2001 *et seq.* (implementing 47 U.S.C. 222); *Location-Based Routing for Wireless 911 Calls,* PS Docket No. 18–64, Report and Order, 39 FCC Rcd 527, 562, para. 102 (2024); *Wireless E911 Location Accuracy Requirements,* PS Docket No. 07–114, Fifth Report and Order and Fifth Further Notice of Proposed Rulemaking, 34 FCC Rcd 11592, 11614–16, paras. 49–52 (2019), *corrected by* Erratum (PSHSB Jan. 15, 2020). *See also* Lumen Reply at 8–9 (''Public Knowledge does not establish how safeguarding CPNI is a component of reliably completing 911 calls. Nor does [it] explain why the already-existing Commission requirement that telecommunications carriers and interconnected VoIP providers

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privacy of such information in both the legacy and the NG911 environment, we decline to adopt further privacy regulations in this proceeding.

''*Five Nines*'' *Reliability.* The Commission asked in the *NG911 Reliability FNPRM* whether it should incorporate a ''five nines'' metric into the 911 reliability framework, referring to a measure of reliability equal to 99.999% network availability, which allows only 5.26 minutes of downtime in a year.[321] NENA initially indicated its support and observed that five nines already is a service level requirement in many contracts between 911 Authorities and their NGCS vendors.[322] However, NENA also indicated that NGCS providers often cannot achieve this standard; that determining a reliability metric across an NG911 network would require CSPs to share proprietary network information and to retain outside experts; and that there could be disagreements over which types of outages qualify as failures of reliability and how to calculate the metric.[323] NENA later withdrew its support and now advises that a five nines requirement for CSPs ''warrant[s] significant further investigation.'' [324] We are persuaded by NENA's comments and by the overall lack of support in the record that it is premature to introduce a five nines requirement at this time. However, we strongly support the efforts of 911 Authorities to increase the reliability of their NG911 networks by negotiating rigorous service level agreements with NG911 CSPs, and we encourage other CSPs to adopt the five nines standard as an internal target to guide ongoing network performance improvements.

Interoperability

Today, we adopt a definition of interoperability and require NGCS and ESInet CSPs to submit a one-time report describing the actions they have taken, and plan to take, to implement interoperability. These measures will support the ongoing work of 911 Authorities and their industry partners as they strive toward implementing seamlessly interoperable NG911 systems. It is essential that NG911 networks enable the seamless transfer of 911 calls and data. The ability to reliably share, transfer, and validate location data is not just a feature of NG9–1–1; it is its foundation.[325] That is why the Commission defined NG911 as a system that ensures interoperability and supports the sharing of information related to 911 requests for emergency assistance among emergency communications centers and emergency response providers.[326] Interoperable NG911 systems strengthen the resiliency and reliability of NG911 services not just during natural disasters, outages, and large-scale events,[327] but also in the provision of mutual aid and ensuring fast and efficient handling of 911 calls and data.[328] Interoperability between NG911 systems and providers is a key component of the ''end state'' envisioned by TFOPA when it defined the stages of the transition to NG911 service.[329]

Based on the record, we find that it is premature to adopt substantive interoperability standards and testing requirements at this time. In the accompanying *Second Further Notice,* we seek comment on additional proposals to promote greater interoperability across NG911 systems.

Interoperability Definition

Defining interoperability is necessary to precisely identify the specific operational issues that we intend to address in this proceeding. The definition we adopt today is one that envisions a NG911 ecosystem where 911 Authorities can seamlessly receive, process, and share emergency requests across different jurisdictions, technologies, devices, and systems. In the *NG911 Reliability FNPRM,* the Commission sought comment on whether a definition of ''interoperability'' was needed in order to clarify the obligations of NG911 service providers.[330] Specifically, the Commission sought comment on whether the definition of ''interoperability'' from the Spectrum Auction Reauthorization Act of 2023 (H.R. 3656) [331] would help to define the scope of any future interoperability requirements.[332]

Commenters generally support adopting an interoperability definition that tracks language in proposed legislation, with minor variations. APCO states that ''the public safety community has developed a definition of interoperability that reflects its operational needs and that has been incorporated into legislative proposals,'' and urges the Commission to adopt this definition.[333] ATIS urges the Commission to adopt a formal definition of ''interoperability'' in the context of NG911.[334] NENA advocates using the definition included in H.R. 1784—Next Generation 9–1–1 Act of 2023,[335] while T-Mobile proposes a definition that is

annually file with the Commission certifications confirming compliance with the CPNI rules does not suffice to promote Public Knowledge's objectives.'').

[321] *NG911 Reliability FNPRM,* 40 FCC Rcd at 2692–93, para. 61 (citing *In the Matter of the Nebraska Public Service Commission, on its own motion, conducting an investigation into the 911 service outage that began on August 31, 2023 in areas of Nebraska served by Lumen,* Application Nos. 911–075/PI–248 and 911–077/C–5581/PI–252, Order Issuing Findings and Closing Investigation at 24 (Jan. 15, 2025), *https://www.nebraska.gov/psc/orders/state911/2025-01-14%20911-075%20PI-248%20911-077%20C-5581%20PI-252%20Order%20Issuing%20Findings%20and%20Closing%20Investigation.pdf* (*Nebraska PSC Order*).

[322] NENA Comments at 17.

[323] NENA Comments at 17–19; Brian Rosen Reply at 8 (''Virtually all such contracts have 5 nines [service level agreements], but we have seen many multi-hour failures.''). *See also Nebraska PSC Order* at 24 (summarizing testimony from Brian Rosen describing ''two ways to determine availability'').

[324] NENA Reply at 4.

[325] Victoria Ogaga, *The Hidden Crisis: Why Location Data Fails in Emergency Responses,* (Mar. 24, 2026), *https://www.intrado.com/blog/blog-location-data-and-call-handling-solutions?utm_campaign=37974662-CC%20-%20VNG&utm_medium=email&_hsenc=p2ANqtz-8YdQ1o6yAma1ZpVlZ9eArjE6Nw3pti-FFOMEjVjjpUSLYZx011UFemZeFxiMx8qL1NAPq926ZB3LNQ1yLJR3i00qs76Q&_hsmi=411564505&utm_content=411564505&utm_source=hs_automation.*

[326] 47 CFR 9.28; *NG911 Transition Order,* 39 FCC Rcd at 8160, para. 39 (''In particular, the definition adopted today . . . contains the important requirements that an NG911 system ensure interoperability, be secure, and employ commonly accepted standards.'').

[327] NC 911 Board, Hurricane Helene, September 2024 at 11, *https://content.govdelivery.com/attachments/NC911BOARD/2026/04/01/file_attachments/3604052/NC911%20Board%20Hurricane%20Helene%20After%20Action%20Report%202025.08.18_FINAL.pdf.*

[328] Sam Gaither comments on behalf of the South Carolina Coastal Area Cooperative (SCCAC), at 1; City of Coconut Creek, FL July 21, 2025 Comments at 1; NENA Comments at 8.

[329] *See TFOPA Scorecard, passim.* The TFOPA activity defined states of transition ranged from today's legacy state, through foundational, transitional, and intermediate states, culminating in the jurisdictional and nation-wide ''end states'' of NG911 service. Per TFOPA, ''End State'' refers to the state in which PSAPs have evolved to become ECCs and are served by standards-based NG911 systems and/or elements and OSPs are providing SIP interfaces with location information during call setup, and ESInets are interconnected providing interoperability on a national basis, supported by established agreements, policies and procedures.

[330] *NG911 Reliability FNPRM,* 40 FCC Rcd at 2699, para. 80.

[331] H.R. 3565 defines the term ''interoperability'' as the capability of emergency communications centers to receive 9–1–1 requests for emergency assistance and information and data related to such requests, such as location information and callback numbers from a person initiating the request, then process and share the 9–1–1 requests for emergency assistance and information and data related to such requests with other emergency communications centers and emergency response providers without the need for proprietary interfaces and regardless of jurisdiction, equipment, device, software, service provider, or other relevant factors.

H.R. 3565, § 301.

[332] *NG911 Reliability FNPRM,* 40 FCC Rcd at 2699, para. 80.

[333] APCO Comments at 3; see also APCO Reply at 9.

[334] ATIS Reply at 6.

[335] NENA Reply at 7.

similar to the two proposed legislative definitions.[336]

Given the relatively slight differences between the various proposed definitions, we adopt the following definition that aligns with the consensus reflected in H.R. 3565 and is designed to promote interoperability and discourage proprietary features:

The technical and operational capability of NG911 service providers to exchange 911 voice, text, data, and multimedia between jurisdictions, PSAPs, ECCs, and other service providers, in real time without the need for proprietary interfaces and regardless of jurisdiction, equipment, device, software, service provider, or other relevant factors.[337]

This definition, while substantially similar to the H.R. 3565 definition, is intended to encompass the entire call flow from initiation through resolution while remaining technologically neutral. Technological neutrality is important to ensure this definition remains relevant as the technological capabilities of NG911 expand and evolve. We also add ''NG911 service providers'' to the definition of interoperability in acknowledgement of the technical limitations of legacy 911 systems and to signal our intent to apply interoperability requirements only to NG911 systems.

One-Time Reporting Requirement

We require NGCS and ESInet providers, which have a direct role in enabling interoperability as defined in this *Order,* to submit a one-time report to the Commission describing the specific actions they have taken, as well as their plans for future actions, to enable NG911 interoperability consistent with that definition.[338] We allow 18 months to submit this report to provide CSPs adequate time to assess their interoperability capabilities, document existing interoperability arrangements, and prepare accurate reports.[339] This reporting requirement is intended to encourage these entities to prioritize and accelerate their interoperability efforts, while providing the Commission with a greater understanding of the overall progress of interoperability across the entire NG911 ecosystem. We believe these reports will promote continued focus on interoperability issues as part of the NG911 transition and will provide us with important information on whether any additional interoperability requirements are needed to advance the transition.[340]

Commenters note that facilities interconnecting ESInets are only one type of facility needed to ensure interoperability for interstate 911 live call transfers across multiple touchpoints in NG911 systems (*e.g.,* ESInet to ESInet, NGCS to NGCS, PSAP to PSAP).[341] We agree that achieving full interstate NG911 interoperability will require more than ESInet-to-ESInet interoperability alone. Nevertheless, given that this is the first time the Commission has adopted 911 interoperability measures, and in order to maximize public interest benefit impact with the least amount of regulatory burden, we are limiting the applicability of the reporting requirement to NGCS and ESInet providers. These entities supply critical call routing and transfer services that enable the connection between an NG911 call initiator and an NG911 PSAP. We believe focusing on these providers is not only a significant step forward towards increased interstate interoperability; we also anticipate that this step will incentivize the further development of interoperability solutions in other aspects of the NG911 ecosystem, including local and intrastate interoperability.[342]

Interoperability Benchmarks and Testing

Benchmarks. We decline, in this *Order,* to mandate specific interoperability benchmarks or testing requirements. In the *NG911 Reliability FNPRM,* we proposed to require that CSPs certify whether their interstate interconnecting ESInet facilities achieve interoperability for exchanged 911 traffic sufficiently to enable complete interstate transfers between ESInets or certify to alternative measures.[343] However, there was considerable disagreement in the record with regards to the need for, efficacy of, and scope of our proposed interoperability certification requirements.[344] Commenters generally agree that interoperability is critical to the success of NG911 but disagree on the timing of regulatory action and whether industry-led standards development could supplant the need for Commission action. Industry commenters and standards bodies argue that the Commission should either delay establishing a requirement pending further study or defer establishing a requirement altogether and allow interoperability solutions to evolve as a natural result of market forces.[345] Public safety commenters urge the Commission to act now as delay will only embed existing incompatibilities.[346]

Collectively, the record reflects that 911 Authorities and CSPs have begun to take steps to enable interoperability between NG911 systems, but that this work is still in its very early stages.[347] Demonstrated interoperability sufficient to permit policy routing and seamless transfer of NG911 traffic across jurisdictional boundaries is still the exception rather than the norm, and capabilities to enable cross-jurisdictional dispatch are even more rare.[348] Given that this subject remains unsettled, we decline to adopt interoperability standards at this time.

Testing. The Commission proposed in the *NG911 Reliability FNPRM* to require CSPs to certify whether their interstate interconnecting ESInet facilities use conformance-tested equipment and whether they have tested their interstate

[336] T-Mobile Reply at 5.

[337] Appendix A (§ 9.19(a)(19)).

[338] *See* Appendix A (§ 9.20(b)).

[339] Entities that begin providing covered 911 services after the interoperability reporting deadline must submit a one-time interoperability report when they begin providing services.

[340] iCERT Comments at 16; iCERT Reply at 8–9.

[341] *See e.g.,* NENA Comments at 9, 12; NASNA Comments at 7; APCO Comments at 3.

[342] NENA Reply at 7; Texas 9–1–1 Entities Comments at 4.

[343] *NG911 Reliability FNPRM,* 40 FCC Rcd at 2697, para. 72. We proposed requiring CSPs to certify whether their NGCS and/or ESInet facilities use conformance-tested equipment and whether they have tested their interstate interoperability capabilities. We further proposed allowing CSP to certify in the alternative: (1) whether it (or its ESInet facility operator) has taken alternative measures to ensure interoperability between ESInets in multiple states and between providers; (2) whether it believes that one or more of the requirements of this paragraph are not applicable to its facilities; and (3) to additional questions about the non-conforming facilities as directed by the Bureau. *Id.*

[344] Lumen Comments at 2, 10–11; Motorola Comments at 2; NENA Comments at 6–7; Verizon Reply at 3–4; CTIA Reply at 8–9; NENA Reply at 3.

[345] *See* Intrado Comments at 25; iCERT Comments at 16; T-Mobile Comments at 7–8; CTIA Reply at 8–9; NENA Reply at 2–3; ATIS Comments at 3–4; DATAMARK Reply at 8.

[346] *See* APCO Reply at 8; Michigan State 911 Committee Comments at 1; CCOA Reply at 3; Texas 9–1–1 Entities Comments at 3–4.

[347] *See, e.g.,* BRETSA Reply at 15–16 (''Different states are at different stages in deploying ESInets, implementing and migrating to i3 NG9–1–1 service, and of readiness for interconnecting their 9–1–1 networks with those of adjacent states.'').

[348] Donny Jackson, *Motorola Solutions touts ESInet interop with AT&T in Maryland* (Dec. 10, 2025), *https://urgentcomm.com/interoperability/motorola-solutions-touts-esinet-interop-with-at-t-in-maryland;* North Carolina Department of Information Technology, *North Carolina and Washington, DC, Partner to Demonstrate Nation-Leading Next Generation 911 Resiliency* (Feb. 12, 2026), *https://it.nc.gov/news/press-releases/2026/02/12/north-carolina-and-washington-dc-partner-demonstrate-nation-leading-next-generation-911-resiliency;* Fairfax County, *County 9–1–1 Launches First Interstate Backup System in the United States* (Feb. 6, 2025), *https://www.fairfaxcounty.gov/news/county-9-1-1-launches-first-interstate-backup-system-united-states.*

interoperability capabilities.[349] The record reflects support in principle for conformance and interoperability testing,[350] but commenters express concern that the current lack of specificity on significant components of conformance and interoperability testing would hinder implementation of a robust and effective testing regime.[351] Commenters cite the relative immaturity of the testing ecosystem, lack of testing entities and facilities, standardized procedures, and the identification of a commonly accepted standard.[352]

Given the lack of foundation in the record that would be needed to establish a meaningful testing regime, we find it neither prudent nor productive to impose testing or associated certification requirements at this time. However, in order to facilitate reporting and inform future work on NG911 interoperability, we adopt definitions of ''interoperability standards testing'' and ''interoperability conformance testing.'' In the companion *Second Further Notice,* we seek comment on further steps to promote interoperability, including empowering our state partners to develop mechanisms enabling them to craft the level of interoperability that they believe appropriate to their state.[353]

Oversight

As proposed in the in the *NG911 Reliability FNPRM,* we adopt targeted updates to strengthen the oversight of 911 reliability and interoperability by the Commission and by 911 Authorities while lessening compliance burdens on CSPs.[354] First, we replace annual reliability certifications with a one-time initial certification and a continuing obligation to update that certification following any material change. We also direct the Bureau to streamline the form that CSPs will use to submit their reliability certifications and to update it to reflect the changes to the 911 reliability framework we adopt today. Second, we grant state, territorial, and tribal 911 Authorities access to CSPs' reliability certifications and interoperability reports, conditioned on their adherence to robust confidentiality safeguards. And third, to provide transparency to CSPs, we codify the administrative process the Bureau will follow in the event it becomes necessary to remediate a CSP's noncompliance with its 911 reliability obligations. We decline to adopt several oversight proposals from the *FNPRM,* including the creation of a new portal for consumer complaints and a petition process for 911 Authorities, because we find them to be unwarranted at this time.

Reliability Certification Process

We update the reliability certification process to ensure continued CSP accountability while reducing regulatory burdens. First, we eliminate the requirement for CSPs to file reliability certifications annually. We conclude that annual filing is not an effective means of obtaining timely and actionable information regarding network reliability and that it results in needless annual reporting burdens for CSPs when there may be no material changes to their networks or reliability practices from year to year. Going forward, CSPs will only be required to submit an initial compliance certification and to update it in the event of a material change to the information covered by the certification.

Second, we eliminate the requirement for certifications to separately document reliability practices with respect to each individual PSAP served by the CSP. While this level of detail may have been appropriate for ensuring reliable connectivity between legacy selective routers and TDM-based PSAPs, IP-based CSPs typically implement reliability measures at the network or service-platform level. For example, where an ESInet provider incorporates physical diversity and enables dynamic rerouting of calls among multiple PSAPs, requiring reliability certifications on a per-PSAP level yields little unique information while imposing significant administrative burdens. We therefore allow CSPs to file consolidated certifications for their facilities at the network level, provided that facilities serving multiple states are identified on a per-state basis to facilitate evaluation by 911 Authorities.

Third, the updated certification process provides relief for IP-based CSPs that previously certified to common IP reliability practices as ''alternative measures,'' which required them to include narrative explanations and justifications in their certifications. These measures are now specifically identified as best practices that meet the reliability benchmarks of the updated rules. Accordingly, CSPs may certify to their use without the need for lengthy narrative explanations or other burdensome filing requirements.

Going forward, under the updated certification process we adopt today, CSPs will submit a one-time certification addressing the three elements of reliability (physical diversity, operational integrity, and network monitoring) and, thereafter, file updated certifications only on an as-needed basis. To provide time for compliance with the new reliability benchmarks, CSPs will not need to file the initial certification until 18 months after a public notice announcing a compliance date.[355] CSPs must also update their certifications within 90 days of discovery of any material change to their ownership structure, networks, facilities, operations, or reliability practices that renders the prior certification inaccurate or incomplete. This approach minimizes the burden on providers while ensuring that the Commission has the benefit of an accurate, up-to-date record of the reliability practices that are protecting 911 connectivity.[356] We emphasize that the purpose of the certification requirement is to ensure that the Commission and relevant 911 Authorities have accurate and current information regarding CSP reliability practices. Therefore, CSPs are responsible for exercising reasonable judgment in determining whether a change is material and ensuring that their certifications are complete, accurate, and up to date at all times.[357]

We agree with USTelecom that ''material changes'' should exclude changes remedied within 90 days of discovery and *pro forma* ownership changes, and that carriers should exercise reasonable judgment about when an update is required.[358] We also agree with USTelecom that frequent updates for network improvements would be burdensome to CSPs and not helpful for oversight,[359] and we therefore exclude improvements for less

[349] *NG911 Reliability FNPRM,* 40 FCC Rcd at 2697, para. 72.

[350] APCO Comments at 4; SCCAC Comments at 2; 1Spatial Comments at 4.

[351] Brian Rosen Reply at 3–4.

[352] ATIS Reply at 4–5; A2LA Comments at 1; Motorola Reply at 3–4; 1Spatial Comments at 4–5; NENA Comments at 7, 13–14; Brian Rosen Reply at 3–5; Motorola Comments at 5; ATIS Comments at 5; 1Spatial Comments at 4–5; NASNA Comments at 8–9.

[353] *See* DATAMARK Reply at 8; BRETSA Reply at ii.

[354] *NG911 Reliability FNPRM,* 40 FCC Rcd at 2702–2710, paras. 88–110.

[355] Entities that begin providing covered 911 services after that initial certification compliance date must submit an initial reliability certification when they begin providing services.

[356] *See* NENA Comments at 19 (encouraging the Commission to ''simplify reporting requirements'' while maintaining ''a complete picture of what happened, and any corrective actions to be taken'').

[357] As under the previous rules, certifications must be signed by an official under penalty of perjury as to the accuracy of their contents. *See* Appendix A (§ 9.19(a)(2)).

[358] Letter from Nirali Patel, Senior Vice President, Regulatory & Legal Affairs and General Counsel, USTelecom, to Marlene H. Dortch, Secretary, FCC, PS Docket Nos. 21–479, 13–75, at 2–3 (filed Jun. 18, 2026).

[359] *Id.* at 3.

than 50 percent of a CSP's covered 911 services, circuits, and paths. This will eliminate excessive filings while preserving reasonable awareness of major network reliability improvements. CSPs are free to file more frequent updates for lower threshold improvements, either on their own or upon agreement with a 911 Authority, including targeted updates for improvements limited to specific states or regions.

We also require CSPs covered by the updated rules that have not previously filed a reliability certification to file an attestation identifying themselves as covered 911 service providers.[360] Attestations will be due six months after the Bureau issues a public notice announcing the commencement of the 18-month transition period for coming into compliance with the updated reliability rules. The attestations will enable the Commission and 911 Authorities to identify the scope and number of CSPs participating in the NG911 ecosystem before CSPs submit their initial reliability certifications.

Consistent with the *NG911 Reliability FNPRM,* we direct the Bureau to revise the reliability certification process to incorporate our revisions to the 911 reliability framework and to make general improvements to the form.[361] We delegate authority to the Bureau to make such changes to the form as are needed to streamline the process for providers and to collect data in formats that will allow Bureau staff to easily sort and analyze it.[362] We also direct the Bureau to implement streamlined filing requirements by revising the instructions to facilitate certifications consistent with today's framework, and with the goal of reducing compliance burdens on regulated entities.

Reporting 911 call volume. At this time, we do not require CSPs to report the volume of 911 call traffic that their non-conforming facilities handle.[363] The Commission proposed this addition in response to previous comments from state government entities in other proceedings.[364] While information regarding CSPs' 911 call volumes could be beneficial to enable the Bureau to better identify and address areas that are exposed to outsized risk of major disruptions to 911 service,[365] the record shows that collecting this data may be technologically infeasible for some CSPs at this time or would require significant cooperation from vendors and PSAPs.[366]

Certification regarding leased facilities. Several industry commenters urge the Commission to limit NG911 CSPs' certification responsibility to the network elements they operate themselves and to exclude the transport paths and functional elements they lease from third parties. These commenters claim that their third-party providers have too much market power and refuse to share information with them about their networks' path diversity.[367] APCO, on the other hand, argues that CSPs ''must be accountable for the actions of their third-party contractors, including the measures those parties take to maintain reliability,'' and NENA supports this view.[368]

The Commission's longstanding practice has been to require CSPs that lease transport or other facilities to certify how they meet their reliability obligation through their leased facilities.[369] We see no basis to change this practice. Our updated designation of key NG911 service providers as CSPs in today's *Order* will provide additional transparency with respect to their reliability practices. We expect OSPs, CSPs, 911 Authorities, and their vendors to collaborate as needed to facilitate compliance with our 911 reliability framework and to support a strong, resilient, and interoperable NG911 ecosystem. With respect to certification, CSPs that lease or otherwise rely on third-party facilities should certify to network practices within their control and may cite to representations provided by third parties in service level agreements. In cases where a CSP cannot obtain necessary information from a third party it uses to provide NG911 service, the CSP should describe in its certification the efforts it made to obtain the information and why those efforts were unsuccessful. The Commission will take these circumstances into consideration when evaluating the sufficiency of the CSP's certification.[370]

Other changes to the certification process. We do not find sufficient support in the record to change the certification process in other ways that some commenters suggest.[371] Home Telephone, for example, advocates requiring ESInet operators to prove their financial, technical, and managerial resources and receive advance certification from the Commission before they may provide services to 911 Authorities.[372] We decline to take this step because 911 Authorities have the ability to require such disclosures when soliciting bids from potential ESInet providers, and, as Lumen observes, ''the record contains no allegations[] of ESInet providers [being] chronically unprepared to provide service

[360] *See* Appendix A (§ 9.19(a)(1)).

[361] *NG911 Reliability FNPRM,* 40 FCC Rcd at 2702–04, paras. 90–92.

[362] *Id.* at 2704, para. 92; *Public Safety and Homeland Security Bureau Seeks Comment on Modifications to Network Outage Reporting system and 911 Reliability Certification System,* PS Docket Nos. 15–80, 13–75, Public Notice, 35 FCC Rcd 4409, 4413 (seeking comment on adding ''drop-down fields to 911 reliability certifications that will require covered 911 service providers to indicate whether they provide'' specified 911, E911, or NG911 services) (PSHSB 2020). We entrust to the Bureau's judgment how to best streamline the form while retaining options for longform narrative explanations where necessary.

[363] *See NG911 Reliability FNPRM,* 40 FCC Rcd at 2705, para. 94.

[364] *See, e.g.,* NASNA Comments, PS Docket 13–75, at 3 (filed July 17, 2020) (recommending changes to the reliability certification form to ''allow the FCC to analyze filed Reliability Certification Systems to know what populations are being made vulnerable to outages due to lack of redundancy or diversity in 911 networks); *see also* Colorado Public Utility Commission Comments, PS Docket 13–75, at 2 (filed July 8, 2020).

[365] *Cf.* Lumen Comments at 9–10 (arguing that ''there is no nexus between the proposed data point and the Commission's oversight of 911 reliability,'' yet also acknowledging that 911 call volume would ''be a data point for the Commission to consider in attempting to predict the impact of a 911 outage associated with facilities not adhering to the Commission's 911 reliability requirements''); 47 CFR 0.392.

[366] *See, e.g.,* Brian Rosen Reply at 10 (observing that it is ''not feasible'' to collect 911 call volume data from IP networks ''because the routers that have the raw data don't know what the contents of the IP packets they are handling is''; noting further that 911 Authorities would need to compel their vendors to make logging data available for other CSPs to comply); Lumen Comments at 9 (''[A]massing this data entails inputs from numerous PSAPs and subcontractors, not all of whom are prone to respond with alacrity.'').

[367] Comtech Comments at 8 (''CSPs should only be required to certify reliability measures that are within their operational control . . . .''); iCERT Comments at 13; Intrado Reply at 6.

[368] APCO Reply at 15; *see also* NENA Comments at 12–13 (arguing that a 911 Authority's NGCS vendor should be responsible for certifying the reliability of its subcontractors' facilities).

[369] *911 Reliability Order,* 28 FCC Rcd at 17506, para. 90 (''Although it could contract with the underlying facilities lessor, if necessary, to audit its facilities, the [CSP] would remain responsible under our rules for ensuring compliance with the auditing requirement.''); *2015 911 Reliability Recon. Order,* 30 FCC Rcd at 8657, para. 17 (''[T]he contracting out of certain functions . . . does not absolve individual [CSPs] of their respective obligations for reliable 911 service.''). *See also* 47 U.S.C. 217 (''[T]he act, omission, or failure of any officer, agent, or other person acting for or employed by any common carrier or user, acting within the scope of his employment, shall in every case be also deemed to be the act, omission, or failure of such carrier or user as well as that of the person.'').

[370] Because each CSP will certify the reliability of its own facilities and any subcontracted or leased facilities it uses to provide 911 service, we find that there is no cause for CSPs to submit a ''chain-of-responsibility matrix'' on behalf of their subcontractors, as two commenters proposed. *See* CCOA Comments at 4; Lumen Reply at 7–8.

[371] *See NG911 Reliability FNPRM,* 40 FCC Rcd at 2706, para. 97 (soliciting suggested measures that would promote 911 reliability and interoperability in addition to certifications).

[372] Home Telephone Comments at 9.

successfully.'' [373] We also see no need, at this time, to require CSPs to submit to periodic third-party testing and audits to confirm the accuracy of their reliability certifications.[374] While we encourage CSPs to perform periodic testing and auditing, and while 911 Authorities have discretion to include testing and auditing provisions in their contracts with CSPs, requiring such measures by rule could greatly increase the cost of compliance and we prefer to permit flexibility for any testing and auditing measures that support accurate reliability certifications.

Simplifying regulatory language. We adopt minor amendments to the regulatory text implementing our 911 reliability framework to improve clarity and thereby reduce compliance burdens on covered entities.[375] Specifically, we consolidate the certification and other filing requirements that formerly appeared across former §§ 9.19(c)(1) through 9.19(c)((3) and move them to a new § 9.20, entitled ''Reliability and Interoperability Certifications; Cessation Notices.'' This change simplifies § 9.19, which now relates solely to CSPs' substantive obligations to provide reliable 911 services. Section 9.20 now addresses procedural matters associated with the reliability requirement, including certifications, confidentiality, record retention, cessation notices, and remedial actions. We also have made non-substantive, streamlining changes to certain regulatory language, including to the record retention subparagraphs under former § 9.19(d)(3), as proposed.[376]

911 Authority Access to Certifications and Reports

We adopt, with some modifications, the Commission's proposal to ensure that 911 Authorities can access CSP reliability certifications and interoperability reports.[377] The Commission has long recognized that 911 Authorities should have access to CSPs' submissions to inform their planning and oversight of the 911 networks serving their jurisdictions. When the Commission adopted the 2013 reliability rules, it recognized that PSAPs and 911 Authorities ''have a strong interest in obtaining relevant information about the reliability and resiliency of their 911 service'' and might need additional information ''to prompt [CSPs] to make specific reliability improvements in their networks.'' [378] The Commission did not mandate disclosure to PSAPs or 911 Authorities at that time ''[i]n light of the wide variety of circumstances involved in how PSAPs nationwide purchase 911 service,'' but it admonished CSPs to ''respond promptly'' to disclosure requests and to ''enter into discussions concerning the content of the provider's 911 circuit auditing certification.'' [379] The Commission concluded ''that PSAPs should have access to the details of circuit-auditing certifications, as long as the sensitive and proprietary nature of the information can be maintained.'' [380]

The record in this proceeding indicates that disclosure of CSP reliability certifications and interoperability reports is more critical today than in 2013, because the NG911 ecosystem now involves a wider array of providers, traffic aggregators, and subcontracted facilities that may not have direct relationships with the PSAPs and 911 Authorities whose 911 traffic they process and carry. The increasingly diffuse nature of the NG911 ecosystem makes it more difficult for 911 Authorities to fully assess the reliability and interoperability of their 911 services without access to provider network information, especially from distant CSPs that provide NG911 capabilities on the OSP side of the NG911 ecosystem.[381]

Public safety and industry commenters broadly agree that 911 Authorities should be entitled to access CSP submissions, subject to confidentiality protections.[382] Commenters note that ''[t]he 911 community is currently lacking access in this area and [that] having access to information about covered service providers' certifications would be extremely useful. Knowledge of the points of vulnerability in the 911 network serving a state or an individual PSAP will help state and local 911 officials better plan for and mitigate the risks of outages and disruptions.'' [383] CCOA agrees that ''[f]or their advance operational planning, 911 Authorities must be able to rely on the CSP's identification of where critical 911 circuits are diverse and where they are not.'' [384] Lumen notes that the Commission's proposal is ''undergirded by appropriate safeguards and already-existing processes'' and is cabined appropriately to government entities ''with a need-to-know basis.'' [385]

Given the strong and consistent responses of most commenters, we are not persuaded by Verizon's dissenting view that 911 Authorities do not want or need access to 911RCS filings.[386] Nor do we agree that CSPs should be permitted to redact descriptions of their alternative measures and other ''specific technical details,'' as one commenter suggests.[387] That is precisely the type of information 911 Authorities need to identify potential single points of failure and other vulnerabilities, and we believe the confidentiality and redaction protections we adopt today are sufficient to avoid unnecessary disclosures of network information. As one provider puts it: ''As we evolve our 911 system into the NG911 environment[,] . . . local PSAPs lose visibility into the reliability of many of the elements required for the functioning of the system. Importantly[,] our local PSAPs and even our State 911 Authorities lose visibility in the

[373] Lumen Reply at 8.

[374] CCOA Reply at 7 (''CCOA strongly encourages that the rules require periodic testing and sporadic auditing by someone external to the carrier to verify that the content of the CSP's annual certification is accurate and reliable.''); 1Spatial Comments at 3 (''Any NG911 interoperability certification must include a component that verifies the data[.]'').

[375] *See* Appendix A (§§ 9.19, 9.20); *NG911 Reliability FNPRM,* 40 FCC Rcd at 2706, para. 96.

[376] *NG911 Reliability FNPRM,* 40 FCC Rcd at 2706, para. 96.

[377] *Id.* at 2706–08, paras. 98–103; Appendix A (§ 9.20(c)–(d)).

[378] *911 Reliability Order,* 28 FCC Rcd at 17532–33, paras. 156–57.

[379] *Id.* at 17533, para. 157–58 (''The record in this proceeding supports allowing PSAPs and, as relevant, state 911 authorities, access to potentially sensitive information on the circuit routes to the PSAP.'').

[380] *Id.* at 17533, para. 158.

[381] *Massachusetts Ex Parte* at 4–5 (identifying need for 911 Authority visibility and oversight into third-party 911 service providers to OSPs based on Massachusetts' experiences during the NG911 transition).

[382] *See, e.g.,* CCOA Comments at 3 (''We recommend that the final rule grant 911 Authorities the right to obtain, review, and validate CSP certifications and documentation, including alternate reliability measures and identified single points of failure.''); Michigan State 911 Committee Comments at 1 (''This transparency would improve oversight and allow us to identify vulnerabilities early, instead of after outages have already occurred.'').

[383] NASNA Comments at 6–7; *see also, e.g.,* CCOA Comments at 3; Michigan State 911 Committee Comments at 1 (''This transparency would improve oversight and allow us to identify vulnerabilities early, instead of after outages have already occurred.''); NYSPSC Comments at 2 (''As with NORS access, expanding transparency to these certifications will enable state and local 911 authorities to more accurately assess and identify how 911 providers and PSAPs interact within the state along with existing limitations in the NG911 environment exist.''); COPUC Comments at 11–12; Intrado Comments at 22–23.

[384] CCOA Reply at 6–7.

[385] Lumen Comments at 12–14.

[386] Verizon Comments at 16 (''To date there has been very little demand by state and local government 911 authorities for wireline 911 providers' annual certifications[.]''). Verizon's observation, if true, could be due to 911 Authorities' focus in recent years on transitioning away from legacy wireline 911 services to NG911. These efforts underscore the need for 911 Authorities to have access to the certifications of IP-based CSPs.

[387] Intrado Comments at 23.

operations of national NG911 ESInet aggregators as well as national transport providers.'' [388] In this more complex environment, we find that voluntary disclosure is no longer sufficient to ensure that 911 Authorities consistently receive all of the information they need to safeguard the reliability of the 911 systems they oversee.[389]

Separately, we conclude that providing 911 Authorities with access to CSP reliability and interoperability filings will amplify the Commission's ability to address potential risks to NG911 service and possible violations of the Commission's 911 reliability framework.[390] Although the Commission is ultimately responsible for enforcement of its framework, 911 Authorities have a shared interest in protecting the reliability of NG911 networks, and we believe their oversight will complement our own. 911 Authorities are better positioned than the Commission, in some cases, to identify compliance issues, because they are customers of NG911 services and regularly coordinate with CSPs regarding service problems. Enabling 911 Authorities to report concerns to the Bureau therefore will improve the Commission's oversight while conserving Bureau resources and freeing staff to focus their attention on critical risks that could result in multistate and multi-OSP outages or hamper interstate interoperability.

Confidentiality protections. As proposed in the *NG911 Reliability FNPRM,* we retain the presumption of confidentiality for proprietary information in reliability certifications, and we require 911 Authorities seeking access to CSP reliability certifications and interoperability reports to comply with the same confidentiality safeguards that protect NORS outage reports when state agencies are given access to them.[391] The Commission allows state, territorial, and tribal agencies to access NORS reports on a need-to-know basis, conditioned on their agreement to robust confidentiality protections.[392] The NORS protections are set forth in their entirety through the codified provisions in § 4.2 of part 4 of the Commission's rules and the guidance, instructions, and forms the Bureau has published on the Commission's website.[393]

We find that the NORS data protections are an appropriate and effective model for safeguarding reliability certifications and interoperability reports. The NORS framework reflects a mature, field-tested set of safeguards that already balances state and tribal agencies' need for operationally meaningful network information with the imperative to protect service providers' proprietary data. Aligning the confidentiality obligations for NORS reports and reliability certifications and interoperability reports likewise reduces administrative uncertainty for both agencies and providers, promotes consistent treatment of sensitive reliability information across Commission programs, and preserves strong incentives for CSPs to participate fully and candidly in the certification process.

Accordingly, we permit CSPs to condition their production of reliability certifications and interoperability reports to 911 Authorities on their execution of confidentiality agreements with terms that are not more restrictive than those set forth in § 4.2 and the Bureau's supplemental guidance.[394] We also clarify that only statewide, territorial, and tribal 911 Authorities may request copies of CSPs' certifications and reports. While we recognize that allowing local or regional 911 Authorities to access CSP certifications and reports could also be beneficial in some instances—particularly in home rule states where such entities have responsibilities for NG911 planning and deployment decisions—we find that extending access to potentially hundreds of government entities would impose undue burdens on CSPs and could result in an unwarranted proliferation of their sensitive and proprietary information.[395] Moreover, states have the option of using centralized emergency services planning or regulatory bodies to issue the requests and then coordinating with local agencies and sharing information when necessary, consistent with § 4.2. This approach also aligns with our determination to permit filing 911 reliability certifications at the level of a given state or territory, rather than on the previous PSAP-by-PSAP level.

We further clarify that certain of the NORS procedures for accessing information may not apply in every circumstance in the 911 reliability context. For example, rules governing agencies' account access to the NORS database will not apply unless and until the Bureau establishes a pathway for direct 911 Authority access to any new reliability database. Instructions pertaining to agency submissions to the Bureau also will not apply, because our framework implements a process carried out through the cooperation of CSPs and 911 Authorities. We believe that CSPs and 911 Authorities, working together in good faith, will be able to adapt the NORS procedures to their specific circumstances straightforwardly, altering them by mutual agreement as necessary. And consistent with the NORS framework, the Bureau may use its delegated authority to terminate a 911 Authority's right of access to CSP certifications for a period of time, among other measures, if the 911 Authority violates its confidentiality obligations.[396]

Access procedures. State, territorial, and tribal 911 Authorities may obtain copies of filings submitted by the CSPs that provide them with covered services or that operate covered 911 circuits or paths located within their jurisdictions. A 911 Authority may request copies from CSPs directly, in which case the CSP must comply within 14 days, provided the 911 Authority signs a confidentiality agreement that is consistent with the confidentiality

[388] Home Telephone Comments at 13.

[389] We acknowledge that some 911 Authorities may already receive state reliability certifications from certain 911 service providers operating within in their jurisdictions. Even in such cases, 911 Authorities can use FCC reliability certifications and interoperability reports to verify the local submissions. COPUC Comments at 11–12.

[390] *See, e.g.,* NYSPSC Comments at 2 (''[T]he availability of this information will also better position state and local 911 authorities to offer more substantive and effective recommendations to the FCC in future NG911 proceedings.''); *see also* Washington Utilities and Transportation Commission Comments, PS Docket No. 14–193 at 8 (filed March 17, 2015) (''Access to such information by state officials would greatly assist in understanding and tracking marketplace developments affecting 911 service delivery within the scope of their jurisdictions. State access could also greatly assist officials during times of emergency . . . in understanding and interacting with such entities as events unfold.'').

[391] *See NG911 Reliability FNPRM,* 40 FCC Rcd at 2708, para. 101; 47 CFR 9.19(d)(2)(i), (ii) (confidentiality of 911RCS certifications).

[392] *Amendments to Part 4 of the Commission's Rules Concerning Disruptions to Communications,* PS Docket No. 15–80, Second Report and Order, 36 FCC Rcd 6136, 6137, para. 3 (2021) (*NORS Information Sharing Order*). See also id. at 6143–97, paras. 22–128 (summarizing confidentiality protections).

[393] *See* 47 CFR 4.2; FCC, Outage Information Sharing, *https://www.fcc.gov/outage-information-sharing* (last visited May 19, 2026) (including the posted documents ''How to Apply for Access,'' ''Participating Agency Certification Form,'' and ''Downstream Agency Certification Form''). *See also NORS Information Sharing Order,* 36 FCC Rcd at 6143–97, paras. 22–128 (explaining the NORS access rules and procedures).

[394] *See* FCC, *Outage Information Sharing, https://www.fcc.gov/outage-information-sharing* (last visited May 19, 2026).

[395] *Accord NORS Information Sharing Order,* 36 FCC Rcd at 6144–45, para. 27; *see also* Lumen Comments at 13, n.42 (recommending that the Commission ''reinforce that access to these certifications would be limited to '911 Authorities' and not 'state and local governments' writ large'').

[396] *See* 47 CFR 4.2(e); 47 CFR 0.392(j).

protections for reports filed in NORS.[397] CSPs may omit or redact information relating to portions of their networks or facilities that do not provide covered services to, and are not located in, the requesting 911 Authority's jurisdiction. CSPs' obligation to produce certifications and reports to 911 Authorities will commence following the announced deadline for submitting such certifications and reports.

We also authorize state, territorial, and tribal 911 Authorities to obtain certifications and reports filed in 911RCS from the Bureau.[398] We direct the Bureau to provide instructions, updated as necessary, to 911 Authorities regarding access to such filings.[399] To conserve Commission resources, we allow 911 Authorities to obtain certifications from the Bureau only after attempting to obtain them directly from CSPs, and we will not require Bureau staff to redact CSP filings. For the same reason, we reject requests from several commenters that the Commission should make itself the *only* source from which 911 Authorities can obtain CSP certifications.[400]

Remediation Process

In the *NG911 Reliability FNPRM,* the Commission proposed to codify the remediation process by which the Bureau addresses apparent deficiencies in CSP reliability certifications.[401] Although the Bureau already has delegated authority to conduct remediation, the Commission suggested that adopting codified procedures would make the remediation process more transparent and predictable.[402]

We find that codification of our remediation procedures will increase awareness of how the Bureau determines violations of § 9.19(b) and of providers' ability to contest such findings. No commenters oppose codification, and COPUC strongly supports the proposed procedures.[403] COPUC also proposes that the codified procedures provide for 911 Authorities to receive copies of all Bureau remediation notices provided to CSPs in their jurisdictions.[404] We agree with COPUC's proposal and include it in the codified procedures.

When the Bureau identifies apparent noncompliance with the requirement for CSPs to provide reliable 911 service, it ordinarily will try to work with the provider and other interested stakeholders (*e.g.,* affected PSAPs) to address any shortcomings.[405] The Bureau also may order the provider to take remedial action.[406] We codify the following remediation procedures that the Bureau and CSPs will follow in such cases:[407]

- *Notice.* If a CSP's certification or other information indicates that it may not have taken reasonable measures as required by § 9.19(b), the Bureau may issue and electronically serve on the CSP a notice describing its apparent deficiencies and any remedial actions the Bureau proposes. The notice may include requests for relevant documents and information.
- *Response.* The CSP must provide any requested documents and information to the Bureau within 30 days. It may also submit a written response to the notice.
- *Order.* At any point after the 30th day following its service of the notice, the Bureau may issue and serve on the CSP an order setting forth its findings and specifying the remedial actions the CSP must take. The order also may set deadlines for the required actions and identify information the CSP must submit to demonstrate its compliance with the order.
- *Notice to 911 Authorities.* The CSP must deliver a copy of the Bureau's order promptly to the 911 Authority for each jurisdiction in which its reliability measures were found deficient or in which it was directed to take remedial actions.[408]

This process accurately reflects current practice, and it falls within the broad scope of the authority the Commission already has delegated to the Bureau.[409] We also clarify that the newly-codified process described above applies solely to the remediation of violations of § 9.19(b) by the Bureau and does not limit the Bureau's general administrative authority over the 911 reliability framework or constrain the Bureau's ability to take other enforcement or oversight actions pursuant to its delegated authority. Nor does the remediation process constrain the Commission's broader adjudication or enforcement authorities, including its statutory powers to enforce its orders and to assess forfeitures, whether on referral from the Bureau or otherwise.[410]

Other Issues

Consumer portal and petition process. In the *NG911 Reliability FNPRM,* the Commission sought comment on establishing a new consumer portal dedicated to 911-related outage reports and a new petition process for 911 Authorities to allege CSP violations of the 911 reliability framework and interoperability measures.[411] The Commission suggested these mechanisms as potential complements to the existing avenues through which consumers and 911 Authorities already may report 911 reliability issues to the Bureau's attention.[412] On review of the record, however, we decline to adopt these proposals.

Comments are mixed in favor of and against establishing a new petitions process or a dedicated consumer portal. Supporters argue that a new petition process would encourage frank exchanges between 911 Authorities and CSPs and that a new consumer portal would increase transparency and enhance communication between the Commission and the public.[413] However, a number of commenters, including Verizon, Intrado, and CTIA, believe that a petition process would be

[397] *See* 47 CFR 4.2.

[398] *See* 47 CFR 0.392(i) and (j).

[399] *See* NASNA Comments at 7 (urging the Commission to ''make[] the access permission/approval process both simple and secure for state and local units of government. While transparency that provides security is appreciated, systems that are burdensome create barriers to that transparency.'').

[400] *See* Lumen Comments at 14; Home Telephone Comments at 14.

[401] *NG911 Reliability FNPRM,* 40 FCC Rcd at 2709–10, paras. 105–110.

[402] *Id.*

[403] COPUC Comments at 12 (''It does little good to have a CSP report its noncompliance to the Commission if no action is taken to resolve the issue.'').

[404] *Id.*

[405] *911 Reliability Order,* 28 FCC Rcd at 17497, para. 63.

[406] *Id.;* 47 CFR 0.392(j).

[407] *NG911 Reliability FNPRM,* 40 FCC Rcd at 2709, paras. 105–07.

[408] *See* Appendix A (§ 9.20(g)); COPUC Comments at 12 (''The 911 Authority is in the best position to monitor the activity of the CSP to ensure that it is complying with the Bureau's order, but only if it knows that such an order exists.'').

[409] 47 CFR 0.392(j).

[410] *See, e.g.,* 47 U.S.C. 401(b) (authority to enforce orders); 47 U.S.C. 503–504 (forfeitures); 47 CFR 1.2 (issuance of declaratory rulings); *911 Reliability Order,* 28 FCC Rcd at 17495, para. 55 (''[T]he reliability certifications [are] subject to penalties for false or misleading statements[.]'') (citing 18 U.S.C. 1001 (false statements to the federal government) and 47 CFR 1.17 (truthful and accurate statements to the Commission)). The Public Safety and Homeland Security Bureau may refer noncompliant CSPs to the Enforcement Bureau, for example, but typically will not do so if a provider is acting in good faith. *911 Reliability Order,* 28 FCC Rcd at 17497, para. 63.

[411] *NG911 Reliability FNPRM,* 40 FCC Rcd at 2703 and 2709–10, paras. 89 and 108–09.

[412] *See, e.g., NG911 Reliability FNPRM,* 40 FCC Rcd at 2703 and 2709, paras. 89 and 108 (proposing to remind 911 Authorities that they ''may continue to informally refer alleged 911 reliability and interoperability deficiencies to the Bureau without a formal petition''). *See also* FCC, Consumer Inquiries and Complaints Center, *https://consumercomplaints.fcc.gov/hc/en-us* (last visited May 19, 2026); FCC, Public Safety Support Center, *https://www.fcc.gov/general/public-safety-support-center* (last visited May 19, 2026).

[413] Lumen Comments at 15–16; Public Knowledge Comments at 8; COPUC Comments at 12; CCOA Reply at 4.

more likely to spoil coordination and cooperation among stakeholders and undermine the ability of Bureau staff to have candid and constructive discussions with providers.[414] They also contend that the new complaint mechanisms would be duplicative of existing avenues through which concerns about 911 service and CSP compliance can be raised, including the Public Safety Support Center (for PSAPs and 911 Authorities), the Consumer Inquiries and Complaints Center (for individual consumers), and the Commission's general petition process.[415] CTIA argues that the new mechanisms therefore would impose substantial costs without significant countervailing public benefits.[416]

We are persuaded that consumers and 911 Authorities can provide significant value by identifying localized reliability concerns and assisting the Commission's oversight of NG911 networks, but we conclude that these benefits can be fully achieved through the Commission's existing reporting avenues and informal referral processes. Rather than create new procedural mechanisms, which the record shows could impose unnecessary burdens, we will continue to rely on these established channels to facilitate communication, surface potential violations, and support cooperative engagement between the Bureau, CSPs, 911 Authorities, and the public. To ensure that our existing channels are used to their greatest benefit, we instruct the Bureau to consider undertaking targeted outreach and engagement efforts to raise awareness of these avenues and to encourage 911 Authorities and consumers to use them to refer concerns relating to the reliability of covered 911 services.

Cessation notices. We do not adopt the Commission's proposal to require CSPs to notify 911 Authorities, at the same time they notify the Commission, when they cease providing covered 911 services.[417] Under the previous 911 reliability rules, CSPs must file a notification with the Commission under penalty of perjury no later than 60 days after their cessation of service.[418] The cessation notifications to the Commission become due ''only when a [CSP] completely ceases providing covered 911 services'' and not whenever it ceases to provide service to a particular PSAP or jurisdiction.[419] Accordingly, only the last jurisdiction where a CSP retires its last covered 911 service or facility would receive the notice. We therefore find that the limited potential benefit to 911 Authorities from receiving the notifications would not outweigh the additional burden on all CSPs to maintain awareness of a new notification requirement. We note as well that no commenters responded to this proposal in the record.

PSAP Outage Notifications. Finally, we note that § 4.9(h) of the rules incorporates section 9.19's definition of ''covered 911 service provider'' in defining the providers that must notify 911 special facilities about certain outages. We decline at this time to extend the section 4.9(h) reporting obligation to those entities that are newly designated as CSPs by this *Order.*[420] Several commenters contend that requiring newly-designated CSPs to provide outage notifications to PSAPs is unnecessary or possibly counterproductive, as it could lead to duplicative notifications to PSAPs.[421] It is also unclear from the record whether it is technically feasible for operators of multi-OSP LISs and LNGs, major IP transport facilities, and IP 911 traffic aggregation facilities to notify 911 special facilities about outages that potentially affect them as our rules require. Because the current record is mixed and does not contain a thorough discussion of these issues, we agree with commenters that further consideration is warranted and therefore do not require these operators to report at this juncture.[422] We note that cable, satellite, wireless, legacy wireline, interconnected VoIP, as well as covered 911 service providers (as previously defined), continue to have a non-delegable duty to provide notification to 911 special facilities under our rules, and that reliance upon a third party to contribute to 911 call processing does not relieve the provider of that duty.[423]

Compliance Timelines

We establish an 18-month transition period for phasing in our new 911 reliability framework and interoperability measures. We find that this transition period is justified to avoid excessive costs, allow operational flexibility, and provide time for stakeholders to gain experience with implementing reliability measures and interoperability arrangements in NG911 networks as deployments continue to mature.[424] The 18-month period will commence when the Bureau issues a public notice announcing approval by the Office of Management and Budget (OMB) of the information collection requirements adopted in this Order. Newly designated CSPs will have six months from the public notice date to file an attestation with the Commission identifying themselves as CSPs.[425] All IP-based CSPs will have 18 months from the public notice date to come into compliance with the updated reliability benchmarks for physical diversity, operational integrity, and network monitoring, or to implement alternative measures. CSPs covered by the 2013 rules will continue to be subject to the reliability benchmarks established under those rules. CSPs that have previously filed annual certifications under the 2013 rules will not be required to file additional annual certifications during the transition period. All CSPs will file their initial reliability certifications and interoperability reports pursuant to the updated rules 18 months from the public notice date.[426]

[414] *See, e.g.,* Verizon Comments at 17.

[415] CTIA Reply at 7, 10; Verizon Comments at 16; Intrado Reply at 8–9. CTIA and Verizon also express concern that encouraging petitions from individual state 911 Authorities could lead to reliability standards being enforced unevenly across jurisdictions. CTIA Reply at 7; Verizon Comments at 16 (''[T]he FNPRM's proposed enforcement regime leaves the door open to localized second-guessing of otherwise reasonable measures.'').

[416] CTIA Comments at 8.

[417] *Cf. NG911 Reliability FNPRM,* 40 FCC Rcd at 2708–09, para. 104.

[418] 47 CFR 9.19(d)(4).

[419] *Id.*

[420] *See* 47 CFR 4.9(h).

[421] *See, e.g.,* Comtech Comments at 20 (arguing against ''a one-size-fits-all notification requirement applicable to every CSP involved in an NG911 call flow''); iCERT Reply at 7; BRETSA Reply at 2; Intrado Comments at 8–9 (additional notifiers ''would multiply the number of notifications PSAPs receive''); DATAMARK Reply at 5; T-Mobile Comments at 2–3.

[422] *See, e.g.,* APCO Reply at 15 (''[O]utage reporting requirements warrant a more in-depth review beyond the scope of the current . . . proceeding.''); NENA Comments at 26; CTIA Reply, at 6–7; Comtech Comments at 20 (requesting a ''dedicated proceeding'' that considers ''prior Commission findings, . . . CSRIC VI best practices, as well as current NENA guidance''); iCERT Reply 7; Verizon Reply at 3; Motorola Reply at 5.

[423] *Amendments to Part 4 of the Commission's Rules Concerning Disruptions to Communications, Improving 911 Reliability, New Part 4 of Commission's Rules Concerning Disruptions to Communications,* PS Docket Nos. 15–80 and 13–75, ET Docket No. 04–35, Second Report and Order, 37 FCC Rcd 13847, 13854–55, para. 13 (2022). *See id.* at 13859, para. 20 (''We expect service providers to address these responsibilities within their 911 service contracts with third parties as needed.'').

[424] *See* City of Coconut Creek, FL July 21, 2025 Comments at 1 (''We respectfully recommend that the FCC provide flexible and realistic timelines for compliance[.]'').

[425] ''Newly designated CSPs'' are those providers classified as CSPs under the updated rules that did not file certifications as CSPs under the 2013 reliability rules.

[426] Entities that begin providing covered 911 services after the initial certification and reporting deadline must submit an initial reliability certification and interoperability report when they begin providing services.

Legal Authority

We find our approach this *Order* to strengthen the reliability and interoperability of NG911 falls squarely within the legal authority that Congress has delegated to the Commission. Congress has enacted numerous provisions in the Communications Act of 1934, as amended (the Act), and other 911-related statutes ''that, taken together, establish an overarching federal interest in ensuring the effectiveness of the 911 system.'' [427] The Commission has been granted broad authority, for example, to ''promot[e] safety of life and property through the use of wire and radio communications,'' [428] including through use of the nation's 911 system.[429] The Commission's public safety interest is among its most important responsibilities, and it informs the Commission's exercise of its other statutory authority pursuant to Congress's other directives. The D.C. Circuit consistently has affirmed the Commission's duty to consider public safety under the Communications Act and to impose obligations to protect public safety in the public interest.[430] Beyond this general mandate, section 251(e)(3) of the Communications Act makes the Commission responsible for establishing 911 as the universal emergency telephone number for both wireline and wireless telephone service,[431] demonstrating Congress's intent to grant the Commission broad authority for ''ensuring that 911 service is available throughout the country.'' [432] In a subsequent statute, Congress found that ''for the sake of our Nation's homeland security and public safety, a universal emergency telephone number (911) that is enhanced with the most modern and state-of-the-art telecommunications capabilities possible should be available to all citizens in all regions of the Nation.'' [433]

Moreover, to the extent that covered 911 service providers are common carriers, section 201(b) of the Communications Act requires them to adopt ''practices'' that are ''just and reasonable'' and authorizes the Commission to ''prescribe such rules and regulations as may be necessary in the public interest'' to enforce that requirement.[434] The Commission also may require carriers ''to provide [themselves] with adequate facilities for the expeditious and efficient performance of [their] service[s]'' when ''reasonably required in the interest of public convenience and necessity.'' [435] The Commission consistently has relied on these authorities to regulate the provision of 911 service, including when it adopted the 2013 reliability rules.[436] Similar provisions empower the Commission to regulate the adequacy of the services provided by wireless and interconnected VoIP providers.[437] Based on the record, we find that the 911 reliability and interoperability practices and facilities addressed in this *Order* are just and reasonable, serve the public interest, and are required for public convenience and necessity.

We also conclude that this *Order* falls within the Commission's broad authority under the Twenty-First Century Communications and Video Accessibility Act (CVAA) to regulate the provision of NG911 services specifically.[438] Congress enacted the CVAA to ensure that people with disabilities have ''equal access to emergency services . . . as a part of the migration to a national [IP]-enabled emergency network[.]'' [439] To further that goal, Congress required the FCC to establish an Emergency Access Advisory Committee (EAAC) to recommend ''the most effective and efficient technologies and methods'' by which to achieve the CVAA's purpose, and Congress provided the Commission ''the authority to promulgate regulations to implement the recommendations proposed by the [EAAC].'' [440] Congress also authorized the Commission to promulgate ''any other regulations, technical standards, protocols, and procedures as are necessary to achieve reliable, interoperable communication that ensures access by individuals with disabilities to an [IP]-enabled emergency network, where achievable and technically feasible.'' [441] Ensuring the reliability and interoperability of the nation's NG911 network therefore is one of the Commission's key mandates under the CVAA.

Our approach comports with the CVAA's mandate because it enhances the reliability and interoperability of the nation's NG911 network—the IP-enabled emergency network addressed in the CVAA—and is achievable and technically feasible. We (1) identify which services and facilities are the most critical to modern NG911 networks; (2) establish reasonable reliability standards for the providers of these services and facilities based on prevailing best practices; (3) require CSPs to take reasonable measures to

[427] *See, e.g., 911 Fee Diversion; New and Emerging Technologies 911 Improvement Act of 2008,* PS Docket Nos. 20–291 and 09–14, Report and Order, 36 FCC Rcd 10804, 10810–11, para. 16 & n.41 (2021) (*911 Fee Diversion Order*); *NG911 Transition Order,* 39 FCC Rcd at 8206–07, para. 154.

[428] 47 U.S.C. 151. The Communications Act authorizes the Commission to make rules and regulations, issue orders, and prescribe restrictions and conditions that are consistent with the provisions of the act. *See, e.g.,* 47 U.S.C. 154(i) and 303(r).

[429] *See, e.g., Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems,* CC Docket No. 94–102, Report and Order and Second Further Notice of Proposed Rulemaking, 18 FCC Rcd 25340, 25345, para. 13 (2003) (''We find that Congress has given the Commission broad authority to deal with public safety concerns in wire and radio communications.''); *Revision of the Commission's rules to ensure compatibility with enhanced 911 emergency calling systems,* CC Docket No. 94–102, Notice of Proposed Rule Making, 9 FCC Rcd 6170, 6171, para. 7 (1994) (''It is difficult to identify a nationwide wire or radio communication service more immediately associated with promoting safety of life and property than 911.''); *Nuvio Corp.* v. *FCC,* 473 F.3d 302, 312 (D.C. Cir. 2006) (Kavanaugh, J., concurring) (stating that Congress has granted the Commission ''broad public safety and 911 authority''). Moreover, in the Net 911 Act's legislative history, Congress recognized that ''[s]hould changes in the marketplace or in technology merit, the Committee expects that the Commission will reexamine its regulations as necessary, consistent with the Commission's general authority under section 1 of the Communications Act of 1934 to promote the 'safety of life and property' through the use of wire and radio communications.'' H.R. Rep. No.110–442, at 13 (Nov. 13, 2007), *https://www.govinfo.gov/app/details/CRPT-110hrpt442.*

[430] *See, e.g., Nuvio Corp.,* 473 F.3d at 307–08 (upholding new E911 requirements on the basis of, in part, the Commission's statutory duty to ''promot[e] safety of life and property through the use of wire and radio communications' '' (quoting 47 U.S.C. 151; emphasis omitted)); *U.S. Cellular Corp.* v. *FCC,* 254 F.3d 78, 85 (D.C. Cir. 2001) (upholding the Commission's E911 default cost allocation rule based in part on the fact that ''the Commission . . . imposed upon wireless carriers an obligation to implement a service in the public interest'').

[431] 47 U.S.C. 251(e)(3).

[432] *Nuvio Corp.,* 473 F.3d at 311 (Kavanaugh, J., concurring).

[433] ENHANCE 911 Act of 2004 § 102, 47 U.S.C. 942, note.

[434] 47 U.S.C. 201(b).

[435] 47 U.S.C. 214(d).

[436] *See, e.g., 911 Reliability Order,* 28 FCC Rcd at 17529, para. 149.

[437] 47 U.S.C. 303 (''[T]he Commission . . ., as public convenience, interest, or necessity requires, shall . . . (b) [p]rescribe the nature of the service to be rendered by each class of licensed stations and each station within any class'' [and] ''(r) [m]ake such rules and regulations and prescribe such restrictions and conditions, not inconsistent with law, as may be necessary to carry out the provisions of this chapter'') (wireless carriers); 47 U.S.C. 615a–1 (''(a) It shall be the duty of each IP-enabled voice service provider to provide 9–1–1 service and enhanced 9–1–1 service to its subscribers in accordance with the requirements of the [FCC];'' ''(c) The Commission . . . (3) may modify such regulations from time to time, as necessitated by changes in the market or technology, to ensure the ability of an IP-enabled voice service provider to comply with its obligations under subsection (a)[.]'') (VoIP providers).

[438] Twenty-First Century Communications and Video Accessibility Act of 2010, 47 U.S.C. 609 *et seq.*

[439] 47 U.S.C. 615c(a).

[440] 47 U.S.C. 615c(c), (g).

[441] 47 U.S.C. 615c(g).

enable interoperability between ESInets and NGCS facilities; and (4) improve oversight processes. These changes are designed to reduce NG911 service outages, thereby increasing access to IP-based 911 services for people with disabilities, including multimedia capabilities that cannot be supported on legacy TDM-based networks.[442] Indeed, one of EAAC's recommendations to the Commission was to ensure an ''[a]ccessible NG9–1–1 Network'' that could ''support features, functions and capabilities . . . to enable individuals with disabilities to make multimedia NG9–1–1 emergency calls.'' [443] These advanced 911 features currently are the least likely to be supported by existing interoperability measures, and users of these services therefore stand to benefit most from the 911 reliability framework and interoperability measures we adopt today.[444] The EAAC also recommended that the FCC promote interoperability by allowing NG911 providers ''to identify the formats for their environment[s]'' and to ''convert these formats where their environments interface with other environments[.]'' [445] That is the approach we have taken—requiring providers to use reasonable efforts to enable interoperability, while affording them flexibility to determine the formats in which they will do so.

As the Commission has recognized consistently in prior rulemakings, the Commission's regulatory authority under the CVAA is not limited to services that are used exclusively by people with disabilities.[446] Nor does the CVAA ''requir[e] the FCC to ensure that any rules we adopt confer zero benefits on consumers outside the disability community[.]'' [447] Rather, we adhere to and advance the CVAA's mandate precisely because they promote NG911 reliability equally between people with and without disabilities on a platform-neutral basis. Moreover, the EAAC concluded that people with disabilities may depend on the same voice services as those without disabilities in emergency situations,[448] or they may rely on a caretaker or other persons using such services.[449] We believe we should broadly cover different types of service providers to ensure that persons with disabilities have full and equal access to emergency services when they are needed.

We also find that our approach to improve the reliability certification process is authorized under section 218 of the Act, which allows the Commission to ''inquire into the management of the business of all carriers'' and to obtain from them ''full and complete information necessary to enable the Commission to perform the duties and carry out the objects for which it was created.'' [450] Furthermore, section 4(n) of the Act states that ''[f]or the purpose of obtaining maximum effectiveness from the use of radio and wire communications in connection with safety of life and property,'' the Commission ''shall investigate and study all phases of the problem and the best methods of obtaining the cooperation and coordination of these systems.'' [451] The Commission previously has relied on section 4(n) in similar contexts, for example, as providing authority to require interconnected VoIP providers to report outages and to require emergency alerting plans to allow the Commission and other stakeholders to review and identify gaps in emergency alerting architecture and to take measures to address these shortcomings.[452] The Commission also has authority under the NET 911 Act to ''compile . . . information concerning 9–1–1 and enhanced 9–1–1 elements, for the purpose of assisting IP-enabled voice service providers in complying with this section.'' [453] Thus, we conclude that, as part of a cooperative governance structure for 911, ''the Commission is authorized to gather and disseminate information from carriers and other regulatees for the purpose of ensuring effective public safety communications,'' including by allowing 911 Authorities to access CSP reliability certifications to assist with oversight.[454]

Together, the foregoing statutes confirm the Commission's authority and responsibility to establish and maintain a comprehensive and effective 911 system.[455] They give the Commission broad authority to ensure that the 911 system is available and accessible and functions effectively to process and deliver 911 calls and texts from all people in need of aid using any type of service; authorize the Commission to adopt the framework and measures herein; and represent the repeated endorsement by Congress of the Commission's ability to act in this context.[456] The Commission previously concluded that ''[i]n light of these express statutory responsibilities, regulation of additional capabilities related to reliable 911 service, both today and in an NG911 environment, would be well within Commission's . . . statutory authority.'' [457] The Commission also has stated that it ''already has sufficient authority to regulate the 911 and NG911 activity of,

[442] *See* Emergency Access Advisory Committee, Report and Recommendations, at 21–25 (Dec. 7, 2011), *http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-312161A1.doc* (*EAAC Report*) (describing NG911 functions that can benefit persons with disabilities).

[443] *EAAC Report* at 19 (Recommendation P1.1).

[444] *NG911 Reliability FNPRM,* 40 FCC Rcd at 2696–97, 2700, paras. 71, 83 (NASNA's 2020 Interoperability Matrix showed higher levels of interstate interoperability for 911 voice calls but no or low levels of interstate interoperability for multimedia emergency services features that enhance accessibility).

[445] *EAAC Report* at 20 (Recommendation P1.4).

[446] *NG911 Transition Order,* 39 FCC Rcd at 8208, para. 157; *see also, e.g., Facilitating the Deployment of Text-to-911 and Other Next Generation 911 Applications; Framework for Next Generation 911 Deployment,* PS Docket Nos. 11–153, 10–255, Report and Order, 28 FCC Rcd 7556, 7598, para. 119 (2013) (*Bounce-Back Order*) (''[T]he FCC has authority under the CVAA to require action that is not limited to the disability community.''); *Facilitating the Deployment of Text-to-911 and Other Next Generation 911 Applications; Framework for Next Generation 911 Deployment,* PS Docket Nos. 11–153, 10–255, Second Report and Order and Third Further Notice of Proposed Rulemaking, 29 FCC Rcd 9846, 9878, para. 71 (2014) (*T911 Second Report and Order*) (affirming that ''the CVAA vests the Commission with direct authority to impose 911 bounce-back requirements on both CMRS providers and other providers of interconnected text messaging applications, including [over-the-top] providers'').

[447] *T911 Second Report and Order,* 29 FCC Rcd at 9878, para. 71.

[448] *EAAC Report* at 19 (Recommendation P1.2); *see id.* at 14 (finding that 14.7% of persons with disabilities have a ''mobility disability that does not affect [their] ability to use communications devices''). The EAAC found that respondents to its survey ''overwhelmingly want to be able to call PSAPs using the same technologies they use daily and know how to use reliably (just as all other citizens can).'' *Id.* at 19 (''Users need to use familiar technologies and methods, such as text/audio/video communication, when calling in an emergency and therefore both want and need to be able to access NG9–1–1 from the same devices they will use every day.'').

[449] *See also Bounce-Back Order,* 28 FCC Rcd at 7598, para. 120 (''In emergency situations, persons with disabilities may need to access emergency services quickly and this may require them to use mobile devices owned by others.'').

[450] 47 U.S.C. 218. *See also* 47 U.S.C. 303(j) (authorizing the Commission to issue rules and regulations requiring wireless licensees to keep records of ''programs, transmissions of energy, communications, or signals'').

[451] 47 U.S.C. 154(n).

[452] *Ensuring the Reliability and Resiliency of the 988 Suicide & Crisis Lifeline; Amendments to Part 4 of the Commission's Rules Concerning Disruptions to Communications; Implementation of the National Suicide Hotline Improvement Act of 2018,* PS Docket Nos. 23–5, 15–80, Report and Order, 38 FCC Rcd 6917, 6945, para. 50 & n.190 (2023) (citing *The Proposed Extension of Part 4 of the Commission's Rules Regarding Outage Reporting to Interconnected Voice Over internet Protocol Service Providers and Broadband internet Service Providers,* PS Docket No. 11–82, Report and Order, 27 FCC Rcd 2650, 2676, para. 61 (2012)).

[453] 47 U.S.C. 615a–1(g).

[454] *2014 Reliability NPRM,* 29 FCC Rcd at 14235, para. 78.

[455] *911 Fee Diversion Order,* 36 FCC Rcd at 10810–11, para. 16.

[456] *Id.*

[457] *911 Reliability Order,* 28 FCC Rcd at 17529, para. 150.

inter alia, wireline and wireless carriers, interconnected VoIP providers, and other IP-based service providers'' and that its jurisdiction to regulate 911 extends to the regulation of NG911 across different technologies.[458] The Commission sought comment on this legal framework in the *NG911 Reliability FNPRM,*[459] and no commenter argues that the proposed NG911 reliability framework exceeds the Commission's statutory authority.

The Commission historically has shared authority over the 911 system with state, local, and tribal governments, which exercise their oversight through various types of agencies, such as public safety agencies and, in some cases, state public utility commissions (PUCs).[460] These agencies play critical roles in ensuring that 911 is available when needed, including by ''establishing and designating PSAPs or appropriate default answering points, purchasing customer premises equipment, retaining and training PSAP personnel, purchasing 911 network services, and implementing a cost recovery mechanism to fund all of the foregoing.'' [461] Congress recognized the important role that states and localities can play in ensuring reliable 911 service when it directed the Commission to ''encourage and support efforts by States'' in this area.[462] We reaffirm the Commission's policy to support efforts by states and localities to deploy comprehensive end-to-end emergency communications infrastructure and programs, including seamless, ubiquitous, and reliable 911 service.[463]

We find that our approach strikes an appropriate balance between federal guidance and state and local autonomy. As discussed above, we do not alter state jurisdiction over 911 or directly affect intrastate facilities. We continue to specifically exempt PSAPs and other governmental entities from 911 reliability obligations, and they empower 911 Authorities by ensuring them access to the reliability certifications of CSPs in their states. We also focus on interstate facilities within multistate 911 networks that no individual state can regulate effectively. Specifically, the new CSP classes we identify operate facilities that often extend across state boundaries.[464] Similarly, the ESInet interoperability requirement we adopt applies to interstate communications. Consistent with past practice, we intend to partner with state, local, and tribal 911 Authorities while respecting their unique interest in the delivery of 911 service to their communities.

Commenters generally agree with our analysis and characterize our approach as an appropriate exercise of federal authority over 911 systems that also respects the power of state, local, and tribal 911 Authorities to oversee the 911 network infrastructure within their jurisdictions. Colorado's PUC, for example, believes our approach is consistent with the Commission's historic approach of ''set[ting] a baseline for 911 networks and call delivery and the states add[ing] to this through statute, regulation, and service level agreements in order to address their own particular needs.'' [465] NASNA similarly states that the Commission's role includes protecting the integrity of NG911 systems by requiring CSPs to supply all critical elements of NG911 systems to best practice standards, while 911 Authorities' role is ''to define their procurement requirements and their system elements.'' [466] APCO agrees, noting that the new reliability rules are not intended to alter states' jurisdiction over 911 or directly affect their intrastate facilities.[467]

Another commenter, while ''recogniz[ing] the need for clear rules that promote the reliability of interconnections . . . for reliable routing of emergency 911 calls,'' seeks clarification about the scope of state and local oversight of 911 reliability.[468] We clarify that the Commission has sole authority to enforce the 911 reliability requirements for CSPs codified in part 9 of the Commission's rules. Through the Bureau, the Commission determines whether CSP certifications are timely and accurate and whether CSPs' network implementations comply with the reliability benchmarks or otherwise are reasonable alternative measures. We recognize, however, that 911 Authorities have a shared interest in ensuring the delivery of reliable 911 service to their constituents. Accordingly, we encourage 911 Authorities to make the Commission aware of any potential violations of the Commission's 911 reliability framework in their jurisdictions, and as discussed above, we allow them access to CSPs' reliability certifications to aid in that effort.

We further clarify that 911 Authorities may independently require NG911 operators in their jurisdictions to provide services or to meet performance standards that differ from those described in this *Order.*[469] In such cases, the Commission will deem a CSP to be compliant with the part 9 rules if it truthfully certifies to implementing alternative measures that were mandated or approved by its 911 Authority. It then would fall to the 911 Authority to oversee the CSP's performance and to enforce its local requirements via its contractual rights or through its laws or regulations. To illustrate, Colorado regulates providers

[458] FCC, *Legal and Regulatory Framework for Next Generation 911 Services, Report to Congress and Recommendations,* section 4.1.2.2 (Feb. 22, 2013), *https://docs.fcc.gov/public/attachments/DOC-319165A1.pdf; 2014 Reliability NPRM,* 29 FCC Rcd at 14223, para. 34 (''[T]he Commission has the public safety imperative to oversee each of the increasingly complex component pieces of the nation's 911 infrastructure.'').

[459] *See, e.g., NG911 Reliability FNPRM,* 40 FCC Rcd at 2714, para. 117.

[460] *NG911 Transition Order,* 39 FCC Rcd at 8212, para. 164.

[461] *2014 911 Reliability NPRM,* 29 FCC Rcd at 14218, para. 28 (quoting *IP-Enabled Services; E911 Requirements for IP-Enabled Service Providers,* WC Docket Nos. 05–196, 04–36, First Report and Order and Notice of Proposed Rulemaking, 20 FCC Rcd 10245, 10249, para. 7 (2005)).

[462] 47 U.S.C. 615 (directing the Commission to ''encourage and support efforts by States to deploy comprehensive end-to-end emergency communications infrastructure and programs, based on coordinated statewide plans, including seamless, ubiquitous, reliable wireless telecommunications networks and enhanced wireless 911 service'').

[463] *2014 911 Reliability NPRM,* 29 FCC Rcd at 14210, para. 4; *id.* at 14220, para. 34.

[464] For example, 911 traffic aggregation facilities, multi-OSP LISs and multi-OSP LNGs collect 911 traffic from multiple OSPs that may be located in different states and process and transport the traffic for ultimate delivery to ESInets POIs in various states across the country.

[465] COPUC Comments at 2 (''[T]he Commission and the states have successfully shared concurrent jurisdiction regarding 911 call delivery, and COPUC hopes that this amicable arrangement will continue.'').

[466] NASNA Comments at 6 (''We believe that CSPs should not be permitted under the rules to omit critical functional elements during procurement and then lay the responsibility at the feet of the local 911 jurisdiction citing *caveat emptor.*'').

[467] APCO Reply at 11–12. NTCA and the RLEC Parties claim that the Commission previously characterized NG911 calls as purely ''intrastate'' in nature. *See* NTCA and the RLEC Parties Comments at 3 (citing *NG911 Transition Order,* 39 FCC Rcd at 8212–13, para. 165). In reality, the Commission was describing its federal/state cost allocation rules, which ''treat the costs of transmitting these [911] calls as jurisdictionally intrastate'' when the caller and call recipient are located in the same jurisdiction. *NG911 Transition Order,* 39 FCC Rcd at 8212–13, para. 165 & n. 492 (citing 47 CFR parts 32, 36, 61, 65, and 69). The Commission has long recognized ''that the technologies and commercial relationships that form the foundation of the 911 system are transitioning [to NG911] and, as a result, becoming increasingly interstate in nature.'' *2014 911 Reliability NPRM,* 29 FCC Rcd at 14208, para. 2. *See also* APCO Reply at 11–12 (''In an NG9–1–1 environment, calls and associated data can, and often must, cross state boundaries. The artificial division between 'interstate' and 'intrastate' interoperability has no practical basis in the NG9–1–1 ecosystem . . . given the inherently interconnected and borderless nature of NG9–1–1 traffic.'').

[468] NTCA and the RLEC Parties Comments at 3–4.

[469] For example, 911 Authorities commonly require five nines reliability in their service level agreements with NGCS providers.

of ''basic emergency service'' to governing bodies and PSAPs within the state, which is defined to include the aggregation and transportation of 911 calls.[470] These providers are overseen in part by the Colorado Public Utilities Commission, and they must comply with reliability standards that overlap with—but are not identical to—the Commission's reliability framework in § 9.19.[471] The Commission will accept, for example, a reliability certification from a Colorado CSP explaining that it has implemented alternative measures in lieu of a Commission benchmark because the measures were approved by the Colorado Public Utilities Commission as part of the provider's required biennial improvement plan.[472] Because our framework accommodates state decision-making, there should be no conflict between how the Commission and state and local authorities regulate 911 reliability or carry out their respective oversight roles and therefore no cause for preemption.[473]

Benefit and Cost Analysis

Benefits. The benefits of today's item exceed the costs. This *Order* will lead to improvements in coordination between 911 Authorities and CSPs, promote IP reliability best practices and system interoperability, enhance state and local government oversight, prevent delays in the NG911 transition, and reduce 911 call failures and outages. The elimination of annual certification requirements removes the costs of unnecessary and excessive filings which would serve little value towards realizing these benefits. The Commission has previously found that improving 911 reliability produces significant benefits for the protection of public safety and is consistent with the Commission's statutory charge to promote the safety of life and property through the use of wire and radio communications.[474] We also find that improving 911 reliability will advance national security objectives, as 911 outages leave first responders, including police, fire, and EMS agencies blind to unfolding threats, such as a terrorist attack.[475] Although sparse in quantitative estimates, the record in this proceeding supports our conclusion that the benefits of updated NG911 reliability framework and interoperability measures include empowering state and local governments to manage their NG911 deployments,[476] providing 911 Authorities with visibility and oversight into the entire NG911 ecosystem,[477] and mitigating or preventing large-scale 911 outages.[478] Countervailing claims about risk of NG911 transition delay have been resolved by our modifications to the proposed interoperability benchmark, and replacing the proposed annual interoperability certification with a simplified one-time report.[479] While it is difficult to quantify these benefits, we find that the benefits of improved NG911 reliability, including the prevention of 911 outages, would create sizable benefits to the public safety; indeed, even if these measures result in the saving of only a single life per year, doing so would result in benefits that far exceed the modest costs of our approach.[480] We therefore conclude that the benefits of our actions exceed their costs.

Costs. Today's item will impose approximately $3 million annually and $2.1 million in one-time costs on private businesses.[481] We note that the estimated one-time and annual costs will phase in over the next four years after adoption of the *Order* during the NG911 transition, as NG911 networks gradually replace legacy TDM 911 networks.[482] Most of today's rule changes will impose little or no costs. The ESInet and NGCS CSP categories are clarifications or minor modifications of the rules adopted in the 2013 *911 Reliability Order.*[483] The rule updates adding CSP definitions for major IP transport facilities operators, IP 911 traffic aggregation facilities operators, LIS operators, and transitional gateway operators represent minimal changes to keep pace with technology evolution and ensure realization of the benefits of the *NG911 Transition Order.*[484] Today's modifications to substantially reduce the number of entities included in the *NG911 Reliability FNPRM's* proposed covered 911 service classes of major IP transport, LIS operators, and transitional gateway operators further ensure costs will be minimal. In addition, the IP path diversity and IP monitoring benchmarks we adopt today are largely codifications of the rule interpretations adopted in the *2015 911 Reliability Recon. Order.*[485] Furthermore, both of those benchmarks and the operational integrity benchmark also codify CSRIC's recommendations of NG911 reliability tools that were already available or not overly burdensome to implement based on consideration of impacts on operations and capital budgets, labor costs, and service downtimes for upgrades.[486] The addition of a one-time

[470] *See* 4 Colo. Code Regs. § 723–2–2131; Colo. Rev. Stat. § 40–15–201(2); 4 Colo. Code Regs. § 723–2:2130(b).

[471] *See, e.g.,* 4 Colo. Code Regs. § 723–2:2143 (requiring basic emergency services providers to ''take reasonable measures to provide reliable BES including circuit diversity, central-office backup power, and diverse network monitoring'' as well as other measures).

[472] *See* 4 Colo. Code Regs. § 723–2:2143(b).

[473] In the *NG911 Transition Order,* the Commission similarly affirmed the right of 911 Authorities to adopt provisions concerning the implementation of NG911 that differ from the Commission's framework. *See NG911 Transition Order,* 39 FCC Rcd at 8140, para 7 (''[W]e recognize and do not preempt the long-standing authority of state and local government over the provision of 911 service. Thus, 911 Authorities at the state, local, and Tribal level remain free to establish alternative provisions within their jurisdictions for the implementation of NG911, definition of demarcation points, and allocation and recovery of costs.''); *id.* at 8212–13, para. 165 (''There can be no preemption where there is no conflict or inconsistency between federal and state requirements.'').

[474] *911 Reliability Order,* 28 FCC Rcd at 17500, 17502, paras. 73, 77; *NG911 Transition Order,* 39 FCC Rcd at 8221–22, 8226, paras. 185–186, 195.

[475] *See* Stephanie Armour, *The Nation's 911 System Is on the Brink of Its Own Emergency* (Jul. 16, 2024), *https://www.usatoday.com/story/news/nation/2024/07/16/911-emergency-system-brink-of-crisis/74411456007/*(''Outages have hit at least eight states this year . . . 'This is a national security imperative . . . In a crisis—a school shooting or a house fire or, God forbid, a terrorist attack—people call 911 first . . . The system can't go down.' '').

[476] NYSPSC Comments at 2; NASNA Comments at 6.

[477] NENA Comments at 1–2; Brian Rosen Reply at 2; CCOA Comments at 2.

[478] COPUC Comments at 2; NYSPSC Comments at 1–2; Palmetto Broadband Coalition Reply at 2–3.

[479] T-Mobile Reply at 7.

[480] While we do not attempt to place a value on human life, we note that the value of reducing the mortality risk is approximately $14.2 million per life saved, using a methodology developed by the U.S. Department of Transportation (DOT) that the Commission has relied on in past orders. *See* U.S. Department of Transportation, *Departmental Guidance on Valuation of a Statistical Life in Economic Analysis* (Mar 20, 2026), *https://www.transportation.gov/office-policy/transportation-policy/revised-departmental-guidance-on-valuation-of-a-statistical-life-in-economic-analysis*).

[481] The annual recurring cost of $3 million includes $1.8 million in transport diversity cost, $210,000 for operational integrity collocation cost, $260,000 for IP network monitoring cost, $260,000 for interoperability cost, and $481,560 in certification costs. The $2.1 million one-time cost includes: $600,000 in network routers for IP path diversity, $200,000 in servers and uninterruptible power supply (UPS) devices for operational integrity, $200,000 for IP network monitoring cost, $200,000 for interoperability cost, and $875,568 software, engineering, and installation labor one-time cost.

[482] *NG911 Reliability FNPRM,* 40 FCC Rcd at 2717, para. 126.

[483] *911 Reliability Order,* 28 FCC Rcd at 17489–91, paras. 36–37 & n.85, para. 43; *see also NG911 Reliability FNPRM,* 40 FCC Rcd at 2717, 2719, paras. 124, 128.

[484] *NG911 Transition Order,* 39 FCC Rcd at 8220–28, paras. 182–197.

[485] *2015 911 Reliability Recon. Order,* 30 FCC Rcd at 8656–58, paras. 14–20.

[486] *CSRIC VI WG 1 Report* at 67–68; *see also NG911 Reliability FNPRM,* 40 FCC Rcd at 2690,

Continued

interoperability report represents a minor update to account for rapidly moving technology.[487] Today's clarifications and modifications to the *NG911 Reliability FNPRM's* proposed IP diversity benchmark will further reduce estimated costs. We are also preserving flexibility for CSPs to implement alternate reliability practices based on engineering decisions in the field, and in a way that best suits local needs. The limited measures of this *Order* will therefore protect public safety and national security objectives in a way that is tailored to avoid any significant burdens.

We estimate that the rules adopted in this *Order* will affect a limited number of CSPs. This limited impact reflects the fact that many CSPs have already implemented the types of reasonable safeguards codified in this *Order.*[488] Specifically, we estimate that: (1) the IP physical diversity requirements will only require new reliability measures from approximately 15 entities total among operators of major IP transport facilities, IP 911 traffic aggregation facilities, and ESInet facilities; (2) the operational integrity requirement will only require new measures for approximately 25 entities; (3) the IP network monitoring requirement only require new measures for approximately 25 entities; (4) the interoperability reporting requirement applicable to ESInet facilities and NGCS operators will only require new measures for approximately 25 entities; (5) the one-time upfront labor cost obligations will apply to approximately 25 entities; and (6) the certification requirement will apply to approximately 100 CSP entities.

IP Physical Diversity. We estimate a reduction in the Commission's initial estimate of IP diversity costs based on three considerations. First, since we have narrowed the major IP transport CSP category, only the largest national wireline transport providers' long-haul dedicated SIP facilities are likely to be subject to new reliability requirements. Second, because our revised IP-based physical diversity standards and streamlined certification rules do not require annual audits and tagging for each IP path to ''eliminate'' single points of failure, we reduce the previously proposed costs in the *NG911 Reliability FNPRM.*[489] Third, information submitted by NGCS or ESInet operators under the 2013 rules indicates that most operators already implement the level of physical diversity contemplated by the rule. According to Commission staff data, nine out of ten ESInet or NGCS providers that have filed in 911RCS already submit physical diversity reports for their paths to PSAPs, and many already use IP path diversity practices substantially similar to the IP 911 reliability framework we adopt today.[490] Accordingly, we estimate approximately 15 entities will need to obtain new transport facilities under the IP physical diversity requirements, reduced from the original 25 entities, and at lower costs than originally estimated.[491]

Up-front costs for meeting the IP path-diversity requirement involve deploying geographically redundant, load-balancing routers capable of automatic re-routing, a cost the Commission estimated as approximately $40,000 per CSP.[492] Assuming 15 entities will need to acquire new redundant routers to meet the proposed IP path diversity benchmark, the resulting one-time cost would be approximately $600,000.[493] For annual costs, to the extent 15 entities must also purchase redundant IP transport to ensure path diversity, we estimate a per-entity annual transport cost of $120,000 per CSP, resulting in annual diversity costs of $1.8 million.[494]

Some commenters raise objections to the IP diversity cost estimates in the *NG911 Reliability FNPRM.* The modifications and clarifications we adopt today to the IP path diversity benchmark, the IP path diversity certification, as well as our reducing the number of major IP transport facility CSPs by raising the threshold to OC48 or 2.5 Gbps, excluding internet transit and TDM transport, and exempting transport providers' own originated 911 traffic as counting towards serving ''two or more'' OSPs, have resolved objections that these IP path diversity benchmark is too costly.[495] Specifically, we believe Lumen's estimate of $10 million in costs for two LATAs is overtaken by the multiple substantially reduced regulatory changes from the original proposals that we adopt today.[496] Given our broad reductions in burdens, we find Lumen's study does not accurately reflect the costs of our approach, despite a lack of clarity in which services Lumen was including in its study.[497] Similarly, we believe that Intrado's estimate of $75 million in labor costs, including ''$250,000 per year on audit staff for 2 full-time employees'' for all CSPs, is overtaken by our substantial reductions in regulatory burdens for certifications and interoperability, as well our changes to clarify that the IP path diversity benchmark does not require annual audits.[498]

We also disagree with arguments that today's diversity benchmark will significantly increase costs for OSPs.[499] We disagree with Verizon that CSP reliability measures would necessarily force more OSPs to perform services in-house.[500] Even when taking into account any increased costs of enhanced reliability measures, there are significant cost efficiencies and economies of scale in using shared transport facilities.[501] We further believe that ordinary market pressures will also keep OSP costs low, as we do not prevent OSPs from declining to hire CSPs and instead obtaining their own cloud-based, VPN, or similar public internet transport to send their 911 traffic to in-state NG911 delivery

para. 56 & n.118 (citing *CSRIC VI WG 1 Report* at 115, 122, 124, best practices 11–9–8005, 18, and 36); *id.* at 2693, para. 62 & n.132, 2695, para. 67 & n.148, 2696, para. 70 & n.152 (citing *CSRIC VI WG 1 Report* at 5, 51–52).

[487] *NG911 Transition Order,* 39 FCC Rcd at 8220–28, paras. 182–197.

[488] Staff analysis. FCC, 911RCS, *https://apps2.fcc.gov/rcs911/* (analyzing 911RCS certifications from NGCS providers and ESInet operators) (last visited May 19, 2025).

[489] ESInet operators, major IP transport facilities operators, and 911 IP aggregation facilities operators will certify to having implemented IP reliability best practices sufficient to ''mitigate'' the risks of single points of failure. For example, Motorola's description of how it connects its geographically diverse NGCS facilities ''to the PSAP via an ESInet'' using multiple geographically diverse MPLS circuits with dynamic routing, and using ''both MPLS and SD–WAN technologies'' to ensure ''efficient delivery and enhanced fault tolerance'' satisfies today's IP diversity benchmark. Motorola Comments at 7. *See also NG911 Reliability FNPRM,* 40 FCC Rcd at 2720, para. 131 (estimating an annual IP diversity cost of $2.4 million).

[490] Staff analysis. FCC, 911RCS (last visited May 19, 2026), *https://apps2.fcc.gov/rcs911/* (analyzing physical diversity reports for ESInet paths from NGCS facilities to PSAPs).

[491] We estimate 15 affected entities, including 10 total entities in the major IP transport and 911 IP aggregation categories, and 5 ESInet operators.

[492] *See NG911 Reliability FNPRM,* 40 FCC Rcd at 2719, para. 129.

[493] $40,000 × 15 entities = $600,000.

[494] *See NG911 Reliability FNPRM,* 40 FCC Rcd at 2719–20, para. 130 (additional monthly cost of $3,000 IP transport to connect to third-party networks and $7,000 dedicated long-haul transport or SIP trunking). We estimate the annual IP transport costs = ($3,000 + $7,000) per month × 12 months × 15 entities = $1.8 million per year.

[495] Lumen Comments at 4; Intrado Comments at 27–29; Lumen Reply at 5–6; Verizon Comments at 10.

[496] Lumen Comments at 4.

[497] *Id.*

[498] Intrado Comments at 29–30.

[499] Verizon Comments at 10–11.

[500] Verizon Comments at 11.

[501] *See NG911 Transition Order,* 39 FCC Rcd at 8199, para. 139 (observing that shared services ''enable multiple small carriers to bundle their data streams and share the cost of transporting the pooled data stream to a common destination, resulting in lower overall costs than if each OSP paid for separate transport,'' and finding that ''OSPs should be allowed to implement such reasonable cost-saving measures'').

points.[502] Because OSPs retain the ability to choose how to comply with their 911 transmission obligations, either by using a CSP, providing their own transport, or identifying non-CSP transport, we decline to clarify that reliability obligations are not the cost responsibility of OSPs. We see no clear evidence that the updates to the 911 reliability framework would necessarily increase the costs of non-CSP shared transport options.

Operational Integrity. The *NG911 Reliability FNPRM* estimated that meeting this benchmark would require investments in servers, UPS devices, and collocation space. The Commission estimated the cost of servers at approximately $5,000 each, high-end UPS devices at approximately $3,000 per unit, and any necessary diverse secondary server collocation full-rack space at approximately $700 per month.[503] Assuming that 25 entities would newly undertake these reasonable reliability measures, we estimate total one-time costs of $200,000 and recurring annual costs of $210,000.[504] Today's clarification that operators of LNGs or other mixed TDM–IP transitional facilities may implement either legacy backup power or IP operational integrity measures as appropriate (or alternative measures) resolves commenter concerns about IP operational integrity costs.[505]

IP Network Monitoring. The *NG911 Reliability FNPRM* proposed adopting an IP network monitoring capability requirement and sought comment on the associated costs. The Commission estimated that most IP CSPs already meet this requirement and therefore would incur little to no additional compliance burden. We continue to estimate that IP network monitoring capability would involve one-time costs of $200,000 and recurring annual costs of $260,000, as originally proposed.[506] We disagree that the IP monitoring benchmark is costly due to the ''spider web-like nature of IP traffic.'' [507] We are not requiring direct monitoring of entire IP traffic paths, only of a CSP's specified facilities along those paths—nodes, node links, and routers—as well as processing facilities like LIS, NCGS cores, etc.

Interoperability. The Commission proposed requiring CSPs to acquire interoperability capability and report annually on their efforts to become interoperable and sought comment on the associated cost estimates. The Commission's analysis assumed approximately 25 such entities nationwide and that each would incur both one-time implementation costs and ongoing annual costs because of this requirement. However, in the *Order,* we decline to adopt an interoperability benchmark, and we reduce the annual reporting requirement to a one-time report. We estimate only minimal costs for NGCS and ESInet CSPs to submit this report describing their interoperability actions and plans. Today's modifications substantially reduce the burden of the Commission's proposed interoperability benchmark and our change from an annual interoperability certification to a one-time report resolve commenter concerns that this rule could be more costly.[508] We nevertheless conservatively estimate one-time costs of $200,000 per entity and recurring annual costs of approximately $260,000 per entity under this revised rule.

One-time Labor Costs—Software, Engineering, and Installation. As proposed in the *NG911 Reliability FNPRM,* we estimate that 25 entities are likely to spend 160 labor-hours in each of three areas—software, engineering, and installation—to meet the new IP benchmarks. No party disputed these labor estimates, and in consideration of the other rule modifications described in this section, we conclude these estimates are accurate. Applying these hour estimates to 25 entities results in a total one-time labor cost of $875,568.[509]

Attestations, Certifications, and Reporting. The attestation and streamlined certification requirements adopted here are not unduly burdensome. As clarified above, ESInet operators, major IP transport facilities operators, and IP 911 traffic aggregation facilities operators will certify only to having implemented IP network reliability best practices at a level sufficient to *mitigate* the risks associated with single points of failure, rather than to a burdensome and labor-intensive annual auditing and tagging exercise. We estimate no new incremental costs associated with the initial one-time filings applicable to CSPs under the 2013 rules, and only minimal costs for new IP CSPs to submit an initial attestation. Furthermore, CSPs will no longer file certifications annually, and we estimate only minimal annual costs from routine internal compliance inquiries and determinations of whether a material change update is needed. Accordingly, we apply the unit estimate of $48,156 per CSP per year, which represents the costs of the requirement adopted in 2013. We further assume that the rules adopted in this *Order* result in no more than 10% incremental cost and multiply it by the projected total 100 CSPs that will remain upon completion of the NG911 transition, resulting in a total average annual cost of approximately $481,560.[510]

We disagree with claims that the number of certification filers could be higher than 100 in a post-NG911 transition environment.[511] Commenters do not substantiate this claim, and the evidence available to the Commission indicates that the number of specialized NG911 providers subject to today's rules remains small and may be consolidating further. Entities such as Sinch, Bandwidth, AT&T, Lumen, Comtech, and Intrado are increasingly providing multiple NG911 CSP functions, including NGCS, ESInet, IP 911 aggregation, major IP transport, and shared LIS service.[512] Similarly, the total number of RLECs or small providers that no longer provide covered 911 services has increased since the *NG911 Reliability FNPRM.*[513] This

[502] 47 CFR 9.32.

[503] *NG911 Reliability FNPRM,* 40 FCC Rcd at 2720–21, para. 132.

[504] *Id.* (estimating one-time costs as follows: ($5,000 server cost + $3,000 UPS device) × 25 entities = $200,000; and estimating the annual cost as: $700/month × 12 months × 25 entities = $210,000 per year).

[505] Intrado Comments at 29.

[506] *NG911 Reliability FNPRM,* 40 FCC Rcd at 2721, para. 133 (estimating one-time costs as follows: $8,000 × 25 entities = $200,000; and estimating the annual recurring cost as: (($700/month × 12 months) + $2,000 annual software license cost) × 25 entities = $260,000 per year).

[507] Intrado Comments at 29.

[508] *See* Intrado Comments at 28–30.

[509] *NG911 Reliability FNPRM,* 40 FCC Rcd at 2721–22, paras. 135–36. We estimate 25 entities incur 160 hours of labor in each of three categories: $92.44 per hour for software developers, $79.68 per hour for network engineers, and $36.78 per hour for telecommunications equipment installers. This results in a total cost of $875,568.

[510] $48,156 × 10% × 100 entities = $481,560.

[511] Intrado Comments at 28; Verizon Comments at 11.

[512] *NG911 Reliability FNPRM,* 40 FCC Rcd at 2688, para. 50 & nn.105–106, 2705, para. 94 & nn.200–201, 2718, para. 126 & n.280 (A high volume of 911 IP aggregation services nationwide are provided by two companies, Sinch and Bandwidth.); *id.* at 2718, para. 126 & n.278 (AT&T is providing shared LIS services in its role as the ESInet and NGCS provider in Virginia.); Lumen Comments at 1 (stating that Lumen is an NG911 CSP, a transport provider, and an aggregator of 911 IP traffic in several states); Lumen, *Lumen® Next Generation 9–1–1 Solution,* at 2, *https://assets.lumen.com/is/content/Lumen/Next_Gen_911* (describing Lumen's ESInet services) (last visited May 19, 2026); COPUC Comments at 6–7 (''A[] LIS is a function that will be built internally by an OSP or, as is more likely to be common, built by an entity such as Intrado or Comtech as a service to be provided to multiple OSPs.'').

[513] CSPs are required to notify Bureau staff within 60 days after they completely cease providing all covered 911 services. 47 CFR 9.19(d)(4). *See also PSHSB Announces Compliance Date and Instructions for Information Collection Requirement*

Continued

confirms the Commission's expectations that the NG911 transition would reduce the regulatory burden on RLECs and small entities.[514] Finally, today's modifications increasing the capacity threshold to OC48 or 2.5 Gbps for major IP transport facilities, excluding a providers' own originated 911 traffic from the ''two or more'' OSP threshold for major IP transport, clarifying the exclusion of internet transit and TDM transport from the major IP transport CSP category, and specifying that only shared LIS and LNG operators are CSPs further undermines the argument that the total number of filers will be high.

Deregulatory Agenda

Today, we eliminate an excessive and burdensome annual filing requirement which imposes costs on private businesses without commensurate benefits. Our new approach to certification requires a one-time submission, to be updated only when a CSP undergoes a material change in its network or reliability practices. In addition, we end the practice of 911 reliability certifications requiring thousands of lines of site-based data that describe each PSAP circuit and central office hosting facility, and instead require only the common-sense approach of state-level reporting. These measures will significantly cut red tape and eliminate wasteful regulatory burdens on industry, unleashing prosperity and freeing up resources that should be devoted to completing the NG911 transition as rapidly as possible.

Furthermore, the NG911 transition will dramatically decrease the burdens on industry of 911 reliability generally. The ongoing migration away from legacy 911 networks to NG911 networks means dozens of small RLECs will no longer be providing covered 911 services, such as operating selective routers or ALI/ANI databases from the local central office.[515] These RLECs will, in many instances, no longer be subject to our 911 reliability framework after the migration to NG911. In addition, the retirement of legacy TDM 911 circuits and their replacement with IP paths will eliminate the need for costly and time-consuming TDM reliability practices of annual circuit auditing and tagging. Today's *Order* will ensure that these regulatory reductions from the NG911 transition will proceed unimpeded.

We also adopt the *NG911 Reliability FNPRM* proposal to consolidate, simplify, and streamline certain rules codified at Part 9, Subpart H of our regulations.[516] Specifically, today we achieve the following regulatory reductions: the previous §§ 9.19(c)(1) through (3) contained 25 subparts and 871 words. Today's amendments reduce §§ 9.19(c)(1) through (3) to 10 subparts and 486 words. In addition, the recordkeeping requirements at previous rule 9.19(d)(3) totaled 251 words, and today we reduce it to 107 words at § 9.20(e). We direct the Bureau to ensure these filing burdens are reduced. Collectively, all of these reductions will make our rules easier ''for the average person or business to understand,'' reduce compliance costs, and ''reduce the risk of costs of non-compliance.'' [517]

Diagrams—Appendix B

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Associated with Improving 911 Reliability, PS Docket Nos. 13–75 *et al.,* Public Notice, 39 FCC Rcd 5797 (PSHSB 2024).

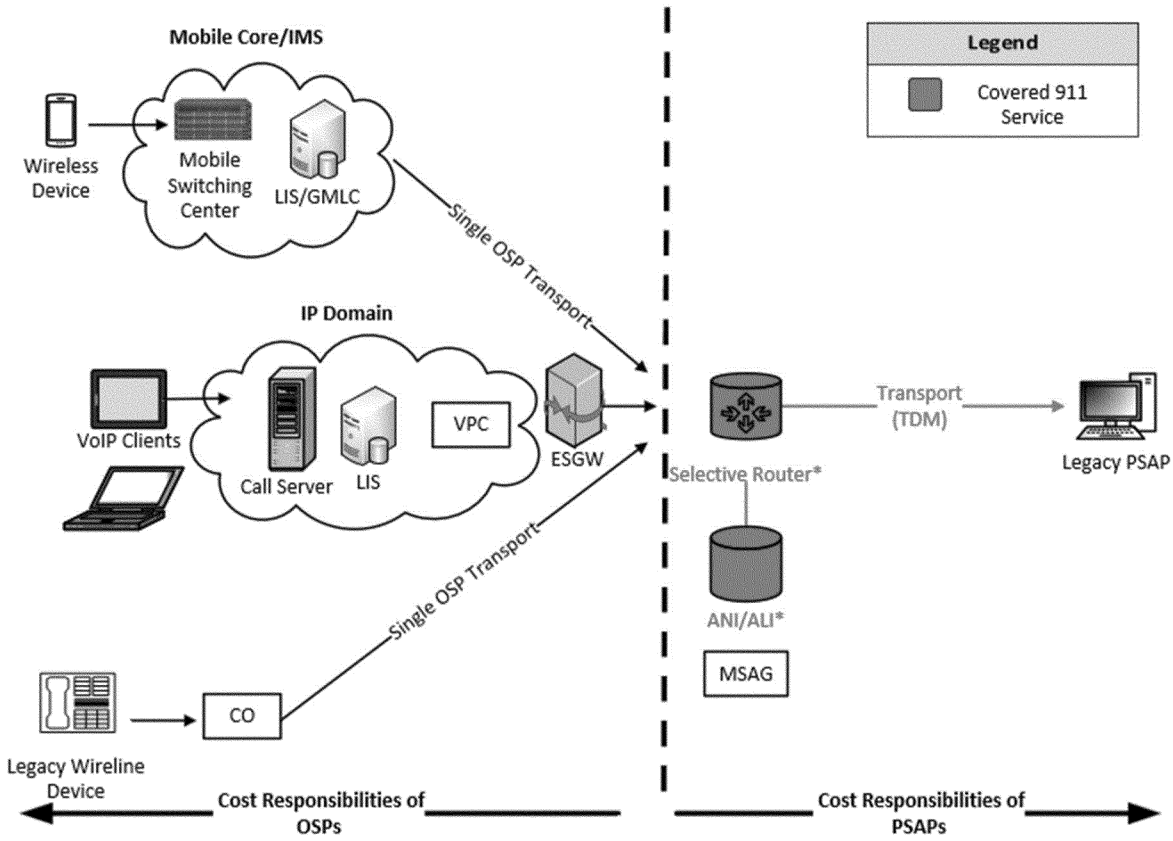
[514] Intrado Comments at 28; *NG911 Reliability FNPRM,* 40 FCC Rcd at 2717–18, para. 126 & n.277; *see also* Staff analysis. FCC, 911RCS (last visited May 19, 2026), *https://apps2.fcc.gov/rcs911/* (analyzing the increase in former CSPs that no longer provide covered 911 services from 2024 to 2025).

[515] Staff analysis. FCC, 911RCS (last visited May 19, 2026), *https://apps2.fcc.gov/rcs911/* (analyzing the increase in former CSPs that no longer provide covered 911 services from 2024 to 2025).

[516] *NG911 Reliability FNPRM,* 40 FCC Rcd at 2723, para. 139.

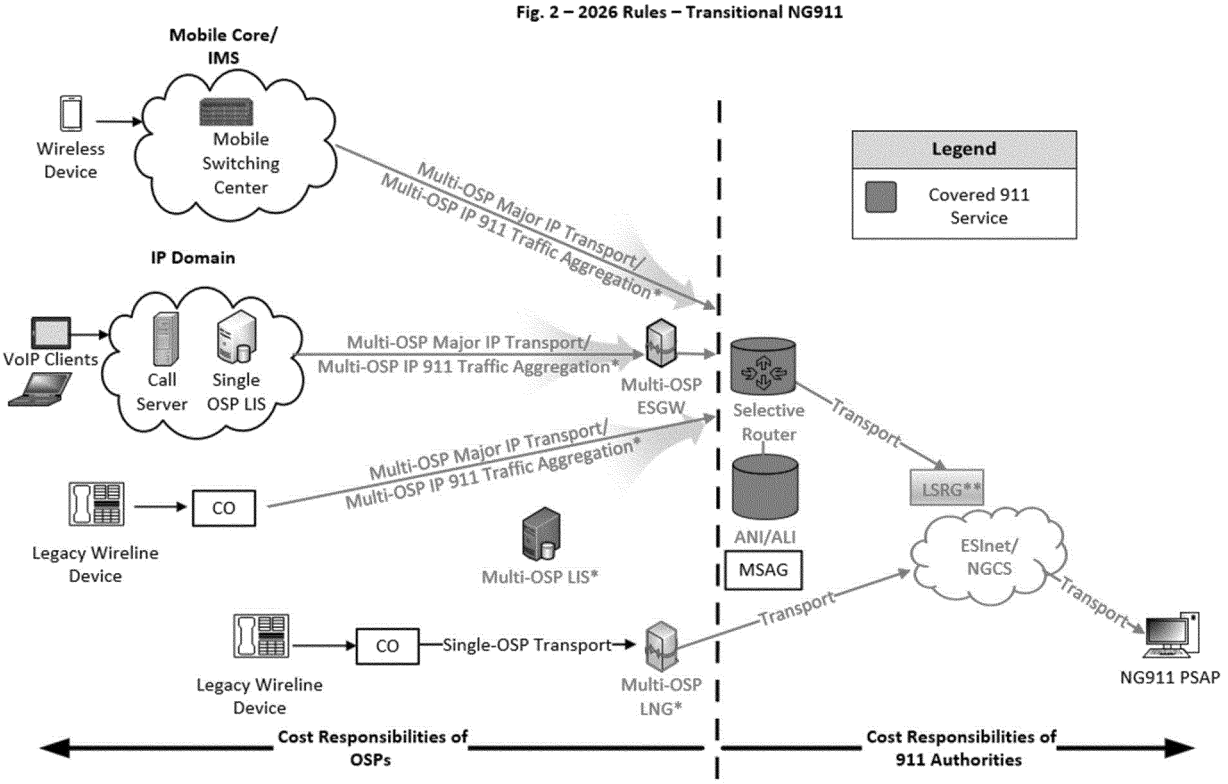
[517] Exec. Order No. 14,192, § 1, Unleashing Prosperity Through Deregulation, 90 FR 9065, 9065 (Feb. 6, 2025).

Fig. 1 – 2013 and 2026 Rules – Legacy 911 and NG911 Functional Equivalents



*Under the 2013 and 2026 rules, CSPs include entities that provide 911, E911, or NG911 capabilities such as call routing, ANI/ALI, or the functional equivalent of those capabilities directly to a PSAP and/or that operate a central office that directly serves a PSAP.

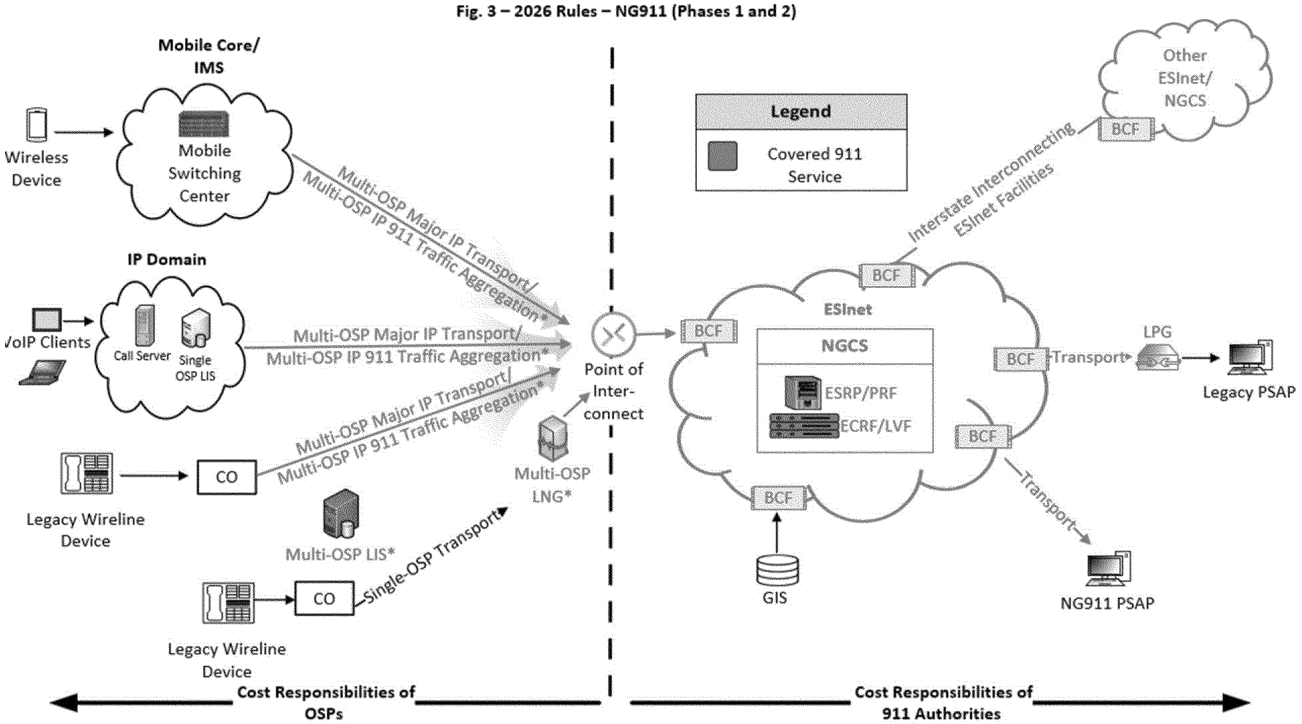
Fig. 2 – 2026 Rules – Transitional NG911



***OSPs may choose to use multi-OSP Major IP Transport/multi-OSP IP 911 Traffic Aggregation, LISs, or LNGs, but they are not required to do so. They may instead use single-OSP transport or multiple-OSP transport below the OC3 threshold, a single-OSP LIS, and/or a single-OSP LNG.**

****A LSRG can be located at the ingress or egress of an ESInet. Here, only ingress is shown.**

Fig. 3 – 2026 Rules – NG911 (Phases 1 and 2)



***OSPs may choose to use multi-OSP Major IP Transport/multi-OSP IP 911 Traffic Aggregation, LISs, or LNGs, but they are not required to do so. They may instead use single-OSP transport or multiple-OSP transport below the OC3 threshold, a single-OSP LIS, and/or a single-OSP LNG.**

****A LSRG can be located at the ingress or egress of an ESInet. Here, only ingress is shown.**

Procedural Matters

Regulatory Flexibility Act. The Regulatory Flexibility Act of 1980, as amended (RFA),[518] requires that an agency prepare a regulatory flexibility analysis for notice and comment rulemakings, unless the agency certifies that ''the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.'' [519] Accordingly, we have prepared a Final Regulatory Flexibility Analysis (FRFA) concerning the possible impact of rule and policy changes contained in this *Second Report and Order.*

Paperwork Reduction Act Analysis. This *Second Report and Order* may contain new or substantively modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. It will be submitted to the Office of Management and Budget (OMB) for review under section 3507(d) of the PRA. OMB, the general public, and other Federal agencies will be invited to comment on the new or modified information collection requirements contained in this proceeding. In addition, we note that pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4), we previously sought specific comment on how the Commission might further reduce the information collection burden for small business concerns with fewer than 25 employees. In this *Second Report and Order,* we have assessed the effects of these 911 reliability framework and interoperability measures will promote the safety of life and property, advance national security objectives, and empower state and local governments to manage their NG911 deployments, and that these benefits outweigh the costs that might be imposed in connection with these regulatory requirements that apply to businesses, including those with fewer than 25 employees.

OPEN Government Data Act. The OPEN Government Data Act [520] requires agencies to make ''public data assets'' available under an open license and as ''open Government data assets,'' *i.e.,* in machine-readable, open format, unencumbered by use restrictions other than intellectual property rights, and based on an open standard that is maintained by a standards organization.[521] This requirement is to be implemented ''in accordance with guidance by the Director'' of the OMB.[522] The term ''public data asset'' means ''a data asset, or part thereof, maintained by the Federal Government that has been, or may be, released to the public, including any data asset, or part thereof, subject to disclosure under [the Freedom of Information Act (FOIA)].'' [523] A ''data asset'' is ''a collection of data elements or data sets that may be grouped together,'' [524] and ''data'' is ''recorded information, regardless of form or the media on which the data is recorded.'' [525]

Final Regulatory Flexibility Analysis

As required by the Regulatory Flexibility Act of 1980, as amended (RFA), the Federal Communications Commission (Commission) incorporated an Initial Regulatory Flexibility Analysis (IRFA) in the *Facilitating Implementation of Next Generation 911 Services (NG911); Improving 911 Reliability* Further Notice of Proposed Rulemaking (*NG911 Reliability FNPRM*) released in March 2025. The Commission sought written public comment on the proposals in the *NG911 Reliability FNPRM,* including comment on the IRFA. No comments were filed addressing the IRFA. This Final Regulatory Flexibility Analysis (FRFA) conforms to the RFA and it (or summaries of it) will be published in the **Federal Register**.

A. Need for, and Objectives of, the Rules

In the *Second Report and Order,* the Commission adopts rules to ensure the resiliency, reliability, and interoperability of NG911 networks and ecosystems. With the transition to NG911, dedicated 911 networks are evolving from Time Division Multiplexing (TDM)-based architectures to internet Protocol (IP)-based architectures, which will provide 911 Authorities with significant new capabilities to respond to those in need of emergency assistance and to improve system resilience in comparison to legacy 911. However, for NG911 to be fully effective and accessible, it is essential that NG911 networks are designed to ensure the reliability of critical components and applications and interoperability to enable seamless transfer of 911 calls and data. The Commission's 2013 reliability rules were primarily designed for legacy 911 networks and can no longer provide adequate protection for increasingly complex NG911 call traffic. In addition, over the last decade there has been an increasing number of major, multi-state 911 service outages in parts of NG911 systems that are outside the scope of the Commission's 2013 911 reliability rules. Many of these outages likely could have been prevented or mitigated had operators implemented reliability and interoperability measures appropriate for modern, IP-based systems.

The rules are needed because the ongoing NG911 transition represents a significant change in 911 network architecture that will substantially alter the class of entities that are providing critical 911 services, requiring an update to which entities are covered 911 service providers (CSPs) under the Commission's 911 reliability rules. In legacy 911 systems, a single entity such as the local Incumbent Local Exchange Carrier (ILEC) or Rural Local Exchange Carrier (RLEC) handles most critical 911 functions for the PSAPs in its service areas, including routing to PSAPs, maintaining caller location information databases, and providing call delivery via trunk lines. In contrast, NG911 systems perform these critical functions through a variety of service providers, including Emergency Services IP Network (ESInet) operators, Next Generation Core Services (NGCS) providers, and various third-party platforms providing services to 911 originating service providers (OSPs). As the NG911 transition progresses, many smaller RLECs who are CSPs under the 2013 rules will stop providing these critical 911 functions to state and local government and retire their legacy 911 facilities, as larger NG911 service providers start performing the functions previously performed by these smaller entities.

In the *Second Report and Order,* the Commission takes targeted actions to ensure the resiliency, reliability, and interoperability of the NG911 ecosystem and its components. First, the *Second Report and Order* designates additional categories of CSPs, the entities whose operations are essential to NG911 call delivery, and specifies that the operation of ESInets and certain NG911 routing and location core services (NGCS) are covered 911 services. Second, the *Second Report and Order* updates the benchmark measures CSPs may implement to presumptively satisfy their obligation to provide reliable 911

[518] 5 U.S.C. 601–612. The RFA has been amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), Public Law 104–121, Title II, 110 Stat. 857 (1996).

[519] 5 U.S.C. 605(b).

[520] Congress enacted the OPEN Government Data Act as Title II of the Foundations for Evidence-Based Policymaking Act of 2018, Public Law 115–435 (2019), §§ 201–202.

[521] 44 U.S.C. 3502(20), (22) (definitions of ''open Government data asset'' and ''public data asset''); *id.* § 3506(b)(6)(B) (public availability).

[522] *See* OMB Memorandum M–25–05, *Phase 2 Implementation of the Foundations for Evidence-Based Policymaking Act of 2018: Open Government Data Access and Management Guidance* (Jan. 15, 2025).

[523] 44 U.S.C. 3502(22).

[524] *Id.* § 3502(17).

[525] *Id.* § 3502(16).

service with best practices appropriate to IP, and makes clear that CSPs can satisfy their reliability obligations if they adopt alternative measures requested by their state, local, territorial, or tribal 911 Authority. Third, the *Second Report and Order* requires CSPs to report their actions and plans to enable NG911 interoperability. The *Second Report and Order* revises the oversight mechanisms for compliance with the 911 reliability rules to minimize burdens on regulated entities, including by eliminating annual certifications and requiring only one-time certifications with periodic updates following material changes, along with an initial one-time filing that it is providing CSP services. In addition, the *Second Report and Order* gives 911 Authorities access to CSPs' reliability and interoperability reports, and codifies the Public Safety and Homeland Security Bureau's (Bureau's) process for investigating and remediating non-compliance.

The updated requirements in the *Second Report and Order* provide the needed transparency to state and local governments and guidance to those who operate NG911 infrastructure. The Commission believes the new rules will facilitate a more effective and reliable 911 system resulting in a national 911 service that is more accessible, reliable, and interoperable, increasing the lifesaving benefits for the public.

B. Summary of Significant Issues Raised by Public Comments in Response to the IRFA

Commenters Intrado and Verizon raised issues regarding the impact of the rules on small entities, although not in direct response to the IRFA. Commenters suggest that the number of certification filers could be higher than 100 in a post-NG911 transition environment, and could include smaller entities. In the *Second Report and Order,* the Commission found these claims were not substantiated, and that the evidence indicates that the number of specialized NG911 providers subject to the Second Report and Order remains small and may be consolidating further. Similarly, the total number of RLECs or small providers who have stopped filing annual 911 reliability certifications has increased since the *NG911 Reliability FNPRM,* confirming the Commission's expectations that the NG911 transition would reduce the regulatory burden on RLECs and small entities.

Commenters also claimed that the rules could burden smaller providers if they are required to hire third parties for 911 call transport or processing that are subject to reliability requirements. Because the costs of today's item are minimal, we conclude that any costs passed on from CSPs to their OSP customers will be small. In addition, the *Second Report and Order* preserves the ability of smaller OSPs to elect not to use CSPs to deliver 911 traffic to ESInets under the NG911 framework under our rules.

C. Response to Comments by the Chief Counsel for the Small Business Administration Office of Advocacy

Pursuant to the Small Business Jobs Act of 2010, which amended the RFA, the Commission is required to respond to any comments filed by the Chief Counsel for the Small Business Administration (SBA) Office of Advocacy, and also provide a detailed statement of any change made to the proposed rules as a result of those comments. The Chief Counsel did not file any comments in response to the proposed rules in this proceeding.

D. Description and Estimate of the Number of Small Entities to Which the Rules Will Apply

The RFA directs agencies to provide a description of, and where feasible, an estimate of the number of small entities that may be affected by the adopted rules. The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act. A ''small business concern'' is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA. The SBA establishes small business size standards that agencies are required to use when promulgating regulations relating to small businesses; agencies may establish alternative size standards for use in such programs, but must consult and obtain approval from SBA before doing so.

Our actions, over time, may affect small entities that are not easily categorized at present. We therefore describe three broad groups of small entities that could be directly affected by our actions. In general, a small business is an independent business having fewer than 500 employees. These types of small businesses represent 99.9% of all businesses in the United States, which translates to 34.75 million businesses. Next, ''small organizations'' are not-for-profit enterprises that are independently owned and operated and are not dominant in their field. While we do not have data regarding the number of non-profits that meet that criteria, over 99 percent of nonprofits have fewer than 500 employees. Finally, ''small governmental jurisdictions'' are defined as cities, counties, towns, townships, villages, school districts, or special districts with populations of less than fifty thousand. Based on the 2022 U.S. Census of Governments data, we estimate that at least 48,724 out of 90,835 local government jurisdictions have a population of less than 50,000.

The rules adopted in the *Second Report and Order* will apply to small entities in the industries identified in the chart below by their six-digit North American Industry Classification System (NAICS) codes and corresponding SBA size standard. Where available, we also provide additional information regarding the number of potentially affected entities in the identified industries below.

TABLE 1—2022 U.S. CENSUS BUREAU DATA BY NAICS CODE

Regulated industry (footnotes specify potentially affected entities within a regulated industry where applicable)	NAICS code	SBA size standard	Total firms	Total small firms	Percent small firms
Radio and Television Broadcasting and Wireless Communications Equip Manufacturing.	334220	1,250 employees	155	136	87.74
Semiconductor and Related Device Manufacturing.	334413	1,250 employees	675	610	90.37
Wired Telecommunications Carriers	517111	1,500 employees	3,403	3,027	88.95
Wireless Telecommunications Carriers (except Satellite).	517112	1,500 employees	1,184	1,081	91.30

TABLE 1—2022 U.S. CENSUS BUREAU DATA BY NAICS CODE—Continued

Regulated industry (footnotes specify potentially affected entities within a regulated industry where applicable)	NAICS code	SBA size standard	Total firms	Total small firms	Percent small firms
Satellite Telecommunications	517410	$44 million	332	195	58.73
All Other Telecommunications	517810	$40 million	1,673	1,007	60.19

TABLE 2—TELECOMMUNICATIONS SERVICE PROVIDER DATA

2024 Universal service monitoring report telecommunications service provider data (data as of December 2023)	SBA size standard (1500 employees)		
Affected entity	Total number FCC form 499A filers	Small firms	Percent small entities
Competitive Local Exchange Carriers (CLECs)	3,729	3,576	95.90
Incumbent Local Exchange Carriers (Incumbent LECs)	1,175	917	78.04
Interexchange Carriers (IXCs)	113	95	84.07
Wired Telecommunications Carriers	4,682	4,276	91.33
Wireless Telecommunications Carriers (except Satellite)	585	498	85.13
Wireless Telephony	326	247	75.77

TABLE 3—CABLE ENTITIES DATA

Cable entities	Size standard	Total firms	Small firms	Percent small firms in industry
Cable System Operators (Telecom Act Standard).	Serves fewer than 498,000 subscribers, either directly or through affiliates.	530	524	98.87
Small Cable Operator				
Cable Companies and Systems (Rate Regulation).	Serves 400,000 or fewer subscribers nationwide.	530	523	98.51
Small Cable Company				
Cable Companies and Systems (Rate Regulation).	Serves 15,000 or fewer subscribers	4,545	3,965	87.24
Small Cable System (headends)				

E. Description of Economic Impact and Projected Reporting, Recordkeeping and Other Compliance Requirements for Small Entities

The RFA directs agencies to describe the economic impact of adopted rules on small entities, as well as projected reporting, recordkeeping and other compliance requirements, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report or record.

The *Second Report and Order* may affect the reporting, recordkeeping, and/or other compliance requirements for small and other entities that provide 911 services. As explained in Section A of this FRFA, the Commission anticipates that the NG911 transition will eliminate the burdens on most small entities subject to the 2013 911 reliability rules, since most small entities designated as CSPs under those rules will likely cease providing the services of a CSP. Furthermore, eliminating annual certifications and replacing them with one-time and periodic certifications will further reduce burdens on all entities. Specifically, under the new streamlined certification process, CSPs will only be required to submit an initial compliance certification in 18 months and to update it in the event of a material change to the information covered by the certification. Also, CSPs will not be required to separately document reliability practices with respect to each individual PSAP served by the CSP, and instead may file consolidated certifications for their facilities at the network level on a per-state basis. CSPs covered by the updated rules that have not previously filed a reliability certification will also file an attestation in six months identifying themselves as covered 911 service providers. Finally, NGCS and ESInet CSPs will only file a one-time interoperability report, instead of the proposed interoperability certification to meeting benchmarks. The Commission believes that the rules in the *Second Report and Order* will ultimately not subject these small entities to increased burdens, and will not impose compliance obligations that require small entities to hire professionals. The Commission also anticipates the new requirements in the *Second Report and Order* will generally apply to larger entities.

In the *Second Report and Order,* the Commission maintains the structure of its 911 reliability framework, which requires all CSPs (including those providing NG911 services) to take reasonable measures to ensure reliability, and allows the presumptive demonstration of ''reasonableness'' by meeting certain ''best practice'' benchmarks codified in the rules and reported in a certification filing. The Commission preserves the flexibility for all CSPs to use ''alternative measures'' instead of the benchmarks, and to certify to why those alternative measures are reasonable. More specifically, the Commission updates the categories of CSPs to include entities performing substantial 911 traffic aggregation, transport, and processing functions in the NG911 environment. The Commission also updates the best

practice benchmarks applicable to IP and NG911 facilities and adds a ''reasonable interoperability'' requirement for certain CSPs. Finally, the *Second Report and Order* directs the Bureau to simplify and streamline the certification reporting process for CSPs, and to ensure 911 Authorities have access to the CSP certifications to increase state and local government oversight.

F. Discussion of Steps Taken To Minimize the Significant Economic Impact on Small Entities, and Significant Alternatives Considered

The RFA requires an agency to provide ''a description of the steps the agency has taken to minimize the significant economic impact on small entities . . . including a statement of the factual, policy, and legal reasons for selecting the alternative adopted in the final rule and why each one of the other significant alternatives to the rule considered by the agency which affect the impact on small entities was rejected.''

The Commission believes that the limited measures taken with this *Second Report and Order* will protect public safety and national security objectives in a way that is tailored to avoid any significant burdens on small entities. Most of the rule changes were carefully considered to impose little or no costs on state and local governments or industry, including small entities. The ESInet and NGCS CSP categories are clarifications or minor modifications of the 2013 rules, and the rule updates adding CSP definitions for major IP transport facilities operators, 911 IP aggregation facilities operators, LIS operators, and LNG operators represent minimal changes to keep pace with technology evolution and ensure realization of the benefits of the *NG911 Transition Order.* The IP path diversity and IP monitoring benchmarks adopted in the *Second Report and Order* are largely codifications of the rule interpretations adopted in the *2015 911 Reliability Recon. Order.* Furthermore, both of those benchmarks and the operational integrity benchmark codify CSRIC's recommendations of NG911 reliability tools that were already available or not overly burdensome to implement based on consideration of impacts on operations and capital budgets, labor costs, and service downtimes for upgrades. Generally, the Commission believes that the addition of the interoperability report requirement represents a minor update to account for rapidly moving technology.

In addition, the Commission takes specific steps to minimize the impacts of the rules on small entities. The *Second Report and Order* substantially reduces the number of entities included in the *NG911 Reliability FNPRM's* proposed covered 911 service classes of major IP transport, IP 911 traffic aggregation, LIS operators, and LNG operators to minimize costs on industry, including small business entities. The *Second Report and Order* also narrows the major IP transport CSP category to only the largest national wireline transport providers' long-haul dedicated SIP facilities. The Commission excludes LIS and LNG operators as falling within the regulation unless they provide third-party services to more than one OSP, and further clarifies that OSPs are not subject to the CSP regulations for provisioning their own NG911 services for their own traffic, or for hiring a CSP.

The Commission's clarifications and modifications to the *NG911 Reliability FNPRM's* proposed IP diversity benchmark and the elimination of a specific interoperability benchmark will further reduce estimated costs, including on small entities. The Commission believes that the revised IP-based physical diversity standard and clarified certification rules remove any need for annual audits and tagging to ''eliminate'' single points of failure for each IP path, so we substantially reduce the estimated compliance labor costs for major IP transport providers, 911 IP aggregators, and ESInet operators. ESInet operators, major IP transport facilities operators, and 911 IP aggregation facilities operators will certify only to having implemented IP reliability best practices sufficient to ''mitigate'' the risks of single points of failure, further reducing potential impacts on small entities. The *Second Report and Order* also eliminates the requirement that CSPs file annual compliance certifications and adopts a streamlined filing process in which CSPs will submit a one-time reliability certification subject to updates only in the event of material changes. In addition, the *Second Report and Order* provides for an 18-month transition period before CSPs must file initial reliability certifications in conformance with the new rules, and during which CSPs will not be required to comply with the new reliability benchmarks. These steps will minimize the regulatory impacts on all CSPs including small entities.

The Commission preserves flexibility for all CSPs to implement alternative reliability practices based on engineering decisions in the field, and in a way that best suits local needs—including alternative measures agreed upon between a CSP and a 911 Authority. The Commission also limits the NGCS CSPs to those that that provide 911 routing and caller location services directly by contract to 911 Authorities, preserving flexibility for state and local governments in their service contracts with NGCS providers, and preserving local decision-making on whether state or local governments will enter agreements with NGCS providers. Accordingly, state and local governments will not be constrained by federal regulations that would automatically impose costs on any private entity that does business with state and local government, which could impose undue burdens on the smallest local government entities such as PSAPs. By preserving flexibility in state and local government NG911 deployments, the Commission ensures that related cost decisions involving small government entities will be made at the state and local level, not by the Commission.

The *Second Report and Order* also eliminates annual filing requirements, replacing them with a one-time certification that only must be updated periodically after a material change, plus a one-time filing to confirm CSP status. The *Second Report and Order* further directs the Bureau to streamline the certification form by allowing CSPs to report their compliance on a statewide basis, rather than the prior process where CSPs had to list each facility separately.

G. Report to Congress

The Commission will send a copy of the *Second Report and Order,* including this Final Regulatory Flexibility Analysis, in a report to Congress pursuant to the Congressional Review Act. In addition, the Commission will send a copy of the *Second Report and Order,* including this Final Regulatory Flexibility Analysis, to the Chief Counsel for the SBA Office of Advocacy and will publish a copy of the *Second Report and Order,* and this Final Regulatory Flexibility Analysis (or summaries thereof) in the **Federal Register**.

Ordering Clauses

Accordingly, *it is ordered,* pursuant to sections 1, 2, 4(i), 201, 214, 225, 251(e), 301, 303, 316, and 332 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154(i), 201, 214, 225, 251(e), 301, 303, 316, 332; the Wireless Communications and Public Safety Act of 1999, Public Law 106–81, as amended, 47 U.S.C. 615 note, 615, 615a, 615a–1, 615b; and section

106 of the Twenty-First Century Communications and Video Accessibility Act of 2010, Public Law 111–260, 47 U.S.C. 615c, that this *Second Report and Order is adopted.*[526]

It is further ordered that the Commission's rules are amended as set forth in Appendix A of the *Second Report and Order* and *will become effective* 30 days after publication in the **Federal Register**. Compliance with certain information collection provisions of 47 CFR 9.20 will not be required until after any review by the Office of Management and Budget has concluded and the Public Safety and Homeland Security Bureau announces the compliance date by subsequent Public Notice.

It is further ordered that the Commission's Office of the Secretary *shall send* a copy of this *Second Report and Order,* including the Final Regulatory Flexibility Analysis, to the Chief Counsel for the Small Business Administration (SBA) Office of Advocacy.

It is further ordered that the Office of the Managing Director, Performance Program Management, *shall send* a copy of this *Second Report and Order* 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 0

Authority delegations (Government agencies), Classified information, Communications, Communications common carriers, Equal access to justice, Freedom of information, Government publications, Infants and children, Investigations, Organization and functions (Government agencies), Penalties, Postal Service, Privacy, Reporting and recordkeeping requirements, Sunshine Act, Telecommunications.

47 CFR Part 9

Communications, Communications common carriers, Communications equipment, internet, Radio, Reporting and recordkeeping requirements, Satellites, Security measures, Telecommunications, Telephone.

[526] Pursuant to Executive Order 14215, 90 FR 10447 (Feb. 24, 2025), this regulatory action has been determined to be not significant under Executive Order 12866, 58 FR 51735 (Oct. 4, 1993).

Federal Communications Commission.

Marlene Dortch,

Secretary.

Final Rules

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR parts 0 and 9 as follows:

PART 0—COMMISSION ORGANIZATION

■ 1. The authority citation for part 0 continues to read as follows:

Authority: 47 U.S.C. 151, 154(i), 154(j), 155, 225, 409, and 1754, unless otherwise noted.

■ 2. Amend § 0.392 by revising paragraph (j) to read as follows:

§ 0.392 Authority delegated.

* * * * *

(j) The Chief of the Public Safety and Homeland Security Bureau is delegated authority to administer the communications resiliency, redundancy, interoperability, and reliability rules and policies contained in part 9, subpart H of this chapter, develop and revise forms and procedures as may be required for the administration of part 9, subpart H of this chapter, review attestations, certifications, and reports filed in connection therewith, and request relevant documents and information and order remedial action on a case-by-case basis to ensure the reliability and interoperability of 911 service in accordance with such rules and policies.

* * * * *

■ 3. Amend § 0.457 by revising paragraph (d)(1)(viii) to read as follows:

§ 0.457 Records not routinely available for public inspection.

* * * * *

(d) * * *

(1) * * *

(viii) Information submitted in connection with 911 reliability certifications and 911 interoperability reports pursuant to part 9, subpart H of this chapter that consists of non-public information or descriptions of networks or facilities, compliance plans, or supplemental information requested by the Commission with respect to such certifications or reports. This information is available to 911 Authorities upon request subject to the conditions in part 9, subpart H of this chapter.

* * * * *

PART 9—911 REQUIREMENTS

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

Authority: 47 U.S.C. 151–154, 152(a), 155(c), 157, 160, 201, 202, 208, 210, 214, 218, 219, 222, 225, 251(e), 255, 301, 302, 303, 307, 308, 309, 310, 316, 319, 332, 403, 405, 605, 610, 615, 615 note, 615a, 615b, 615c, 615a-1, 616, 620, 621, 623, 623 note, 721, and 1471, and Section 902 of Title IX, Division FF, Pub. L. 116–260, 134 Stat. 1182, unless otherwise noted.

■ 5. Revise the heading of subpart H to read as follows:

Subpart H—Resiliency, Redundancy, Interoperability, and Reliability of 911 Communications

■ 6. Revise and republish § 9.19 to read as follows:

§ 9.19 Provision of reliable 911 service.

(a) *Definitions.* Terms in this section and § 9.20 have the meanings set forth in §§ 9.3 and 9.28 and as follows:

(1) *Monitoring aggregation point.* A point at which network monitoring data for a 911 service area is collected and routed to a network operations center (NOC) or other location for monitoring and analyzing network status and performance.

(2) *Certification.* An attestation by a certifying official, under penalty of perjury, that a covered 911 service provider:

(i) Has satisfied the obligations of paragraph (c) of this section and § 9.20(a);

(ii) Has adequate internal controls to bring material information regarding network architecture, operations, and maintenance to the certifying official's attention; and

(iii) Has made the certifying official aware of all material information reasonably necessary to complete the certification.

(3) *Certifying official.* A corporate officer of a covered 911 service provider with supervisory and budgetary authority over network operations in all relevant service areas.

(4) *Covered 911 service provider.* (i) Any entity that provides covered 911 services, which are 911, E911, or NG911 services for which a failure would impede the real-time routing, delivery, or transfer of 911 traffic. Covered 911 services include:

(A) The provision of 911, E911, or NG911 capabilities such as call routing, automatic location information (ALI), automatic number identification (ANI), or the functional equivalent of those capabilities, directly to a public safety answering point (PSAP), statewide

default answering point, or appropriate local emergency authority as defined in § 9.3.

(B) The operation of one or more central offices that directly serve a PSAP. For purposes of this section, a central office directly serves a PSAP if it hosts a selective router or ALI/ANI database, provides equivalent NG911 capabilities, or is the last service-provider facility through which a 911 trunk or administrative line passes before connecting to a PSAP.

(C) The provision of Next Generation Core Services (NGCS) facilities, including NGCS location facilities or NGCS routing facilities, directly by contract or tariffed service to any 911 Authority, whether via owned and operated facilities or leased or contracted facilities.

(D) The operation of an ESInet or legacy PSAP gateway (LPG).

(E) The operation of a Location Information Server (LIS) or equivalent IP 911 location database that provides service to two or more originating service providers (OSPs).

(F) The operation of a Legacy Network Gateway (LNG), a legacy selective router gateway (LSRG), or an emergency services gateway (ESGW) used for IP conversion of 911 traffic, that provides service to two or more OSPs.

(G) The operation of a major IP transport facility.

(H) The operation of an IP 911 traffic aggregation facility.

(I) The operation of interstate interconnecting ESInet facilities.

(J) For purposes of the requirement in § 4.9(h) of this chapter to notify 911 special facilities about outages that potentially affect them, only entities described in paragraphs (a)(4)(i)(A) through (D) of this section are ''covered 911 service providers.''

(ii) The term ''covered 911 service provider'' shall not include any entity that:

(A) Constitutes a PSAP, 911 Authority, or other governmental authority to the extent that it provides 911, E911, or NG911 capabilities; or

(B) Offers the capability to originate 911 calls where another service provider delivers those calls and associated number or location information to the appropriate 911 Authority.

(5) *Covered 911 circuits and paths*—(i) *Legacy covered 911 circuits.* 911 facilities that originate at a selective router and terminate in the central office that serves the PSAP(s) to which the selective router delivers 911 calls, including all equipment in the serving central office necessary for the delivery of 911 calls to the PSAP. Legacy covered 911 circuits also include ALI and ANI facilities that originate at the ALI or ANI database and terminate in the central office that serves the PSAP(s) to which the ALI or ANI databases deliver 911 caller information, including all equipment in the serving central office necessary for the delivery of such information to the PSAP(s). In NG911 transitional architecture, circuits connected to LSRGs, ESGWs, or LPGs are also legacy covered 911 circuits.

(ii) *IP covered 911 paths.* Paths carrying IP communications that:

(A) Originate at an NG911 Delivery Point or equivalent ESInet point of interconnection and terminate at the last routing facility before the NG911 PSAP or the legacy PSAP gateway, including all equipment associated with a covered 911 service necessary for the delivery of 911 traffic to the PSAP, such as any trunks, circuits, or paths to and from NGCS facilities and the ESInet transmission network necessary for routing and caller location information to the PSAP(s), and any intermediate paths in the chains of delivery;

(B) Transport 911 traffic via major IP transport facilities for ultimate delivery at an NG911 Delivery Point or equivalent ESInet point of interconnection, including any intermediate paths in the chain of delivery; or

(C) Transport 911 traffic via IP 911 traffic aggregation facilities for ultimate delivery at an NG911 Delivery Point or equivalent ESInet point of interconnection, including any interconnecting paths between ESInets, and including any intermediate paths in the chain of delivery.

(6) *Diversity audit.* A periodic analysis of the geographic routing of network components to determine whether they are physically diverse. Diversity audits may be performed through manual or automated means, or through a review of paper or electronic records, as long as they reflect whether covered 911 circuits and paths are physically diverse.

(7) *Monitoring links.* Facilities that collect and transmit network monitoring data to a NOC or other location for monitoring and analyzing network status and performance.

(8) *Physically diverse.* Circuits or paths are physically diverse if they provide more than one physical route between end points with no common points where a single failure at that point would cause both circuits or paths to fail. Circuits or paths that share a common segment such as a fiber-optic cable or circuit board are not physically diverse even if they are logically diverse for purposes of transmitting data. IP routers, transport nodes, and node links create physical diversity if these elements are redundant, geographically distributed, load balanced, and capable of automatic failover and rerouting to redundant elements sufficient to reasonably mitigate the risks of single points of failure.

(9) *Tagging.* An inventory management process whereby legacy covered 911 circuits are labeled in circuit inventory databases to make it less likely that circuit rearrangements will compromise diversity. A covered 911 service provider may use any system it wishes to tag legacy covered 911 circuits so long as it tracks whether those facilities are physically diverse and identifies changes that would compromise such diversity.

(10) *Geographically distributed.* 911 network architecture is geographically distributed if 911 traffic can be delivered through more than one covered 911 facility in different geographic locations in different physical facilities.

(11) *Load balanced.* 911 network architecture is load balanced if call volume is dynamically distributed among multiple active databases or call processing facilities to accommodate changes in traffic volume.

(12) *Major IP transport facility.* Dedicated SIP facilities that include voice and text transport meeting or exceeding Optical Carrier 48 (OC48)/2.5 Gbps in capacity that collect and/or transmit IP 911 traffic mixed with non-911 traffic, originated from two or more OSPs and transported over interstate routes, for ultimate transport and delivery to an NG911 Delivery Point or equivalent ESInet point of interconnection. Any 911 traffic originated on the facility provider's network is not considered for purposes of determining whether a provider is serving two or more OSPs.

(13) *IP 911 traffic aggregation facility.* Facilities that collect and segregate IP 911 traffic from non-911 traffic for two or more OSPs, or transport such 911-only traffic for ultimate delivery to an NG911 Delivery Point or equivalent ESInet point of interconnection. Any 911 traffic originated on the facility provider's network is not considered for purposes of determining whether a provider is serving two or more OSPs.

(14) *NGCS location facilities.* NG911 IP facilities connected to an ESInet that enable the real-time provision of 911 caller location information to the PSAPs, including but not limited to the Emergency Call Routing Function (ECRF), the Location Validation Function (LVF), and successor technologies.

(15) *NGCS routing facilities.* NG911 IP facilities connected to an ESInet that enable the real-time routing, delivery, or transfer of 911 traffic to PSAPs along with callback information and other associated data, including but not limited to the Emergency Services Routing Proxy (ESRP), the Policy Routing Function (PRF), and successor technologies.

(16) *Interstate interconnecting ESInet facilities.* Interstate facilities that transport IP 911 traffic from an ESInet for ultimate delivery to another ESInet, including facilities designated for intermittent, contingent, or backup exchange of IP 911 traffic between ESInets.

(17) *Interoperability standards testing.* Testing of covered 911 services and covered 911 circuits and paths to determine whether an NG911 interoperability solution conforms to a relevant commonly accepted standard.

(18) *Interoperability conformance testing.* Testing conducted between two or more NG911 covered 911 service providers in different states that validate the interoperable exchange of information.

(19) *Interoperability.* The technical and operational capability of NG911 systems, networks, and services to exchange 911 voice, text, data, and multimedia between jurisdictions, PSAPs, and service providers, in real time without the need for proprietary interfaces and regardless of jurisdiction, equipment, device, software, service provider, or other relevant factors.

(b) *Provision of reliable 911 service.* All covered 911 service providers shall take reasonable measures to provide reliable 911 service that ensures physical diversity, operational integrity, and network monitoring for their covered 911 facilities. Performance of the elements of the certification set forth in paragraphs (c)(1) through (3) of this section shall be deemed to satisfy the requirements of this paragraph (b). If a covered 911 service provider cannot certify that it has performed a given element, the Commission may determine that such provider nevertheless satisfies the requirements of this paragraph (b) based upon a showing that it is taking alternative measures with respect to that element that are reasonably sufficient to mitigate the risk of failure, or that one or more certification elements are not applicable to its network.

(c) *911 reliability benchmarks*—(1) *Physical diversity.* A covered 911 service provider shall certify that all IP covered 911 paths and legacy covered 911 circuits in its network are physically diverse as defined in paragraph (a)(8) of this section.

(i) For IP covered 911 paths, covered 911 service providers may satisfy this physical diversity benchmark by implementing automatic rerouting capabilities, load balancing, and geographically-distributed routing facilities, transport nodes, and node links sufficient to reasonably mitigate the risks of single points of failure. Covered 911 service providers may use dedicated diverse private facilities such as MPLS, cloud-based path redundancy, or VPN services over the public internet or equally secure industry protocols as automatically re-routed paths.

(ii) For legacy covered 911 circuits, covered 911 service providers may satisfy this physical diversity benchmark by conducting yearly diversity audits and certifying that all of the legacy covered 911 circuits in its network are tagged and are physically diverse such that no network or facility element constitutes a single point of failure.

(2) *Operational integrity.* A covered 911 service provider shall certify whether its central offices hosting selective routers, ALI/ANI, or functioning as the last central office serving a PSAP, or its LNG, LIS, LSRG, ESGW, LPG, or NGCS functional elements covered by paragraph (a)(4)(i) of this section in its network achieve operational integrity. Transitional elements for TDM–IP conversion, such as the LSRG or LPG, may certify to either paragraph (c)(2)(i) or (ii) of this section, in the latter case with 24 hours of backup power.

(i) LNGs, LISs, LSRGs, ESGWs, LPGs, and NGCS facilities covered by paragraph (a)(4)(i) of this section achieve operational integrity if they have the capability to ensure continuity of services via an uninterruptible and continuous power supply and automatic switchover to geographically diverse backup facilities sufficient to prevent service disruption.

(ii) For central offices hosting selective routers, ALI/ANI, or functioning as the last central office serving a PSAP, covered 911 service providers satisfy this operational integrity benchmark by implementing backup power facilities for covered legacy 911 central office facilities for at least 24 hours at full office load if the central office directly serves a PSAP, or, for at least 72 hours at full office load if the central office hosts a selective router, including all equipment design, proper installation, necessary testing, and equipment maintenance to ensure the automatic and independent function of backup power facilities.

(3) *Network monitoring.* A covered 911 service provider shall certify whether it uses physically diverse monitoring to detect outages and disruptions in its covered facilities.

(i) Using geographically distributed automatic disruption detection and alarm systems to monitor IP covered facilities, including the IP routers, transport nodes, and node links used to make covered 911 circuits and paths physically diverse, constitutes physically diverse monitoring.

(ii) For non-IP covered facilities, maintaining and annually auditing physically diverse monitoring aggregation points, monitoring links, and NOCs constitutes physically diverse monitoring.

(d) *Compliance date.* For covered 911 service providers described at paragraphs (a)(4)(i)(E) through (I) of this section, compliance with the reliability requirement at paragraph (b) of this section will not be required until 18 months from the date of issuance of a Public Notice announcing a compliance date for those paragraphs. For all covered 911 service providers, compliance with the benchmarks at paragraphs (c)(1)(i), (c)(2)(i), and (c)(3)(i) of this section will not be required until 18 months from the date of issuance of a Public Notice announcing a compliance date for those paragraphs.

■ 7. Add § 9.20 to read as follows:

§ 9.20 911 Reliability certifications; interoperability reporting; cessation notifications.

(a) *911 reliability filings*—(1) *Attestation.* (i) Within six months of a Public Notice announcing a compliance date for this paragraph (a)(1) and filing guidelines, any covered 911 service provider that has not previously filed a reliability certification shall submit to the Commission an attestation identifying itself as a covered 911 service provider. Attestations will not be deemed confidential.

(ii) Any new covered 911 service provider that begins service for the first time after the date in paragraph (a)(1)(i) of this section shall submit an attestation when it begins service.

(2) *Certification*—(i) *Initial certification.* Within 18 months of a Public Notice announcing a compliance date for this paragraph (a)(2) and filing guidelines, a certifying official of each covered 911 service provider shall submit a certification to the Commission that addresses the elements of reliability listed in § 9.19(c)(1) through (3).

(ii) *Updates covering material changes.* A covered 911 service provider must exercise reasonable judgement in determining whether there is a material

change to its ownership structure, networks, facilities, operations, or reliability practices that renders its previous certification no longer accurate and file an updated certification within 90 days of discovery of such a material change, unless:

(A) The cause of the change is remedied within the applicable update period;

(B) The change reflects incremental conformance with the reliability elements in § 9.19(c)(1) through (3), rather than reliance on alternative measures, for less than 50 percent of its covered 911 services, circuits, and paths; or

(C) The change to a covered 911 service provider's ownership structure is *pro forma* in nature.

(iii) *Non-conforming facilities and services.* If a covered 911 service provider does not conform with the elements of reliability listed in § 9.19(c)(1) through (3), it must include in its certification with respect to each of its non-conforming covered 911 circuits or paths and covered 911 services whether:

(A) The covered 911 service provider has taken alternative measures to mitigate the risks of lack of physical diversity, operational integrity, or network monitoring; or

(B) The physical diversity, operational integrity, or network monitoring benchmark is not applicable to the covered 911 service provider.

(iv) Covered 911 service providers are required to answer additional questions about covered 911 circuits and paths and covered 911 services as directed by the Public Safety and Homeland Security Bureau.

(b) *911 interoperability reports.* (1) Each NGCS and ESInet covered 911 service provider defined in § 9.19(a)(4)(i)(C) or (D) shall submit a one-time report to the Commission describing its specific actions and plans to enable NG911 interoperability consistent with § 9.19(a)(19) within 18 months of a Public Notice announcing a compliance date for this paragraph and filing guidelines.

(2) NGCS and ESInet covered 911 service providers defined in § 9.19(a)(4)(i)(C) or (D) are required to answer additional questions about covered 911 circuits and paths and covered 911 services as directed by the Public Safety and Homeland Security Bureau.

(c) *Confidential treatment of certifications and reports.* (1) The fact of filing or not filing 911 reliability certifications and 911 interoperability reports shall not be treated as confidential.

(2) Information submitted with such certifications and reports shall be presumed confidential to the extent that it consists of non-public descriptions of networks or facilities, compliance plans, or additional information requested by the Bureau with respect to a certification.

(d) *911 Authority access to certifications and reports.* (1) Following the compliance date for initial certifications and reports, a statewide, territorial, or tribal 911 Authority may request that covered 911 service providers produce copies of their 911 reliability certifications and interoperability reports to the extent they pertain to covered 911 services or covered 911 circuits and paths located within or providing services to the 911 Authority's jurisdiction.

(2) Covered 911 service providers must provide the requested certifications or reports within 14 days of a request. Covered 911 service providers may omit or redact information relating to portions of their networks or facilities that are not located within and do not provide service to the requesting 911 Authority's jurisdiction. Covered 911 service providers may condition the granting of such requests on the 911 Authority's execution of a confidentiality agreement under terms not more restrictive than those set forth in § 4.2 of this chapter and in related guidance, instructions, and forms published by the Commission.

(3) To the extent the Public Safety and Homeland Security Bureau provides statewide, territorial, or tribal 911 Authorities with, or grants them access to, 911 reliability certifications and interoperability reports, it shall do so in accordance with relevant confidentiality terms and conditions pursuant to which it provides access to NORS data under § 4.2 of this chapter and related guidance, instructions, and forms published by the Commission.

(e) *Record retention.* A covered 911 service provider shall retain records supporting its responses in 911 reliability certifications and interoperability reports for two years from the date of filing, and shall make such records available to the Commission upon request. To the extent that a covered 911 service provider maintains records in electronic format, records supporting such a certification or report shall be maintained and supplied in an electronic format. Such records shall include, at a minimum, any audit records, internal reports concerning reliability and interoperability compliance, records of action to achieve reliability and interoperability compliance, and testing and maintenance of reliability and interoperability measures and technology.

(f) *Covered service cessation notices.* Covered 911 service providers that cease covered operations under § 9.19 must notify the Commission by filing a notification under penalty of perjury no later than 60 days after the cessation of service.

(g) *Remedial action orders and procedures.* When acting pursuant to authority delegated under § 0.392(j) of this chapter to order remedial actions, the Chief of the Public Safety and Homeland Security Bureau (Bureau Chief) will carry out restricted non-public proceedings with parties regulated under this subpart as follows:

(1) *Notice.* If certifications or other information available to the Commission indicate that a covered 911 service provider may not be taking reasonable measures to provide reliable 911 service, the Bureau Chief may issue and electronically serve upon the covered 911 service provider a notice that describes any apparent deficiencies and proposes remedial actions. The notice may include requests for relevant documents and information.

(2) *Response.* A covered 911 service provider may submit a written response to a notice within 30 days of service of such notice and shall provide any requested documents and information by such date. Service shall be made as directed by the Bureau.

(3) *Order.* At any time after the 30th day following service of a notice, the Bureau Chief may issue and serve upon the covered 911 service provider an order setting forth its findings as to such deficiencies and specifying the actions that the covered 911 service provider is required to take to mitigate the deficiencies. The order may specify deadlines by which the covered 911 service provider must complete the required actions and may identify information that the provider must submit to demonstrate its compliance with the order.

(4) *Notice to 911 Authorities.* The covered 911 service provider shall deliver a copy of the order promptly to the 911 Authority for each jurisdiction in which its actions have been found deficient or in which it has been directed to take remediating actions.

(h) *Compliance date.* This section may contain information collection and recordkeeping requirements that require review by the Office of Management and Budget. Compliance with new information collection and recordkeeping requirements will not be required until this paragraph (h) is removed or contains a compliance date.

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