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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2025–3585; Airspace Docket No. 25–AAL–143]

RIN 2120–AA66

Amendment of United States Area Navigation Route Q–10 and Revocation of Alaska Area Navigation Routes J–804R and J–889R in Alaska

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends United States Area Navigation (RNAV) Route Q–10 and revokes Alaska RNAV Routes J–804R and J–889R in Alaska. These actions are part of a large and comprehensive airway modernization project for the state of Alaska.

DATES: Effective date 0901 UTC, October 29, 2026. The Director of the Federal Register approves this incorporation by reference action under 14 CFR part 71, subject to the annual revision of FAA Order JO 7400.11 and publication of conforming amendments.

ADDRESSES: 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, Policy Directorate, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it modifies the Air Traffic Services (ATS) route structure as necessary to preserve the safe and efficient flow of air traffic within the National Airspace System.

History

The FAA published an NPRM for Docket No. FAA–2025–3585 in the **Federal Register** (90 FR 57724; December 12, 2025), proposing to amend United States Area Navigation (RNAV) Route Q–10 and revoke Alaska RNAV Routes J–804R and J–889R in Alaska. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. One comment was received in favor of this action.

Differences From the NPRM

The FAA discovered after publication of the NPRM that its proposed regulatory text describing RNAV Route Q–10 incorrectly listed one of the route points. The route point FRIED was listed instead of the route point EURKA. This action corrects this error. This change represents an administrative correction of an inadvertent error. Accordingly, the FAA finds good cause that recirculating the NPRM for notice and comment is unnecessary.

Incorporation by Reference

Alaska RNAV Routes are published in paragraph 2005 and United States RNAV Routes are published in paragraph 2006 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

The FAA is amending 14 CFR part 71 by revoking Alaska RNAV Routes J–804R and J–889R and modifying United States RNAV Route Q–10 in Alaska.

J–804R: Prior to this final rule, J–804R extended between the Anchorage, AK, Very High Frequency Omnidirectional Range/Distance Measuring Equipment (VOR/DME) and the EURKA, OP, Canada, WP, excluding the airspace within Canada. As part of the transition away from ground-based NAVAIDS, the FAA is revoking J–804R in its entirety.

J–889R: Prior to this final rule, J–889R extended between the NOWEL, AK, Fix and the LAIRE, AK, Fix. Due to its lack of use and as part of the transition away from ground-based NAVAIDS, the FAA is revoking J–889R in its entirety.

Q–10: Prior to this final rule, Q–10 extended between the Kukuliak, AK, VOR/DME and the Middleton Island, AK, VOR/DME. As a mitigation to the loss of J–804R, the FAA is extending Q–10 beyond the Middleton Island VOR/DME. As amended, Q–10 extends between the Kukuliak VOR/DME and the EURKA, OP, Canada, WP.

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 proposed 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 of amending RNAV Route Q–10 and revoking Alaska RNAV Routes J–804R and J–889R qualifies for categorical exclusion under the National Environmental Policy Act (42 U.S.C. 4321, *et seq.*) and 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 the concentration of aircraft on these tracks. As such, this action is not expected to result in any potentially significant environmental impacts. Additionally, in accordance with Appendix B, paragraph B–1 of FAA Order 1050.1G, the FAA has determined that no extraordinary circumstances exist that warrant preparation of an environmental assessment or environmental impact statement.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 2005 Alaska Area Navigation Routes

* * * * *

J–804R [Removed]

J–889R [Removed]

* * * * *

Paragraph 2006 United States Area Navigation Routes

* * * * *

Q–10 Kukuliak, AK (ULL) to EURKA, OP [Amended]

Kukuliak, AK (ULL)	VOR/DME	(Lat. 63°41′32.39″ N, long. 170°28′11.65″ W)
Emmonak, AK (ENM)	VOR/DME	(Lat. 62°47′04.52″ N, long. 164°29′15.12″ W)
ANIAK, AK	FIX	(Lat. 61°37′02.22″ N, long. 159°37′52.61″ W)
Sparrevohn, AK (SQA)	VOR/DME	(Lat. 61°05′54.89″ N, long. 155°38′04.49″ W)
Kenai, AK (ENA)	VOR/DME	(Lat. 60°36′52.93″ N, long. 151°11′42.87″ W)
Middleton Island, AK (MDO)	VOR/DME	(Lat. 59°25′18.50″ N, long. 146°21′00.05″ W)
EURKA, OP	WP	(Lat. 54°24′41.98″ N, long. 133°59′26.91″ W)

* * * * *

Issued in Washington, DC, on August 3, 2026.

Alex W. Nelson,

Manager, Rules and Regulations Group.

[FR Doc. 2026–15912 Filed 8–4–26; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 31676; Amdt. No. 4229]

Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule establishes, amends, suspends, or removes Standard Instrument Approach Procedures (SIAPS) and associated Takeoff Minimums and Obstacle Departure procedures (ODPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective August 5, 2026. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 5, 2026.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination

1. U.S. Department of Transportation, Docket Ops-M30. 1200 New Jersey Avenue SE, West Bldg., Ground Floor, Washington, DC 20590–0001.

2. The FAA Air Traffic Organization Service Area in which the affected airport is located;

3. The office of Aeronautical Information Services, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,

4. 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.*

Availability

All SIAPs and Takeoff Minimums and ODPs are available online free of charge. Visit the National Flight Data Center at *nfdc.faa.gov* to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from the FAA Air Traffic Organization

Service Area in which the affected airport is located.

FOR FURTHER INFORMATION CONTACT: Rune Duke, Manager, Standards Section, Flight Procedures and Airspace Group, Aviation Safety, Federal Aviation Administration. Mailing Address: FAA Mike Monroney Aeronautical Center, Flight Procedures and Airspace Group, 6500 South MacArthur Blvd., STB Annex, Bldg. 26, Room 217, Oklahoma City, OK 73099. Telephone (405) 954–1139.

SUPPLEMENTARY INFORMATION: This rule amends 14 CFR part 97 by establishing, amending, suspending, or removes SIAPS, Takeoff Minimums and/or ODPS. The complete regulatory description of each SIAP and its associated Takeoff Minimums or ODP for an identified airport is listed on FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR 97.20. The applicable FAA Forms are 8260–3, 8260–4, 8260–5, 8260–15A, 8260–15B, when required by an entry on 8260–15A, and 8260–15C.

The large number of SIAPs, Takeoff Minimums and ODPs, their complex nature, and the need for a special format make publication in the **Federal Register** expensive and impractical. Further, pilots do not use the regulatory text of the SIAPs, Takeoff Minimums or ODPs, but instead refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP, Takeoff Minimums and ODP listed on FAA form documents is unnecessary. This amendment provides the affected CFR sections and specifies the types of SIAPS, Takeoff Minimums and ODPs with their applicable effective dates. This amendment also identifies the airport and its location, the procedure, and the amendment number.

Availability and Summary of Material Incorporated by Reference

The material incorporated by reference is publicly available as listed in the **ADDRESSES** section.

The material incorporated by reference describes SIAPS, Takeoff Minimums and/or ODPs as identified in the amendatory language for part 97 of this final rule.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP, Takeoff Minimums and ODP as amended in the transmittal. Some SIAP and Takeoff Minimums and textual ODP amendments may have been issued previously by the FAA in a Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flights safety relating directly to published aeronautical charts.

The circumstances that created the need for some SIAP and Takeoff Minimums and ODP amendments may require making them effective in less than 30 days. For the remaining SIAPs and Takeoff Minimums and ODPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs and Takeoff Minimums and ODPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these SIAPs and Takeoff Minimums and ODPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs, Takeoff Minimums and ODPs, and safety in air commerce, I find that notice and public procedure under 5 U.S.C. 553(b) are impracticable and contrary to the public interest and, where applicable, under 5 U.S.C. 553(d), good cause exists for making some SIAPs effective in less than 30 days.

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 Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Lists of Subjects in 14 CFR Part 97

Air traffic control, Airports, Incorporation by reference, Navigation (air).

Issued in Washington, DC, on July 31, 2026.

Rune Duke,

Manager, Standards Section, Flight Procedures and Airspace Group, Flight Technologies & Procedures Division, Federal Aviation Administration.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, 14 CFR part 97 is amended by establishing, amending, suspending, or removing Standard Instrument Approach Procedures and/or Takeoff Minimums and Obstacle Departure Procedures effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

Effective 3 September 2026

Anchorage, AK, MRI/PAMR, RNAV (GPS) Y RWY 8, Orig-B
Anchorage, AK, MRI/PAMR, RNAV (GPS) Z RWY 8, Orig-B
Kokhanok, AK, 9K2/PFKK, Takeoff Minimums and Obstacle DP, Amdt 2
Kotzebue, AK, OTZ/PAOT, ILS OR LOC RWY 9, Amdt 2
Kotzebue, AK, OTZ/PAOT, RNAV (GPS) RWY 9, Amdt 1
Kotzebue, AK, OTZ/PAOT, RNAV (GPS) RWY 27, Amdt 1
Kotzebue, AK, OTZ/PAOT, VOR RWY 9, Amdt 1
Kotzebue, AK, OTZ/PAOT, VOR RWY 27, Amdt 1
Riverside, CA, RAL, RNAV (GPS) RWY 27, Orig-B
Tulare, CA, TLR, RNAV (GPS) RWY 13, Amdt 1A
Mount Vernon, IL, MVN, ILS OR LOC RWY 23, Amdt 13
Mount Vernon, IL, MVN, RNAV (GPS) RWY 23, Amdt 1
Mansfield, MA, 1B9, COPTER RNAV (GPS) Y RWY 14, Amdt 1, CANCELED
Mansfield, MA, 1B9, RNAV (GPS) RWY 32, Amdt 3
Mansfield, MA, 1B9, RNAV (GPS) Z RWY 14, Amdt 2
Saranac Lake, NY, SLK, ILS OR LOC RWY 23, Amdt 12
Redmond, OR, RDM, RNAV (RNP) Z RWY 5, Amdt 3A
Redmond, OR, RDM, RNAV (RNP) Z RWY 23, Amdt 3A
Redmond, OR, RDM, VOR–A, Amdt 7B

Rescinded: On July 23, 2026 (91 FR 46251), the FAA published an Amendment in Docket No. 31674, Amdt No. 4227, to part 97 of the Federal Aviation Regulations under §§ 97.20 and 97.37. The following entries for Gunnison, CO, effective September 3, 2026, are hereby rescinded in their entirety:

Gunnison, CO, GUC, GUNNISON ONE, Graphic DP
Gunnison, CO, GUC, Takeoff Minimums and Obstacle DP, Amdt 9

[FR Doc. 2026–15852 Filed 8–4–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 31677; Amdt. No. 4230]

Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule amends, suspends, or removes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure Procedures for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide for the safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective August 5, 2026. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 5, 2026.

ADDRESSES: Availability of matter incorporated by reference in the amendment is as follows:

For Examination

1. U.S. Department of Transportation, Docket Ops-M30, 1200 New Jersey Avenue SE, West Bldg., Ground Floor, Washington, DC 20590–0001;

2. The FAA Air Traffic Organization Service Area in which the affected airport is located;

3. The office of Aeronautical Information Services, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,

4. 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.*

Availability

All SIAPs and Takeoff Minimums and ODPs are available online free of charge. Visit the National Flight Data Center online at *nfdc.faa.gov* to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from the FAA Air Traffic Organization Service Area in which the affected airport is located.

FOR FURTHER INFORMATION CONTACT: Rune Duke, Manager, Standards Section, Flight Procedures and Airspace Group, Aviation Safety, Federal Aviation Administration. Mailing Address: FAA Mike Monroney Aeronautical Center, Flight Procedures and Airspace Group, 6500 South MacArthur Blvd., STB Annex, Bldg. 26, Room 217, Oklahoma City, OK 73099. Telephone (405) 954–1139.

SUPPLEMENTARY INFORMATION: This rule amends 14 CFR part 97 by amending the referenced SIAPs. The complete regulatory description of each SIAP is listed on the appropriate FAA Form 8260, as modified by the National Flight Data Center (NFDC)/Permanent Notice to Airmen (P–NOTAM), and is incorporated by reference under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR 97.20. The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, pilots do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained on FAA form documents is unnecessary. This amendment provides the affected CFR sections, and specifies the SIAPs and Takeoff Minimums and ODPs with their applicable effective dates. This amendment also identifies the airport and its location, the procedure and the amendment number.

Availability and Summary of Material Incorporated by Reference

The material incorporated by reference is publicly available as listed in the **ADDRESSES** section.

The material incorporated by reference describes SIAPs, Takeoff Minimums and ODPs as identified in the amendatory language for part 97 of this final rule.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP and Takeoff Minimums and ODP as amended in the transmittal. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained for each SIAP and Takeoff Minimums and ODP as modified by FDC permanent NOTAMs.

The SIAPs and Takeoff Minimums and ODPs, as modified by FDC permanent NOTAM, and contained in this amendment are based on criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these changes to SIAPs and Takeoff Minimums and ODPs, the TERPS criteria were applied only to specific conditions existing at the affected airports. All SIAP amendments in this rule have been previously issued by the FAA in a FDC NOTAM as an emergency action of immediate flight safety relating directly to published aeronautical charts.

The circumstances that created the need for these SIAP and Takeoff Minimums and ODP amendments require making them effective in less than 30 days.

Because of the close and immediate relationship between these SIAPs, Takeoff Minimums and ODPs, and safety in air commerce, I find that notice and public procedure under 5 U.S.C. 553(b) are impracticable and contrary to the public interest and, where applicable, under 5 U.S.C. 553(d), good cause exists for making these SIAPs effective in less than 30 days.

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 regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air Traffic Control, Airports, Incorporation by reference, Navigation (Air).

Issued in Washington, DC, July 31, 2026.

Rune Duke,

Manager, Standards Section, Flight Procedures and Airspace Group, Flight Technologies & Procedures Division, Federal Aviation Administration.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, 14 CFR part 97 is amended by amending Standard Instrument Approach Procedures and Takeoff Minimums and ODPs, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, Identified as follows:

** * * Effective Upon Publication*

AIRAC date	State	City	Airport	FDC No.	FDC date	Procedure name
3–Sep–26	AZ	Winslow	Winslow-Lindbergh Rgnl	6/1430	7/7/2026	VOR OR GPS RWY 11, Amdt 4D.
3–Sep–26	FL	Pahokee	Palm Beach County Glades	6/3710	7/10/2026	RNAV (GPS) RWY 36, Amdt 2.
3–Sep–26	FL	Pahokee	Palm Beach County Glades	6/3711	7/10/2026	RNAV (GPS) RWY 18, Amdt 2.
3–Sep–26	NC	Charlotte	Charlotte/Douglas Intl	6/3828	7/8/2026	ILS OR LOC RWY 19R, ILS RWY 19R (SA CAT I), ILS RWY 19R (CAT II–III), Amdt 3.
3–Sep–26	NC	Charlotte	Charlotte/Douglas Intl	6/3838	7/8/2026	RNAV (GPS) Y RWY 1L, Amdt 2.
3–Sep–26	NC	Greenville	Pitt-Greenville	6/3896	7/8/2026	RNAV (GPS) RWY 20, Amdt 3A.
3–Sep–26	FL	Boca Raton	Boca Raton	6/4321	7/10/2026	RNAV (GPS) RWY 5, Amdt 1A.
3–Sep–26	MN	Minneapolis	Flying Cloud	6/4379	7/13/2026	ILS OR LOC RWY 10R, Amdt 3D.
3–Sep–26	NC	Winston Salem	Smith Reynolds	6/4632	7/10/2026	RNAV (GPS) RWY 33, Orig-E.
3–Sep–26	NC	Winston Salem	Smith Reynolds	6/4634	7/10/2026	RNAV (GPS) RWY 15, Amdt 1D.
3–Sep–26	TX	San Angelo	San Angelo Rgnl/Mathis Fld	6/4916	4/24/2026	RNAV (GPS) RWY 3, Amdt 2A.
3–Sep–26	TX	San Angelo	San Angelo Rgnl/Mathis Fld	6/4917	4/24/2026	RNAV (GPS) RWY 18, Amdt 1A.
3–Sep–26	AR	Siloam Springs	Smith Fld	6/4918	4/24/2026	RNAV (GPS) RWY 36, Orig-A.
3–Sep–26	OK	Shawnee	Shawnee Rgnl	6/4919	4/24/2026	RNAV (GPS) RWY 17, Amdt 1A.
3–Sep–26	OK	Shawnee	Shawnee Rgnl	6/4920	4/24/2026	RNAV (GPS) RWY 35, Orig-C.
3–Sep–26	IL	Springfield	Abraham Lincoln Capital	6/4922	4/24/2026	ILS OR LOC RWY 31, Amdt 2C.
3–Sep–26	MO	St Louis	St Louis Lambert Intl	6/4923	4/24/2026	RNAV (GPS) Y RWY 29, Orig-D.
3–Sep–26	OK	Stillwater	Stillwater Rgnl	6/4924	4/24/2026	VOR RWY 17, Amdt 14A.
3–Sep–26	TX	Houston	Houston Exec	6/4927	4/24/2026	RNAV (GPS) RWY 36, Amdt 1B.
3–Sep–26	KS	Salina	Salina Rgnl	6/5615	4/28/2026	ILS OR LOC RWY 35, Amdt 19D.
3–Sep–26	MO	Bolivar	Bolivar Muni	6/5633	5/1/2026	RNAV (GPS) RWY 36, Orig-D.
3–Sep–26	NY	Poughkeepsie	Hudson Valley Rgnl	6/6013	7/16/2026	VOR–A, Amdt 11F.
3–Sep–26	FL	West Palm Beach	North Palm Beach County General Aviation.	6/6048	7/16/2026	ILS OR LOC RWY 9R, Amdt 3.
3–Sep–26	UT	Vernal	Vernal Rgnl	6/6112	7/17/2026	RNAV (GPS) Y RWY 35, Orig-B.
3–Sep–26	NY	Jamestown	Chautauqua County/Jamestown.	6/6467	4/2/2026	RNAV (GPS) RWY 7, Amdt 1C.
3–Sep–26	NY	Jamestown	Chautauqua County/Jamestown.	6/6468	4/2/2026	RNAV (GPS) RWY 31, Orig-C.
3–Sep–26	NY	Jamestown	Chautauqua County/Jamestown.	6/6469	4/2/2026	RNAV (GPS) RWY 25, Amdt 1D.
3–Sep–26	FL	Lakeland	Lakeland Linder Intl	6/6470	4/2/2026	ILS OR LOC RWY 10, ILS RWY 10 (SA CAT I), ILS RWY 10 (CAT II), ILS RWY 10 (CAT III), Amdt 2.
3–Sep–26	IN	Lafayette	Purdue University	6/6472	4/2/2026	ILS OR LOC RWY 10, Amdt 11D.
3–Sep–26	TX	Angleton/Lake Jackson.	Texas Gulf Coast Rgnl	6/6473	4/2/2026	RNAV (GPS) RWY 35, Amdt 2B.
3–Sep–26	KY	Lexington	Blue Grass	6/6474	4/2/2026	RNAV (GPS) RWY 9, Orig-B.
3–Sep–26	WY	Douglas	Converse County	6/6658	3/16/2026	VOR RWY 29, Amdt 1C.
3–Sep–26	NM	Deming	Deming Muni	6/6663	3/16/2026	RNAV (GPS) RWY 4, Amdt 1C.
3–Sep–26	MD	Westminster	Carroll County Rgnl/Jack B Poage Fld.	6/6664	3/16/2026	RNAV (GPS) RWY 34, Amdt 1C.
3–Sep–26	IL	Danville	Vermilion Rgnl	6/6673	3/13/2026	RNAV (GPS) RWY 3, Orig-C.
3–Sep–26	IL	Danville	Vermilion Rgnl	6/6674	3/13/2026	RNAV (GPS) RWY 21, Orig-C.
3–Sep–26	MI	Drummond Island	Drummond Island	6/6675	3/13/2026	RNAV (GPS) RWY 8, Orig-B.
3–Sep–26	TX	Del Rio	Del Rio Intl	6/6676	3/16/2026	RNAV (GPS) RWY 13, Amdt 2B.
3–Sep–26	TX	Rocksprings	Edwards County	6/6678	3/16/2026	RNAV (GPS) RWY 14, Orig-C.
3–Sep–26	TX	Houston	Ellington	6/6679	3/16/2026	TACAN RWY 4, Orig-B.
3–Sep–26	WI	Monroe	Monroe Muni	6/6680	3/16/2026	RNAV (GPS) RWY 12, Orig-B.
3–Sep–26	NE	Sidney	Sidney Muni/Lloyd W Carr Fld	6/7319	5/6/2026	RNAV (GPS) RWY 31, Amdt 2B.
3–Sep–26	NE	Sidney	Sidney Muni/Lloyd W Carr Fld	6/7321	5/6/2026	VOR/DME RWY 13, Amdt 5C.

AIRAC date	State	City	Airport	FDC No.	FDC date	Procedure name
3–Sep–26	NE	Sidney	Sidney Muni/Lloyd W Carr Fld	6/7322	5/6/2026	RNAV (GPS) RWY 13, Amdt 2B.
3–Sep–26	NE	Sidney	Sidney Muni/Lloyd W Carr Fld	6/7323	5/6/2026	VOR/DME RWY 31, Amdt 5C.
3–Sep–26	MS	Drew	Ruleville-Drew	6/7325	5/4/2026	RNAV (GPS) RWY 18, Orig.
3–Sep–26	MT	Colstrip	Colstrip	6/7327	5/6/2026	GPS RWY 6, Orig-D.
3–Sep–26	MT	Colstrip	Colstrip	6/7328	5/6/2026	GPS RWY 24, Orig-C.
3–Sep–26	AK	Kaltag	Kaltag	6/7336	5/6/2026	RNAV (GPS) RWY 21, Amdt 1C.
3–Sep–26	AK	Beaver	Beaver	6/7338	5/6/2026	RNAV (GPS) RWY 5, Orig-A.
3–Sep–26	AK	Clarks Point	Clarks Point	6/7343	5/6/2026	RNAV (GPS) RWY 18, Orig-D.
3–Sep–26	FL	West Palm Beach	North Palm Beach County General Aviation.	6/8160	7/23/2026	RNAV (GPS) RWY 27L, Amdt 2.
3–Sep–26	NY	Poughkeepsie	Hudson Valley Rgnl	6/8431	6/15/2026	VOR RWY 24, Amdt 4G.
3–Sep–26	TX	Castroville	Castroville Muni	6/8783	3/17/2026	RNAV (GPS) RWY 34, Amdt 1.
3–Sep–26	IA	Clinton	Clinton Muni	6/8785	3/17/2026	VOR/DME RWY 21, Amdt 9C.
3–Sep–26	IL	De Kalb	De Kalb Taylor Muni	6/8952	3/17/2026	RNAV (GPS) RWY 27, Amdt 1A.
3–Sep–26	IL	De Kalb	De Kalb Taylor Muni	6/8953	6/23/2026	RNAV (GPS) RWY 9, Amdt 1A.
3–Sep–26	IL	De Kalb	De Kalb Taylor Muni	6/8954	3/17/2026	RNAV (GPS) RWY 2, Orig-B.
3–Sep–26	AL	Enterprise	Enterprise Muni	6/8972	3/17/2026	RNAV (GPS) RWY 5, Amdt 1C.
3–Sep–26	MO	Dexter	Dexter Muni	6/8975	3/17/2026	RNAV (GPS) RWY 36, Amdt 1B.
3–Sep–26	AL	Alabaster	Shelby County	6/8976	3/17/2026	RNAV (GPS) RWY 16, Amdt 1A.
3–Sep–26	TX	El Paso	El Paso Intl	6/8977	3/17/2026	LOC/DME RWY 4, Amdt 3C.
3–Sep–26	MI	Newberry	Luce County	6/8978	3/17/2026	RNAV (GPS) RWY 29, Orig-B.
3–Sep–26	WY	Evanston	Evanston-Uinta County Burns Fld.	6/9091	3/25/2026	RNAV (GPS) RWY 23, Amdt 4A.
3–Sep–26	WI	West Bend	West Bend Muni	6/9093	3/17/2026	RNAV (GPS) RWY 31, Orig-C.
3–Sep–26	WI	West Bend	West Bend Muni	6/9094	3/17/2026	RNAV (GPS) RWY 13, Orig-C.
3–Sep–26	WI	West Bend	West Bend Muni	6/9095	3/17/2026	VOR RWY 13, Amdt 5E.
3–Sep–26	ND	Fargo	Hector Intl	6/9112	3/17/2026	ILS OR LOC RWY 18, Orig-E.
3–Sep–26	ND	Fargo	Hector Intl	6/9113	3/17/2026	RNAV (GPS) RWY 36. Orig-C.
3–Sep–26	ND	Fargo	Hector Intl	6/9114	3/17/2026	VOR RWY 36, Orig-E.
3–Sep–26	ND	Fargo	Hector Intl	6/9115	3/17/2026	RNAV (GPS) RWY 18, Amdt 1C.
3–Sep–26	MI	Fremont	Fremont Muni	6/9117	3/17/2026	RNAV (GPS) RWY 19, Amdt 1E.
3–Sep–26	MN	Minneapolis	Flying Cloud	6/9136	3/17/2026	RNAV (GPS) RWY 10R, Orig-C.
3–Sep–26	MN	Minneapolis	Flying Cloud	6/9138	3/17/2026	VOR RWY 10R, Amdt 9C.
3–Sep–26	IA	Fort Dodge	Fort Dodge Rgnl	6/9140	3/17/2026	RNAV (GPS) RWY 6, Amdt 1B.
3–Sep–26	KS	Topeka	Topeka Rgnl	6/9141	3/17/2026	RNAV (GPS) RWY 31, Orig-B.
3–Sep–26	MD	Baltimore	Baltimore/Washington Intl Thurgood Marshall.	6/9375	3/18/2026	ILS OR LOC RWY 33L, ILS RWY 33L (SA CAT I & II), Amdt 13.
3–Sep–26	MD	Baltimore	Baltimore/Washington Intl Thurgood Marshall.	6/9377	3/18/2026	RNAV (RNP) X RWY 33L, Orig.
3–Sep–26	MD	Baltimore	Baltimore/Washington Intl Thurgood Marshall.	6/9382	6/30/2026	RNAV (GPS) Y RWY 33L, Amdt 5.
3–Sep–26	MD	Baltimore	Baltimore/Washington Intl Thurgood Marshall.	6/9384	6/30/2026	RNAV (RNP) Z RWY 33L, Amdt 4.
3–Sep–26	SC	Lancaster	Lancaster County-Mc Whirter Fld.	6/9727	4/10/2026	RNAV (GPS) RWY 6, Amdt 1A.
3–Sep–26	OR	Klamath Falls	Crater Lake/Klamath Rgnl	6/9732	4/15/2026	VOR/DME OR TACAN RWY 32, Amdt 5A.
3–Sep–26	TX	Lancaster	Lancaster Rgnl	6/9735	4/13/2026	RNAV (GPS) RWY 31, Amdt 1A.
3–Sep–26	PA	Lancaster	Lancaster	6/9736	4/10/2026	VOR RWY 31, Amdt 16B.
3–Sep–26	CA	Sacramento	Mc Clellan Airfield	6/9738	4/15/2026	ILS OR LOC RWY 16, Orig-E.
3–Sep–26	NE	Mc Cook	Mc Cook Ben Nelson Rgnl	6/9739	4/15/2026	ILS OR LOC/DME RWY 12, Orig-B.
3–Sep–26	NE	Mc Cook	Mc Cook Ben Nelson Rgnl	6/9740	4/15/2026	RNAV (GPS) RWY 12, Amdt 1B.
3–Sep–26	NJ	Millville	Millville Muni	6/9741	4/13/2026	RNAV (GPS) RWY 28, Orig-D.
3–Sep–26	PA	Harrisburg	Harrisburg Intl	6/9744	4/13/2026	ILS OR LOC RWY 31, Amdt 1F.
3–Sep–26	PA	Harrisburg	Harrisburg Intl	6/9746	4/13/2026	RNAV (GPS) RWY 31, Amdt 1B.
3–Sep–26	OK	Muskogee	Muskogee-Davis Rgnl	6/9772	4/13/2026	RNAV (GPS) RWY 13, Orig-D.
3–Sep–26	SD	Mobridge	Mobridge Muni	6/9773	4/13/2026	RNAV (GPS) RWY 12, Orig-B.
3–Sep–26	FL	Marco Island	Marco Island Exec	6/9774	4/13/2026	RNAV (GPS) RWY 17, Orig-C.
3–Sep–26	OH	Marion	Marion Muni	6/9775	4/13/2026	RNAV (GPS) RWY 7, Orig-A.
3–Sep–26	CA	Torrance	Zamperini Fld	6/9827	6/30/2026	VOR RWY 11L, Amdt 16.
3–Sep–26	KS	Garden City	Garden City Rgnl	6/9947	3/18/2026	VOR/DME RWY 17, Amdt 2B.
3–Sep–26	KS	Garden City	Garden City Rgnl	6/9948	3/18/2026	VOR/DME RWY 12, Orig-C.
3–Sep–26	KS	Garden City	Garden City Rgnl	6/9949	3/18/2026	VOR RWY 17, Amdt 11B.

[FR Doc. 2026–15853 Filed 8–4–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 74

[Docket No. FDA–2023–N–0437]

Micro-Tracers, Inc.; Response to Objections and Requests for a Public Hearing

AGENCY: Food and Drug Administration, HHS.

ACTION: Notification; response to objections and denial of public hearing requests; removal of administrative stay.

SUMMARY: The Food and Drug Administration (FDA or we) received objections and requests for a public hearing submitted by Buchanan Ingersoll & Rooney PC, on behalf of Micro-Tracers, Inc. (Micro-Tracers or objector), on the order granting a color additive petition (3C0323) requesting that we repeal specified regulations to no longer provide for the safe use of FD&C Red No. 3 in food (including dietary supplements) and ingested drugs. After reviewing the objections, we have concluded that the objections do not raise issues of material fact that justify a hearing. We are also providing notice that the administrative stay of the effective date for the repeal and delisting of the color additive regulations is now lifted.

DATES: This order that published in the **Federal Register** of January 16, 2025 (90 FR 4628) with effective dates of January 15, 2027, and January 18, 2028, was administratively stayed by the filing of objections under section 701(e)(2) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 371(e)(2)) as of February 18, 2025. FDA lifts the administrative stay as of August 5, 2026. The effective dates of January 15, 2027, and January 18, 2028, for amendatory instruction 4, for the order published on January 16, 2025 (90 FR 4628), are confirmed.

ADDRESSES: For access to the docket to read background documents or comments received, go to *https://www.regulations.gov* and insert the docket number found in brackets in the heading of this final rule into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Shayla West-Barnette, Office of Pre-Market Additive Safety, Human Foods Program, Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740, 240–402–1262; or Alexandra Beliveau, Office of Policy and International Engagement, Human Foods Program, Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740, 240–402–2378.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of February 17, 2023 (88 FR 10245), we announced that we filed a color additive petition (CAP 3C0323) (petition) jointly submitted by the Center for Science in the Public Interest, Breast Cancer Prevention Partners, Center for Environmental Health, et al. (petitioners), which proposed that we repeal the color additive regulations for FD&C Red No. 3 at §§ 74.303 (21 CFR 74.303) and 74.1303 (21 CFR 74.1303) to no longer provide for the safe use of FD&C Red No. 3 in food (including dietary supplements) and ingested drugs, respectively. The petition cited section 721(b)(5)(B) of the FD&C Act (21 U.S.C. 379e(b)(5)(B)), often referred to as the Delaney Clause, which deems color additives unsafe under certain circumstances. The relevant provision, section 721(b)(5)(B)(i) of the FD&C Act, states that a color additive shall be deemed unsafe for any use which will or may result in ingestion of all or part of such additive, if the additive is found by the Secretary of Health and Human Services (Secretary) to induce cancer when ingested by man or animal, or if it is found by the Secretary, after tests which are appropriate for the evaluation of the safety of additives for use in food, to induce cancer in man or animal.

In the **Federal Register** of January 16, 2025 (90 FR 4628), we issued an order titled ''Color Additive Petition from Center for Science in the Public Interest, et al.; Request to Revoke Color Additive Listing for Use for FD&C Red No. 3 in Food and Ingested Drugs'' (January 2025 order) amending the color additive regulations at §§ 74.303 and 74.1303 to no longer provide for the safe use of FD&C Red No. 3 in food (effective January 15, 2027) and ingested drugs (effective January 18, 2028), respectively. We determined that information provided in the petition and other publicly available relevant data demonstrated that FD&C Red No. 3 has been shown to cause cancer in male rats, and thus its use as a color additive was deemed unsafe under the Delaney Clause as a matter of law (90 FR 4628 at 4631). We gave interested persons until February 18, 2025, to file objections and requests for a hearing on the order.

II. Objections and Requests for a Hearing

Sections 701(e)(2) and 721(d) of the FD&C Act collectively provide that, within 30 days after publication of an order relating to a color additive regulation, any person adversely affected by such an order may file objections, specifying with particularity the provisions of the order deemed objectionable, stating the grounds therefor, and requesting a public hearing upon such objections. We may deny a hearing request if the objections to the order do not raise genuine and substantial issues of fact that can be resolved at a hearing (§ 12.24(b)(1) (21 CFR 12.24(b)(1))). (See also *Community Nutrition Institute* v. *Young,* 773 F.2d 1356, 1364 (D.C. Cir. 1985)).

Under our regulations at 21 CFR 71.30, objections and requests for a hearing relating to color additive regulations are governed, in part, by 21 CFR part 12. Under 21 CFR 12.22(a), each objection must: (1) be submitted on or before the 30th day after the date of publication of our decision; (2) be separately numbered; (3) specify with particularity the provision of the regulation or proposed order objected to; (4) specifically state each objection on which a hearing is requested (failure to request a hearing on an objection constitutes a waiver of the right to a hearing on that objection); and (5) include a detailed description and analysis of the factual information to be presented in support of the objection if a hearing is requested (failure to include a description and analysis for an objection constitutes a waiver of the right to a hearing on that objection).

Following the publication of the final order in which we granted the petition to amend the color additive regulations to no longer provide for the safe use of FD&C Red No. 3 in food and ingested drugs, we received one submission from Buchanan, Ingersoll & Rooney PC, on behalf of Micro-Tracers (see submission from Edward John Allera, Of Counsel, Barbara A. Binzak Blumenfeld, Ph.D., Shareholder, Natalie C. Oehlers, Associate, and Natalie Crow, Associate, Buchanan, Ingersoll & Rooney PC (Counsel for Micro-Tracers) submitted to the Dockets Management Staff, Food and Drug Administration, dated February 18, 2025) (submission). The submission states that it raises three specific objections to the order and requests hearings on each of them.

We note that the submission includes a copy of comments from Micro-Tracers on the notice of filing of the petition (submission attachment 2). However, because these comments, dated

November 13, 2023, were submitted after the comment period closed on May 18, 2023 (88 FR 19026, March 30, 2023), they were not included in the docket.

III. Standards for Granting a Hearing

The criteria for granting a hearing are set out in § 12.24(b). Under that regulation, a hearing will be granted if the material submitted by an objector shows that: (1) there is a genuine and substantial factual issue for resolution at a hearing (a hearing will not be granted on issues of policy or law); (2) the factual issue can be resolved by available and specifically identified reliable evidence (a hearing will not be granted on the basis of mere allegations or denials or general descriptions of positions and contentions); (3) the data and information submitted, if established at a hearing, would be adequate to justify resolution of the factual issue in the way sought by the objector (a hearing will be denied if the data and information submitted are insufficient to justify the factual determination urged, even if accurate); (4) resolution of the factual issue in the way sought by the objector is adequate to justify the action requested (a hearing will not be granted on factual issues that are not determinative with respect to the action requested, *e.g.,* if the action would be the same even if the factual issues were resolved in the way sought); (5) the action requested is not inconsistent with any provision in the FD&C Act or any FDA regulation particularizing statutory standards (the proper procedure in those circumstances is for the person requesting the hearing to petition for an amendment or waiver of the regulation involved); and (6) the requirements in other applicable regulations, *e.g., 21 CFR 10.20, 12.21, 12.22, 314.200, 514.200,* and *601.7(a),* and in the document issuing the final regulation or the notice of opportunity for a hearing are met.

In general, in an administrative proceeding under section 701(e) of the FD&C Act (21 U.S.C. 371(e)), FDA is authorized to issue a decision without holding a part 12 hearing when a party's objections do not raise a genuine and material issue of fact that, if proved in that party's favor, would suffice to warrant the relief requested (see *Community Nutrition Inst.* v. *Young,* 773 F.2d 1356, 1364 (D.C. Cir. 1985), *cert. denied,* 475 U.S. 1123 (1986); see also *Vermont Dep't of Pub. Serv.* v. *FERC,* 817 F.2d 127, 140 (D.C. Cir. 1987)). A party seeking a hearing must meet a ''threshold burden of tendering evidence suggesting the need for a hearing'' (*Costle* v. *Pacific Legal Foundation,* 445 U.S. 198, 214–215 (1980), citing *Weinberger* v. *Hynson, Westcott & Dunning, Inc.,* 412 U.S. 609, 620–621 (1973)). An allegation that a hearing is necessary to ''sharpen the issues'' or to ''fully develop the facts'' does not meet this test (*Georgia Pacific Corp.* v. *EPA,* 671 F.2d 1235, 1241 (9th Cir. 1982)). If a hearing request fails to identify sufficient factual evidence that would be the subject of a hearing, there is no reason to hold one. In judicial proceedings, a court is authorized to issue summary judgment without an evidentiary hearing whenever it finds that there are no genuine issues of material fact in dispute, and a party is entitled to judgment as a matter of law (see *Rule 56, Federal Rules of Civil Procedure*). The same principle applies to administrative proceedings (see § 12.24). In reviewing whether an objecting party made an ''adequate proffer of evidence'' to show that an ''actual dispute exist[s],'' courts consider whether the dispute lies in ''a highly technical area [within] the agency's expertise'' (see *Cerro Wire & Cable Co.* v. *FERC,* 677 F.2d 124, 129 (D.C. Cir. 1982)).

A hearing request must not only contain evidence, but that evidence also must raise a material issue of fact ''concerning which a meaningful hearing might be held'' (*Pineapple Growers Ass'n of Haw.* v. *FDA,* 673 F.2d 1083, 1085 (9th Cir. 1982)). Where the issues raised in the objection are, even if true, legally insufficient to alter the decision, an agency need not grant a hearing (see *Dyestuffs and Chemicals, Inc.* v. *Flemming,* 271 F.2d 281, 286 (8th Cir. 1959), *cert. denied,* 362 U.S. 911 (1960)). A hearing is justified only if the objections are made in good faith and if they raise '''material' issues of fact'' (*Pineapple Growers Ass'n,* 673 F.2d at 1085 (quoting *Pactra Indus., Inc.* v. *CPSC,* 555 F.2d 677, 684 (9th Cir. 1977)). The issues raised in objections ''must be material to the question involved; that is, the legality of the order attached'' (*Pineapple Growers Ass'n,* 673 F.2d at 1085 (quoting *Dyestuffs and Chemicals,* 271 F.2d at 286)). A hearing need not be held to resolve questions of law and policy (see *Kourouma* v. *FERC,* 723 F.3d 274, 278 (D.C. Cir. 2013) (citing *Citizens for Allegan County., Inc.* v. *FPC,* 414 F.2d 1125, 1128 (D.C. Cir. 1969); *Sun Oil Co.* v. *FPC,* 256 F.2d 233, 240 (5th Cir. 1958)).

IV. Analysis of Objections and Response to Hearing Requests

The submission contains three numbered objections and requests a hearing on each objection. We address each objection below, as well as the evidence and information filed in support of each, including our evaluation of whether each objection and the information submitted in support of it satisfies the standards for granting a hearing in § 12.24(b).

A. Objection 1

In Objection 1, the objector states that it objects to the ''scientific basis'' for the revocation of these color additive listings and argues that ''FDA erred in its statistical interpretation of the data that formed the basis for FDA's decision to revoke these two regulations'' (submission at page 20). In support of these assertions, the objector provides an opinion titled ''Bayesian Statistical Reanalysis of Red Dye 3 Thyroid Neoplasms'' by Lyle D. Burgoon, Ph.D. (submission attachment 4). For purposes of our discussion of the objector's arguments, we group them under two general categories: (1) FDA's use of the sum of carcinomas and adenomas and (2) FDA's analysis of the data.

First, the objector asserts that FDA should not have used the sum of carcinomas and adenomas when determining that FD&C Red No. 3 caused cancer in male rats. The objector argues that the Delaney Clause does not permit FDA to consider adenomas when determining whether a color additive ''induces cancer.'' The objector asserts ''the Delaney Clause specifically prohibits the use of color additives . . . that will 'induce cancer' when ingested by humans or animals . . . . Carcinomas are malignant (cancerous tumors), but *adenomas* are benign (non-cancerous) tumors. Therefore, it was arguably inappropriate to include the sum of carcinomas *and* adenomas when assessing the historical data'' (submission at page 21 and submission attachment 4 at page 1). The objector also asserts that ''it is well established that thyroid adenomas rarely become carcinomas, especially thyroid follicular adenomas (5 percent of adenomas are reported to be cancers according to StatPearls). Thus, it is wholly inappropriate to sum adenomas and carcinomas, under the assumption that adenomas will become carcinomas'' (submission attachment 4 at page 2).

Second, the objector disagrees with FDA's analysis of the data. The objector asserts that (1) FDA did not consider all of the data together in its statistical analysis, (2) the data was unreliable, and (3) based on his statistical analysis of the data, the ''4-percent group did not actually see an increase in carcinomas once you consider all of the data together, and once you consider the historical background rate of thyroid

carcinomas in the vehicle animals'' (id. at pages 1 through 2).

With respect to FDA's consideration of data in its statistical analysis, the objector asserts: ''FDA takes an antiquated approach (by today's standards) to analyze the cancer data . . . . [R]elying strictly on a p-value for decision making is highly inappropriate . . . . Ronald Fisher, the father of the p-value, has stated in numerous texts that all that a significant p-value means is that additional testing is warranted . . . . A more robust and modern way to analyze this data is to take a more Bayesian approach . . . The advantage of this approach is that we can get a better sense of the background/historical cancer rate in the vehicle control animals'' (id. at page 7). The objector asserts that FDA ''did not consider all of the data together—it still only considers the data separately. Thus, . . . FDA is not considering the fact of regression towards the mean nor is [FDA] considering the impacts of small sample sizes in causing false positive results'' (id. at page 1). The objector also asserts that ''A reasonable scientist considers the total weight of the evidence, not any one, singular study on its own'' (id.).

With respect to the reliability of the data, the objector asserts that the sample sizes of the studies were ''too small to be reliable predictors of the population response'' (submission at page 22). The objector asserts that the ''studies included potentially confounding variables, including differences in mean body weight, food consumption, and thyroid follicular cell hyperplasia'' (id.). The objector further asserts that ''Sprague-Dawley rats have a relatively high background rate of follicular cell adenomas and carcinomas, according to historical control data from LabCorp published in the journal Toxicologic Pathology'' (submission attachment 4 at page 2).

With respect to conclusions made based on the objector's statistical analysis of the data, the objector asserts that ''the 4-percent group is not meaningfully different from the vehicle controls,'' as evidenced by the difference distribution calculation, and FDA should have considered the petitioners' data unreliable due to sample bias and rejected the petition (id. at pages 11 through 12). The objector reiterates the basis for this decision as being three-fold: ''(1) relying upon unreliable data, (2) relying upon data that showed there was too much uncertainty to draw a conclusion (thus, the data were unreliable), and (3) when looking at all of the data together, it is clear that there is no evidence that the 4-percent group caused cancers at a higher rate than the vehicle controls (*i.e.,* FD&C Red No. 3 does not cause cancer at a rate that is biologically meaningfully different from the background rate)'' (id. at page 12). Additionally, the objector asserts that FDA erred when combining instances of adenomas and carcinomas, as ''over 95 percent of adenomas do not become carcinomas'' (id.) The objector also states that Congress, when passing the amendment that included the Delaney Clause, was ''clear and unambiguous'' in its understanding that the definition of ''cancer'' does not include ''benign tumors'' or ''adenomas'' (id.). Therefore, the objector concludes that FDA ''erred and violated the clear direction given by Congress'' in our reading of the Delaney Clause (id.).

Finally, the objector also argues that ''FDA should have convened a Color Additive Advisory Committee, as one comment on the Petition had requested, because there is genuine debate about the science underlying the Final Order'' (submission at page 22).

FDA's Response: We disagree with the objector's assertions that that the scientific basis for our decision was erroneous or that we erred in our statistical interpretation of the data. The objector asserts that there is an ''ongoing controversy regarding whether [FD&C Red No. 3] is a known animal carcinogen'' (submission attachment 4 at page 2). However, FDA's conclusion that FD&C Red No. 3 induces cancer in male rats, and therefore, is subject to the Delaney Clause, has long been agreed upon by scientific experts.

First, we address the objector's arguments regarding our including the sum of carcinomas and adenomas. The objector asserts that the Delaney Clause does not permit FDA to consider adenomas (id. at pages 1 and 7); however, this is an issue of law, and no hearing is warranted to adjudicate it (§ 12.24(b)(1)). Furthermore, the objector asserts that ''it is well-established that thyroid adenomas rarely become carcinomas''; however, the objector fails to support these assertions with supporting studies and only mentions StatPearls without any further citation (id. at page 2). These general and unsupported assertions fail to raise a ''factual issue [that] can be resolved by available and specifically identified reliable evidence'' (21 CFR 12.24(b)(2)).

We also conclude that the objector's arguments about including the sum of carcinomas and adenomas do not provide a basis for amending or revoking our January 2025 order. We discussed the rationale for including the sum of carcinomas and adenomas in male rats administered FD&C Red No. 3 in our denial of CAP 9C0096 (which requested the permanent listing of FD&C Red No. 3 as a color additive for use in cosmetics, including lipsticks and other ingested cosmetics, and externally applied drugs) (55 FR 3520, February 1, 1990). In our denial, which was based on the Delaney Clause, we stated that the petition's ''failure to find a significant tumorigenic effect was apparently because its statistical analysis treated adenomas and carcinomas as separate tumor classes'' (id. at 3525). Specifically, we stated that the petitioners ''apparently distinguished between oncogenicity and carcinogenicity and between the ability of FD&C Red No. 3 to induce adenomas and carcinomas'' (id.). We further explained that the petitioners used this separation of tumors into adenomas and carcinomas as the basis for later testing for statistically significant differences of tumor incidence between treated and control groups. By contrast, we explained that although FDA also separately analyzes the incidences of adenomas and carcinomas, we extend our analysis further by using the combined incidences of adenomas and carcinomas and then statistically comparing the combined incidence of tumors in treated animals with the control groups (id.). We concluded that our ''approach to tumor analysis is appropriate because it is entirely sound to interpret thyroid follicular cell adenomas as an earlier stage in a series of progressive proliferative changes leading to the expression of follicular cell carcinomas'' (id.). We also noted that the National Toxicology Program (NTP) Subcommittee, in conducting its review, also considered the combining of carcinomas and adenomas to be an appropriate procedure (id.). As we describe below, this continues to be NTP's approach.

We disagree with the objector's assertion that ''it is wholly inappropriate to sum adenomas and carcinomas, under the assumption that adenomas will become carcinomas'' (submission attachment 4 at page 2). The Center for Food Safety and Applied Nutrition (now the Human Foods Program (HFP))'s Cancer Assessment Committee (CAC) described the likely mode of action which resulted in the thyroid cancer in male rats that was observed in the Borzelleca et al. study and the weight of evidence for that mode of action (Ref. 1) (2018 CAC Memorandum). The 2018 CAC Memorandum states ''the committee agreed that there were hormonal key events leading to thyroid follicular neoplasia in male rats based on

proliferative changes including dose- and time-dependent thyroid follicular hyperplasia in the lifetime bioassay and hypertrophy in shorter mechanistic studies. The committee also discussed the reported impact of FD&C Red No. 3 on levels of serum thyroid-stimulating hormone (TSH) and other thyroid hormones (T4/T3/rT3), and the well-characterized causal connection between high levels of TSH in the rat and the resulting induction of thyroid follicular cell neoplasia'' (id. at page 8). The 2018 CAC Memorandum further states that ''the rats exhibited a spectrum of lesions characterized as pre-neoplastic (thyroid follicular hyperplasia), benign neoplastic (follicular cell adenoma) and malignant neoplastic (follicular cell carcinoma, more specifically adenocarcinoma)'' (id.). The CAC determined that increased incidences of thyroid follicular hyperplasia and follicular cell neoplasia (measured as combined adenomas and carcinomas) represented a treatment-related increase in incidences of thyroid neoplasia in male rats (id.).

As part of their discussion of the relevance of the rat mechanism of action to thyroid carcinogenesis in other mammals, the CAC requested input from an expert in endocrine disease in laboratory and domestic animals. The 2018 CAC memorandum noted that the expert explained that ''veterinary pathologists agree that rat thyroid carcinogenesis in response to TSH involves a well-characterized proliferative process of the thyroid follicular tissue, starting with hypertrophy (initially diffuse) followed by multifocal hyperplasia which then progresses to adenomas and ultimately with sufficient time and dose (exposure) to carcinomas'' (id. at page 9). The expert ''pointed out that veterinary pathologists consider TSH an indirect carcinogen and a promoter of neoplasia in the male rat and that as little as a two-fold chronic increase in TSH is sufficient to initiate this proliferative process in this species/sex'' (id.). The expert also stated that ''even if carcinomas are not observed in a particular study, elevated TSH will likely lead to thyroid neoplasia (adenomas and carcinomas) over time in male rats'' (id. at page 10).

The NTP's website titled ''Cancer Evaluation Criteria'' discusses considerations for evaluating evidence of carcinogenic activity (Ref. 2). The NTP states that considerations of carcinogenicity data should consider that ''some benign neoplasms have the capacity to regress but others (of the same morphologic type) progress. At present, it is impossible to identify the difference. Therefore, where progression is known to be a possibility, the most prudent course is to assume that benign neoplasms of those types have the potential to become malignant'' (id.). The NTP also states that the consideration of carcinogenicity data should include ''combining benign and malignant tumor incidences known or thought to represent stages of progression in the same organ or tissue'' (id.). A guide published in 2024 by a Working Group of biopharmaceutical experts from international societies of toxicologic pathology (Society of Toxicologic Pathology, British Society of Toxicologic Pathology, European Society of Toxicologic Pathology, FDA, the International Harmonization of Nomenclature and Diagnostic Criteria initiative, and members of the Standard for Exchange of Nonclinical Data initiative) was published to assist pharmacology/toxicology reviewers and biostatisticians in statistical analysis of nonclinical tumor data (Ref. 3). The guide outlines the approach to determining appropriate combinations of tumors for analysis and lists the following recommendations: ''A. Combine benign tumors of the same cell type by site for analysis. B. Combine malignant tumors of the same cell type by site for analysis. C. Combine benign and malignant tumors of the same cell type by site for analysis'' (id.).

Additionally, FDA conducted further analyses, which note that the probability of adenomas progressing into carcinomas ''depends on several factors, such as aging, changes in chromosomal stability and altered metabolism'' (Ref. 4). We also found that the scientific literature reports that 20 percent of nonfunctioning follicular cell adenomas (with oncogene mutations) can progress into a carcinoma (id.). This indicates that there is a possibility of adenomas becoming malignant (*i.e.,* carcinoma), and the probability of this progression may vary depending on the organ-type, underlying mechanisms, and other factors, as stated elsewhere in this document. In the absence of information on such specific factors, it is not possible to estimate the exact percentage of the chance of progression of adenomas to carcinomas in a particular organ-type or study (id.).

The approach of combining adenomas and carcinomas has also been used by the NTP to evaluate the potential for carcinogenicity of substances. The NTP considers a dose-related increase in either malignant or benign neoplasms, or the combination of malignant and benign tumors for an organ, appropriate to determine if there is evidence of carcinogenic activity of the test substance in the conditions of the reviewed study (id.). Thus, FDA considers using the combined incidences of adenomas and carcinomas as a well-established and conservative approach to cancer risk assessment.

Second, we address the objector's arguments regarding our analysis of the data. The objector argues that the rat carcinogenicity bioassays were insufficiently designed, stating that ''sample sizes in the studies cited are too small to be reliable predictors of the population response'' and ''rat feeding studies include potentially confounding variables, including differences in mean body weight, food consumption, and thyroid follicular cell hyperplasia'' (submission at page 22). In our denial of CAP 9C0096, we discussed our determination that the rat feeding study design was appropriate (55 FR 3520). We stated ''[t]he experimental design for the [International Research Development Corporation (IRDC)] studies of FD&C Red No. 3 benefited from knowledge of the protocol deficiencies in previously conducted carcinogenesis bioassays and other chronic toxicity testing. Improvements in study design included: (1) The use of large numbers of animals of both sexes . . . (3) two control groups (thereby effectively doubling the number of controls) . . . . All of these protocol changes significantly increased the power of these tests to detect dose-related effects. For this reason, FDA believes that the results of the IRDC chronic feeding studies constitute a reliable basis for assessing the safety of FD&C Red No. 3'' (id. at 3524).

Furthermore, the CAC stated that the FD&C Red No. 3 rat carcinogenicity study was appropriately designed and that the CAC determined in 1982–1989 that thyroid neoplasia (tumors) was induced in male rats (Ref. 1). The rat study ''is still appropriate per current guidelines (Redbook 2000, Chapters II.C.5.a. and IV.C.7. or IV.C.8.) and CAC continues to consider it a positive rodent bioassay for mode of action . . . or risk assessment evaluations'' (id.). The CAC previously reviewed the data and information on FD&C Red No. 3 in 1984, 1985, and 1989, and the available data and information were also reviewed by a panel convened by the NTP in 1983 and by an FDA peer review panel in 1987 (Ref. 1). These reviews all reached the conclusion that the dietary administration of FD&C Red No. 3 at high doses (4 percent) was associated with an increase in the incidence of thyroid follicular cell neoplasia in male rats (id.). Furthermore, as discussed in the toxicology memorandum supporting

the January 2025 order, a 1989 European Commission's Scientific Committee for Food report and Joint FAO/WHO Expert Committee on Food Additives also concluded that FD&C Red No. 3 causes cancer in male rats (Ref. 5).

We disagree with the objector's assertion that ''FDA did not consider all of the data together, instead only considering the data separately'' (submission at page 22). Regarding the total weight of evidence for the statistical analysis and statistical power of the carcinogenicity study, FDA reaffirms that ''the study design and protocol for the study were in compliance with FDA's Redbook and OECD Test Guideline 451 for carcinogenicity studies . . . to ensure that sufficient statistical power was achieved'' (Ref. 4). We further note that reliance on the derived p-value to support statistical significance is generally supportive of causation per OECD Test Guidance 116 (id.). In addition to the statistical analysis, FDA pathologists independently examined microslides derived from thyroid tissues of male rats from this study and confirmed a treatment-related increase in thyroid follicular cell neoplasia in the male rats (id.). Thus, FDA's assessment demonstrates a consideration of ''the totality of the available information on the study and utilized an approach based on statistical analysis as well as pathological examination to conclude FD&C Red No. 3 caused thyroid tumors in male rats under the conditions of the study'' (id.).

We disagree with the objector's assertion that ''male rats fed FD&C Red No. 3 at 4 percent of their feed did not see an increase in carcinomas when considering all data together and the historical background rate of thyroid carcinomas in vehicle animals'' (submission at page 22). In our denial of CAP 9C0096, we stated our review found 14/68 or 20.6 percent follicular cell adenomas in the 4-percent group compared with 1/68 or 1.5 percent in the controls (55 FR 3520 at 3524). In addition, our review found carcinomas in 5/68 or 7.4 percent of the 4-percent group compared with 1/68 or 1.5 percent of the controls (id.). FDA's analysis of the incidence of combined adenomas and carcinomas demonstrated a statistically significant increase ($p < 0.0007$ in such tumors: 18/68 (26.5 percent) in the 4-percent group compared with 2/68 (2.9 percent) in controls (id. at 3524 through 3525). Based on our evaluation of the data from the IRDC studies, we concluded that FD&C Red No. 3 causes cancer in male rats (id. at 3525). We note that data provided on the ''high background rate of follicular cell adenomas'' from LabCorp, published in the journal Toxicologic Pathology, report lifetime background instances of thyroid follicular cell adenomas to be 2.8 percent in males and 0.7 percent in females, and thyroid follicular cell carcinomas to be 0.9 percent in males and 0.7 percent in females. Therefore, these historical data generated from over 3,600 rats support our evaluation that a 26.5 percent combined incidence of thyroid follicular cell adenomas and carcinomas, as observed in the 4-percent group, is substantially higher than the background instance rate of 2.8 percent and is thus likely a toxicologically relevant observation.

Furthermore, in the 2018 CAC Memorandum, we addressed the previous findings of the CAC and a panel of the NTP. The CAC reviewed the submitted data and information on FD&C Red No. 3 in 1984, 1985, and 1989, and the available data and information were also reviewed by a panel convened by the NTP in 1983 and by an FDA peer review panel in 1987. These reviews all reached similar conclusions. The dietary administration of FD&C Red No. 3 at high doses (4 percent) was associated with an increase in the incidence of thyroid follicular cell neoplasia in male rats (Ref. 1). Our conclusion on the results of the rat feeding study has not changed, as discussed in the January 2025 order and supporting toxicology memorandum (90 FR 4628 and Ref. 2).

We disagree with the objector's assertion that a Bayesian statistical approach should have been taken when analyzing the data versus a non-Bayesian approach (Ref. 4). We note that Bayesian statistics have the advantage of incorporating the prior distribution or prior knowledge to strengthen the analyses, but the choice of the prior information can influence the results and be seen as introducing bias. In contrast, ''non-Bayesian statistics (*i.e.,* frequentist) are driven by the collected data only and are not affected by the subjectivity from prior distribution or knowledge. Further, non-Bayesian statistics have well-established protocols and interpretation frameworks, as a result of which, such frequentist statistics are applied for scientific research if the sample size (*i.e.,* number of animals per group in a study) is adequate'' (id.). Thus, frequentist statistics are applied for analyzing data from studies with an adequate sample size. In the carcinogenicity study of FD&C Red No. 3, the sample size was adequate for FDA to appropriately use such statistical method of data analysis in our conclusion that FD&C Red No. 3 induced thyroid tumors in male rats under the conditions of the study (id.).

Third, regarding FDA's denial of a request to refer this matter to a color additive advisory committee, neither section 701(e) of the FD&C Act nor our regulations provide for the opportunity to submit objections or request a hearing on such a denial. Section 721(b)(5)(C)(i) of the FD&C Act provides for the referral to an advisory committee for a matter arising under the Delaney Clause that requires the exercise of scientific judgement (see also 21 CFR 14.140). We received one comment in response to the notice of filing of the color additive petition requesting that we refer this matter to a color additive advisory committee. In the January 2025 order, we explained that we declined to convene a color additive advisory meeting because there is not a genuine scientific debate on whether FD&C Red No. 3 induces cancer in male rats, and therefore, the proposal did not require the exercise of scientific judgment (90 FR 4628 at 4632). Because FDA's denial of this request is not the proper subject of objections or a request for a hearing under section 701(e) or section 721(b)(5)(C)(i) of the FD&C Act, the objector's arguments do not provide a basis for us to grant a hearing or to modify or revoke our January 2025 order.

B. Objection 2

In Objection 2, the objector argues that FDA failed to consider: (1) the safety of the specific use of FD&C Red No. 3 in color-coded tracers (submission at page 22); and (2) ''additional legal uses of FD&C Red No. 3 under the general safety provisions of the [FD&C] Act, outside the scope of the Delaney Clause'' (id. at page 20). The objector also references the provision in the Delaney Clause that exempts the use of a color additive as an ingredient in feed for animals which are raised for food production if the Secretary finds that such additive will not adversely affect the animals for which the feed is intended, and that no residue of the additive will be found (by methods of examination prescribed or approved by the Secretary by regulations) in any edible portions of such animals after slaughter or in any food yielded by or derived from the living animal (section 721(b)(5)(B) of the FD&C Act). However, the objector does not assert that this provision, often referred to as the Diethylstilbestrol (DES) Proviso, applies to the intended use of FD&C Red No. 3 in color-coded tracers.

First, the objector asserts that ''these color-coded tracers can be safely used in

food-producing animals'' (id. at page 22). The objector asserts that ''considering the use levels of FD&C Red No. 3 on color-coded tracers . . . the amount of color expected in edible animal tissue, and the human intake of the color, the amounts are vanishingly small'' (id. at page 23). The objector provides estimates on the residues that remain in animal feed and animal tissue (submission attachment 3 at page 2). Therefore, the objector asserts, these amounts can be considered safe under the general safety provisions of the FD&C Act based on the expert statements (submission at page 23).

Second, the objector argues that the Delaney Clause does not apply to FD&C Red No. 3 because ''[w]hen [it] is intended to be used on a color-coded tracer as an analytical tool . . ., it is not a food additive or a color additive; instead, it is subject to the general safety provisions of the [FD&C] Act including [21 U.S.C. 336, 342, 351, and 360b]'' (id. at page 15). Specifically, the objector cites 21 CFR 70.3(g), which provides that a material otherwise meeting the statutory definition of a color additive under section 201(t) of the FD&C Act (21 U.S.C. 321(t)) can be exempt from section 721 of the FD&C Act if it is used in a way that any color imparted is clearly unimportant insofar as the appearance, value, marketability, or consumer acceptability is concerned (id. at pages 16 through 17). The objector argues that colors used as tracers are not used to change food color and do not make the food more appealing for purchase or animal consumption, and that there is no impact on the value or marketability of the medicated article or feed (id. at page 17). Therefore, the objector argues that this use of FD&C Red No 3 is not a color additive use and is not subject to the Delaney Clause (id.).

The objector further argues that the intended use of FD&C Red No. 3 in a color-coded tracer is not a food additive use because it is not intended to become a component of food or to affect the characteristics of the food (id. at pages 17 through 18). The objection argues that color used on a tracer ''is acceptable under [sections 309 and 406 of the FD&C Act] as an unavoidable component'' (id. at page 18). The objector argues that these are ''fact-specific issues'' that require a hearing (id. at page 19).

FDA's Response: With regard to the objector's first argument regarding the safety of the use of FD&C Red No. 3 in tracers, we reiterate that our revocation of the authorization of FD&C Red No. 3 was based on a finding under the Delaney Clause that FD&C Red No. 3 can induce cancer in male rats (90 FR 4628 at 4631). It was not based on a finding that the intended uses are no longer safe under the general safety clause for color additives (see section 721(b)(2)(A) of the FD&C Act; see also 21 CFR 70.3(i): ''safe means that there is convincing evidence that establishes with reasonable certainty that no harm will result from the intended use of the color additive''). FDA does not have discretion to list a color additive determined to be safe under the general safety clause if it is found to induce cancer under the Delaney Clause. The Delaney Clause clearly states that such color additive ''shall be deemed unsafe, and shall not be listed'' (see section 721(b)(5)(B) of the FD&C Act). Therefore, the objector's argument does not demonstrate how the outcome of this proceeding would be different if its assertions regarding the safety of this intended use were shown to be correct. Courts have recognized the issues raised in objections ''must be material to the question involved; that is, the legality of the order attached'' (*Pineapple Growers Ass'n of Haw.,* 673 F.2d at 1085). Therefore, we are denying the objector's request for a hearing because the factual issues are not determinative with respect to the action requested (21 CFR 12.24(b)(4)), and we conclude that the objector has not provided a basis to modify or revoke the January 2025 order.

With regard to the objector's arguments that the intended use of FD&C Red No. 3 in a tracer is not subject to regulation as a color additive, these arguments are not relevant to the revocation of the listing of FD&C Red No. 3 because the revocation does not change the regulatory status of non-color additive uses. Therefore, these arguments are not within the proper scope of an objection and request for a hearing under section 701(e) of the FD&C Act and do not provide a basis for us to grant a hearing or to modify or revoke the January 2025 order.

Nonetheless, because the objector's assertions misconstrue the definition of a color additive, we briefly address these assertions here to avoid future confusion on this point. Based on its intended use in tracers (Microtracers F), FD&C Red No. 3 is regulated as a color additive because the synthetic dye is added to iron particles used in medicated premixes for purposes of imparting color during a quality assurance testing phase (see 21 U.S.C. 321(t)(1); 21 CFR 70.3(f) through (g)). Specifically, the colored iron particles are isolated from medicated feed samples using a mason jar with a magnetic lid that attracts the colored iron particles (Ref. 6). The colored particles are then sprayed with a water/alcohol mixture. After spraying, the color of the microtracer is clearly visible, which confirms the presence of a specific medicated premix in a finished feed (Refs. 7 and 8). Microtracer F-Red uses FD&C Red No. 3 in medicated premixes containing the new animal drug Skycis (narasin) manufactured by Elanco (submission attachment 3 at page 6). Microtracer FS-Red/Natural Yellow uses FD&C Red No. 3 in combination with Natural Yellow for medicated premixes containing Rumensin (monensin), which is also manufactured by Elanco (id.). Micro-Tracers works with animal drug manufacturers such as Elanco to formulate microtracers that identify their products as proprietary (Ref. 9). This use allows consumers to confirm, based on the color visible during the testing phase, that a medicated feed contains Elanco's proprietary drug instead of generic or no drug at all. Therefore, the use of the color is important with respect to the value, marketability, and consumer acceptability of the medicated feed and is not exempt from the definition of ''color additive'' (21 CFR 70.3(g)). Furthermore, we note that even if the intended use of FD&C Red No. 3 were not regulated as a color additive, it would be regulated as a food additive, which is also subject to the Delaney Clause under section 409(c)(3) of the FD&C Act. Because FD&C Red No. 3 is intentionally added to the tracer, it would not be considered an ''unavoidable component.''

C. Objection 3

In Objection 3, the objector argues that FDA should have either exempted the use of FD&C Red No. 3 in tracers from the revocation of § 74.303 and 74.1303 or should have allowed its use in tracers through the establishment of a safe tolerance level and proposes specific regulatory language (submission at page 21 and submission attachment 7). The objector asserts that FDA ''has not considered the impact of the revocation of these regulations on the use of color-coded tracers intended for use as analytical tools at safe levels of use in medicated articles and medicated feed, nor has it exempted or proposed a safe tolerance level for its continued use for this specific purpose'' (submission at page 21).

FDA's Response: The objector's arguments fail to raise a genuine and substantial issue of fact, and therefore, they do not warrant a hearing (21 CFR 12.24(b)(1)). Nor do the objector's arguments provide a basis for FDA to

modify or revoke the January 2025 order. The only exemption provided for under the Delaney Clause is the DES Proviso. As noted in the discussion of Objection 2, although the objector references the DES Proviso (submission at page 10), the objector has not taken the steps under FDA's regulations to obtain this exemption. The DES Proviso requires a method of examination, as prescribed or approved by regulation, to show that no residue of a color additive will be found in food derived from animals that consume feed containing that color additive (section 721(b)(5)(B) of the FD&C Act). This method of examination is known as a ''regulatory method.'' FDA has codified the steps a sponsor of a compound must follow to establish a regulatory method in 21 CFR part 500, subpart E. Notably, the sponsor is responsible for submitting a proposed method and providing data to show that the method satisfies FDA's operational definition of ''no residue'' (see 21 CFR 500.88). There is no approved regulatory method for FD&C Red No. 3, and the objector does not assert that the necessary data exist to establish a method that complies with the requirements of section 721(b)(5)(B) of the FD&C Act and 21 CFR part 500, subpart E. Without this information, there is no genuine and substantial issue of fact for resolution at a hearing regarding the potential applicability of the DES Proviso to FD&C Red No. 3 as used in color-coded tracers in medicated animal feed (see 21 CFR 12.24(b)(1)).

The DES Proviso cannot exempt the use of FD&C Red No. 3 on tracers used in animal feed unless a proponent demonstrates to FDA that such use will not adversely affect the animals for which such feed is intended, and that no residue of the additive will be found in any edible portion of such animals after slaughter or in any food yielded by or derived from the living animal under an approved regulatory method (see section 721(b)(5)(B) of the FD&C Act). A proponent must provide the required data to FDA to establish a regulatory method (21 CFR 500.88). Because there is no approved regulatory method, the DES Proviso does not exempt the use of FD&C Red No. 3 in color-coded tracers in animal feed from the Delaney Clause.

Although the objector states that FDA could set a tolerance for the use of FD&C Red No. 3 in color-coded tracers in animal feed, the term ''tolerance'' is legally incompatible with the requirements of the DES Proviso. ''Tolerance'' refers to the maximum concentration of a marker residue, or other residue indicated for monitoring, that can legally remain in a specific edible tissue of a treated animal (21 CFR 556.3). Under the DES Proviso, there must be ''no residue'' of a carcinogenic color additive found in edible tissue or food yielded from the treated animal. In other words, the approved regulatory method cannot find any level of the carcinogenic color additive.

Furthermore, establishing a tolerance limitation for a color additive requires that the proposed use of the color additive be deemed safe (section 721(b)(7) of the FD&C Act). However, as discussed elsewhere in this document, a color additive must be deemed unsafe if the additive is found by the Secretary to induce cancer when ingested by man or animal, or if it is found by the Secretary, after tests which are appropriate for the evaluation of the safety of additives for use in food, to induce cancer in man or animal (section 721(b)(5)(B) of the FD&C Act). Because FD&C Red No. 3 has been found to induce tumors in male rats, it is deemed unsafe as a color additive under the Delaney Clause. As such, the Secretary cannot establish a tolerance limitation for FD&C Red No. 3.

V. Summary and Conclusions

After evaluating the objections, we conclude that the submission does not provide a basis to support modifying or revoking the denial of CAP 3C0323. Therefore, we are overruling the objections and denying the requests for a public hearing.

Under sections 701(e)(2) and 721(d) of the FD&C Act, the filing of objections operates to stay automatically the effectiveness of our repeal of §§ 74.303 and 74.1303 until we take final action on the objections. We have completed our evaluation of the objections and conclude that a continuation of the administrative stay of the effective dates for the repeal of §§ 74.303 and 74.1303 is not warranted.

In the absence of any other objections and requests for a hearing, we conclude that this document constitutes final action on the objections received in response to the January 2025 order as prescribed in section 701(e)(2) of the FD&C Act. Under § 12.28, we are providing notice of our denial and confirming the effective dates of the January 2025 order. Therefore, we are ending the administrative stay of the January 2025 order, and under the January 2025 order we are repealing the listing for FD&C Red No. 3 in § 74.303 as a color additive in food and § 74.1303 as a color additive in ingested drugs effective January 15, 2027, and January 18, 2028, respectively. FDA is repealing these authorizations in a manner consistent with its international obligations. This decision is consistent with the United States' long-standing Appropriate Level of Protection regarding carcinogenic additives in food, which seeks to eliminate exposure to additives that have been found to induce cancer in man or animals.

VI. References

The following references marked with an asterisk (*) are on display at the Dockets Management Staff (see **ADDRESSES**) and are available for viewing by interested persons between 9 a.m. and 4 p.m., Monday through Friday; they also are available electronically at *https://www.regulations.gov.* References without asterisks are not on public display at *https://www.regulations.gov,* because they have copyright restriction. Some may be available at the website address, if listed. References without asterisks are available for viewing only at the Dockets Management Staff. Although FDA verified the website addresses in this document, please note that websites are subject to change over time.

* 1. Center for Food Safety and Applied Nutrition CAC Full Committee Review, Memorandum of Meeting, October 15, 2019.

* 2. National Institutes of Health, National Toxicology Program. ''Cancer Evaluation Criteria.'' *NIH.gov.* Accessed February 2, 2026. Available at *https://ntp.niehs.nih.gov/whatwestudy/testpgm/cartox/criteria.*

3. Keenan, C., M. Al-Haddawi, J.G. Bienvenu, et al. ''Guide for Combining Primary Tumors for Statistical Analysis in Rodent Carcinogenicity Studies.'' *Toxicologic Pathology,* 52(1):13–20, 2024. Accessed February 2, 2026. Available at *https://doi.org/10.1177/01926233241230553.*

* 4. Memorandum from T. Cheng, Division of Food Contact Substances, Toxicology Review Branch, to J. Gingrich, Division of Food Ingredients, Toxicology Review Branch, May 1, 2026.

* 5. Memorandum from J. Gingrich, Division of Food Ingredients, Toxicology Review Branch, to S. West-Barnette, Division of Food Ingredients, Regulatory Review Branch, June 18, 2024.

6. Micro-Tracers, Inc. ''Quality Assurance with Microtracer F.'' July 2013. Accessed February 2, 2026. Available at *https://microtracers.com/wp-content/uploads/2020/04/A-1-Quality-Assurance-with-Microtracer-F-6-12-13-ZE-1.pdf.*

7. Micro-Tracers, Inc. ''Micro-Tracers Mason Jar Procedure.'' July 2022. Accessed February 2, 2026. Available at *https://www.youtube.com/watch?v=pJ2anNgrdyk.*

8. Huvepharma. ''Microtracer Colour Card.'' 2019. Accessed February 2, 2026. Available at *https://microtracers.com/wp-content/uploads/2019/10/huvepharma_color_card_3c-1.pdf.*

9. Micro-Tracers, Inc. ''Our Story.'' 2025. Accessed September 30, 2025. Available at *https://microtracers.com.*

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–15920 Filed 8–4–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2026–0940]

Safety Zones; Recurring Safety Zones in Captain of the Port Northern Great Lakes

AGENCY: Coast Guard, DHS.

ACTION: Notification of enforcement of regulation.

SUMMARY: The Coast Guard will enforce various safety zones for maritime events in the Captain of the Port Northern Great Lakes zone. Enforcement of these safety zones is necessary to protect the safety of life and property on the navigable waters immediately prior to, during, and immediately after the events. During the periods in question, the Coast Guard will enforce restrictions upon, and control movement of, vessels in a specified area immediately prior to, during, and immediately after events. During each enforcement period, vessels must stay out of the established safety zone and may only enter with permission from the designated representative of the Captain of the Port Northern Great Lakes.

DATES: The regulations in 33 CFR 165.918 will be enforced for the safety zones identified in the **SUPPLEMENTARY INFORMATION** section below for the dates and times specified.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notification of enforcement, contact LT Rebecca Simpson, Sector Northern Great Lakes Waterways Management Division, U.S. Coast Guard; telephone 906–635–3223, email *ssmprevention@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the following annual safety zones in the Captain of the Port Northern Great Lakes zone listed in the Table to 33 CFR 165.918:

(a) *Event No. (20):* Elk Rapids Harbor Days Fireworks (Elk Rapids, MI) from 10:00 p.m. through 10:30 p.m. on August 8, 2026.

(b) *Event No. (21):* Nautical City Fireworks (Rogers City, MI) from 10:00 p.m. through 10:30 p.m. on August 16, 2026. In the event of inclement weather, this event will be held on August 23, 2026.

In addition to this notice of enforcement in the **Federal Register**, the Coast Guard will provide the maritime community with advance notification of this enforcement period via Broadcast Notice to Mariners or Local Notice to Mariners. If the COTP Northern Great Lakes determines that the safety zones need not be enforced for the full duration stated in this notice, he or she may suspend such enforcement and notify the public of the suspension via Broadcast Notice to Mariners and grant general permission to enter the safety zones.

D.M. Parker,

Commander, U.S. Coast Guard, Acting Captain of the Port Northern Great Lakes.

[FR Doc. 2026–15855 Filed 8–4–26; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 1206013412–2517–02]

RTID 0648–XF942

Fisheries of the Caribbean, Gulf of America, and South Atlantic; Reef Fish Fishery in the Gulf of America; 2026 Commercial Closure for Greater Amberjack

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is closing the 2026 commercial fishing season for greater amberjack in the Gulf of America (Gulf). Federal regulations require NMFS to close commercial harvest for greater amberjack if landings reach the commercial annual catch target (ACT) during the fishing year, which NMFS has projected will occur by August 5, 2026. The commercial closure for greater amberjack will remain closed through the rest of 2026. This action is necessary to protect the greater amberjack resource in the Gulf.

DATES: The commercial closure is effective from August 8, 2026, through December 31, 2026.

FOR FURTHER INFORMATION CONTACT: Kelli O'Donnell, NMFS Southeast Regional Office, at 727–824–5305 or *kelli.odonnell@noaa.gov.*

SUPPLEMENTARY INFORMATION: NMFS manages the reef fish fishery and greater amberjack in Gulf Federal waters under the Fishery Management Plan for the Reef Fish Resources of the Gulf (FMP). NMFS and the Gulf Fishery Management Council prepared the FMP, which was approved by the Secretary of Commerce and is implemented by NMFS through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

All weights discussed in this temporary rule are in round weight. The metric conversion for the imperial measurement used in this document is 1 pound (lb) equals approximately 0.45 kilograms.

For Gulf greater amberjack, the commercial annual catch limit (ACL) and commercial ACT (the latter of which is equivalent to the commercial quota) are 101,000 lb and 93,930 lb, respectively (50 CFR 622.41(a)(1)(iii) and 622.39(a)(1)(v)). On February 5, 2026, NMFS reduced the commercial harvest levels for Gulf greater amberjack, in accordance with the current accountability measure at 50 CFR 622.41(a)(1)(ii), because commercial landings in 2025 exceeded the commercial ACL (91 FR 5243). During the rest of 2026 fishing year, which ends on December 31, the commercial ACL is 92,816 lb and the commercial ACT is 85,746 lb.

Under 50 CFR 622.41(a)(1)(i), NMFS is required to close the greater amberjack commercial sector if NMFS estimates that commercial landings will reach the commercial ACT during the fishing year. NMFS has projected that the reduced 2026 commercial ACT of 85,746 lb will be reached by August 5, 2026. Accordingly, NMFS closes the commercial harvest of greater amberjack from the Gulf Federal waters from August 8, 2026, through December 31, 2026.

During the commercial closure, the sale or purchase of greater amberjack taken from Gulf Federal waters is prohibited. The prohibition on sale or purchase does not apply to the sale or purchase of greater amberjack that were harvested, landed ashore, and sold prior to the effectiveness of this temporary rule and were held in cold storage by a dealer or processor. The commercial harvest of greater amberjack will re-open on January 1, 2027, the beginning of the following commercial fishing season.

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens

Act. This action is required by 50 CFR 622.41(a)(1), which was issued pursuant to section 304(b) of the Magnuson-Stevens Act, and is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment are unnecessary and contrary to the public interest. Such procedures are unnecessary because the regulations associated with the closure of the greater amberjack commercial sector at 50 CFR 622.41(a)(1) have already been subject to notice and public comment, and all that remains is to notify the public of the commercial closure. Prior notice and opportunity for public comment are contrary to the public interest because there is a need to immediately implement this action to protect the greater amberjack stock. Prior notice and opportunity for public comment would require time and could result in a commercial harvest that exceeds the reduced commercial ACT.

For the same reasons already stated, the NMFS also finds good cause to waive the 30-day delay in the effectiveness of this action under 5 U.S.C. 553(d)(3).

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

Dated: August 3, 2026.

Shannon Bettridge,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2026–15886 Filed 8–3–26; 4:15 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[Docket No. 220919–0193; RTID 0648–XF816]

Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries; Closure of the Angling Category Gulf of Maine Area Trophy Fishery for 2026

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS closes the Angling category Gulf of Maine area fishery for large medium and giant (''trophy'' (*i.e.,* measuring 73 inches (185 centimeters (cm)) curved fork length or greater)) Atlantic bluefin tuna (BFT). This action applies to Highly Migratory Species (HMS) Angling and HMS Charter/Headboat permitted vessels when fishing recreationally.

DATES: Effective 11:30 p.m., local time, August 4, 2026, through December 31, 2026.

FOR FURTHER INFORMATION CONTACT: Lindsay Mullins, *lindsay.mullins@noaa.gov,* or Larry Redd, Jr., *larry.redd@noaa.gov* by email, or by phone at 301–427–8503.

SUPPLEMENTARY INFORMATION: Atlantic BFT fisheries are managed under the 2006 Consolidated HMS Fishery Management Plan (HMS FMP) and its amendments, pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act; 16 U.S.C. 1801 *et seq.*) and consistent with the Atlantic Tunas Convention Act (ATCA; 16 U.S.C. 971 *et seq.*). ATCA is the implementing statute for binding recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT). The HMS FMP and its amendments are implemented by regulations at 50 CFR part 635. Section 635.27(a) divides the U.S. BFT quota, established by ICCAT and as implemented by the United States among the various domestic fishing categories, per the allocations established in the HMS FMP and its amendments. NMFS is required under the Magnuson-Stevens Act at 16 U.S.C. 1854(g)(1)(D) to provide U.S. fishing vessels with a reasonable opportunity to harvest quotas under relevant international fishery agreements such as the ICCAT Convention, which is implemented domestically pursuant to ATCA.

Under § 635.28(a)(1), NMFS files a closure notice with the Office of the Federal Register for publication when a BFT quota (or subquota) is reached or is projected to be reached. Retaining, possessing, or landing BFT under that quota category is prohibited on and after the effective date and time of a closure notice for that category, for the remainder of the fishing year, until the opening of the subsequent quota period or until such date as specified.

Every year, the BFT fishing year starts on January 1 and ends on December 31. The Angling category opens on January 1 and continues through December 31 or until the applicable quota or subquota is reached or projected to be reached, whichever comes first. As described in § 635.27(a), the current baseline U.S. BFT quota is 1,316.14 metric tons (mt) (not including the 25 mt ICCAT allocated to the United States to account for bycatch of BFT in pelagic longline fisheries in the Northeast Distant Gear Restricted Area per § 635.27(a)(3)). The Angling category baseline quota is 297.4 mt, of which 9.2 mt (3.1 percent of the annual Angling category quota) is sub-allocated for the harvest of large medium and giant (trophy) BFT by vessels fishing under the Angling category quota, with 2.3 mt (25 percent of the annual large medium and giant BFT Angling category quota) allocated for each of the following areas: north of 42° N latitude (lat.) (the Gulf of Maine area); south of 42° N lat. and north of 39°18′ N lat. (the southern New England area); south of 39°18′ N lat. and outside of the Gulf of America (the southern area); and the Gulf of America region. Trophy BFT measure 73 inches (185 cm) curved fork length or greater. This closure action applies to the Gulf of Maine area.

Separate from this action, NMFS published a proposed rulemaking that would implement the 2025 ICCAT recommendation (Recommendation 25–05) regarding western BFT management (91 FR 24789, May 7, 2026). Consistent with the recommendation, that proposed rule would increase the baseline U.S. BFT quota from 1,316.14 to 1,509.98 mt and adjust all the subquotas accordingly. In that proposed rule, the Angling category baseline quota would increase from 297.4 to 341.3 mt and each trophy area subquota would increase from 2.3 to 2.6 mt. The comment period on that proposed rule ended on June 8, 2026. Any final rule implementing ICCAT Recommendation 25–05 would likely be effective in mid-2026 or later.

Angling Category Trophy Bluefin Tuna Gulf of Maine Area Fishery Closure

Based on landings data from the NMFS Automated Catch Reporting System, as well as average catch rates and anticipated fishing conditions, NMFS has determined the Angling category Gulf of Maine area trophy BFT subquota of 2.3 mt has been reached and exceeded. Therefore, retaining, possessing, or landing large medium or giant (*i.e.,* measuring 73 inches (185 cm) curved fork length or greater) BFT in the Gulf of Maine trophy area by persons aboard HMS Angling and HMS Charter/Headboat permitted vessels (when fishing recreationally) must cease at 11:30 p.m. local time on August 4, 2026. This closure will remain effective through December 31, 2026. This action applies to HMS Angling and HMS Charter/Headboat permitted vessels when fishing recreationally for BFT and is taken consistent with the regulations at § 635.28(a)(1). This action is intended to prevent further overharvest of the Angling category Gulf of Maine area trophy BFT subquota. NMFS previously

closed all of the other BFT trophy areas (91 FR 1461, January 14, 2026; 91 FR 30247, May 22, 2026; and 91 FR 40898, July 6, 2026). Therefore, with this closure of the Gulf of Maine area trophy BFT fishery, the Angling category trophy BFT fishery will be closed in all areas for 2026.

If needed to ensure available quotas or subquotas are not exceeded or to enhance fishing opportunities, subsequent Angling category adjustments or closures will be published in the **Federal Register** per §§ 635.27(a)(7) and 635.28(a)(1). Information regarding the Angling category fishery for Atlantic tunas, including daily retention limits for BFT measuring 27 inches (68.5 cm) to less than 73 inches (185 cm), and any further Angling category adjustments, is available at *https://hmspermits.noaa.gov.* During a closure, fishermen aboard HMS Angling and HMS Charter/Headboat permitted vessels when fishing recreationally may continue to catch and release (or tag and release) BFT of all sizes, subject to the requirements of the catch-and-release and tag-and-release programs at § 635.26. All BFT that are released must be handled in a manner that will maximize survival, and without removing the fish from the water, consistent with requirements at § 635.21(a)(1). For additional information on safe handling, see the ''Careful Catch and Release'' brochure available at *https://www.fisheries.noaa.gov/resource/outreach-and-education/careful-catch-and-release-brochure/.*

Monitoring and Reporting

NMFS will continue to monitor the BFT fisheries closely. Per § 635.5(c)(1), HMS Angling and HMS Charter/Headboat permitted vessel owners are required to report the catch of all BFT retained or discarded dead, within 24 hours of the landing(s) or end of each trip, by accessing *https://hmspermits.noaa.gov,* using the HMS Catch Reporting app, or calling (888) 872–8862 (Monday through Friday from 8 a.m. until 4:30 p.m. ET).

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act (16 U.S.C. 1855(d)) and regulations at 50 CFR part 635, and this action is exempt from review under Executive Order 12866.

The Assistant Administrator for NMFS (AA) finds that pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice of, and an opportunity for public comment on, this action because it is impracticable and contrary to the public interest. Specifically, the regulations implementing the HMS FMP and its amendments provide for inseason retention limit adjustments and fishery closures to respond to the unpredictable nature of BFT availability on the fishing grounds, the migratory nature of this species, and the regional variations in the BFT fishery. Providing for prior notice and opportunity to comment is impracticable and contrary to the public interest as this fishery is currently underway and, based on the most recent landings information, the Angling category Gulf of Maine area trophy BFT fishery subquota has been reached and exceeded. Delaying this action could result in further excessive trophy BFT landings that may result in future potential quota reductions for the Angling category, depending on the magnitude of a potential Angling category overharvest. NMFS must close the Gulf of Maine area trophy BFT fishery before additional landings of these sizes of BFT occur. Taking this action does not raise conservation and management concerns and would support effective management of the BFT fishery. NMFS notes that the public had an opportunity to comment on the underlying rulemakings that established the U.S. BFT quota and the inseason adjustment criteria.

For all of the above reasons, the AA also finds that pursuant to 5 U.S.C. 553(d)(3), there is good cause to waive the 30-day delay in effectiveness.

Authority: 16 U.S.C. 971 *et seq.* and 1801 *et seq.*

Dated: August 3, 2026.

Shannon Bettridge,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2026–15878 Filed 8–3–26; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 91, No. 149
Wednesday, August 5, 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 AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 319

[Docket No. APHIS–2023–0073]

RIN 0579–AE90

Importation of Coffee Into Hawaii and Puerto Rico

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to amend the regulations regarding the importation of unroasted coffee and related articles into Hawaii and Puerto Rico by establishing a notice-based process for changes to the prohibitions on importing such articles. We would also broaden language regarding coffee pests. We are proposing these amendments because they would allow the Agency to more efficiently respond to market access requests as well as to emerging pest situations. These amendments would allow us to use a streamlined approach to update the importation conditions for unroasted coffee and related articles while continuing to protect plant health.

DATES: We will consider all comments that we receive on or before October 5, 2026.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *www.regulations.gov.* Enter APHIS–2023–0073 in the Search field. Select the Documents tab, then select the Comment button in the list of documents.
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2023–0073, Regulatory Analysis and Development, PPD, APHIS, 5601 Sunnyside Ave., Beltsville, MD 20740.

Supporting documents and any comments we receive on this docket may be viewed at *Regulations.gov* or in our reading room, which is located 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: Dr. Derek A. Woller, Senior Regulatory Policy Specialist, RCC, IRM, PEIP, PPQ, APHIS, 5601 Sunnyside Ave., Beltsville, MD 20705–5000; (480) 490–6454; *Derek.A.Woller@usda.gov.*

SUPPLEMENTARY INFORMATION:

Background

Under the Plant Protection Act (7 U.S.C. 7701 *et seq.*), the Secretary of Agriculture is authorized to take such actions as may be necessary to prevent the introduction and spread of plant pests and noxious weeds within the United States. The Secretary has delegated this authority to the Administrator of the Animal and Plant Health Inspection Service (APHIS) within the U.S. Department of Agriculture (USDA). Pursuant to the regulations in 7 CFR part 319, APHIS prohibits or restricts the importation of plants and plant products into the United States to prevent the introduction of plant pests that are not already established in the United States or plant pests that may be established but are under official control.

The regulations in Subpart O-Coffee, §§ 319.73–1 through 319.73–4 (referred to below as the regulations) prohibit the importation of unroasted coffee, coffee leaves, and empty sacks used for unroasted coffee into Hawaii and Puerto Rico. Section 319.73–2(a) prohibits the importation of these articles to prevent the introduction and spread of two plant pests: the coffee berry borer, *Hypothenemus hampei,* and coffee leaf rust, *Hemileia vasatrix.*

We are proposing to remove the reference to these two pests from § 319.73–2(a) and state instead that the prohibition exists to prevent the introduction of quarantine pests. This change would allow us to analyze plant pest risk more comprehensively when considering requests for changes to the prohibition on importing unroasted coffee and related articles into Hawaii and Puerto Rico and therefore better protect United States agriculture from plant pests. Moreover, the regulations were written at a time when *Hypothenemus hampei* and *Hemileia vasatrix* were not present in Puerto Rico and Hawaii; as this is no longer the case, our amendment would also serve to adapt the regulations to the changing pest situation in Hawaii and Puerto Rico. To clarify what we mean by quarantine pests, we would add a definition for the term in § 319.73–1. *Quarantine pest* would be defined as a pest of potential economic importance to the area endangered by it and not yet present there, or present but not widely distributed there and being officially controlled.

We are also proposing a new process for amending the import regulations in subpart O. Any individual who wishes to request a change to the import regulations contained in part 319 must do so by following the procedures outlined in § 319.5. Currently, any change to the prohibition on importing unroasted coffee and related articles that may result from such a request must occur through rulemaking to establish an exemption from the blanket prohibition referenced earlier in this document. The regulations in subpart O have never been amended in response to such a request. However, we have received stakeholder interest regarding the importation of unroasted coffee beans into Hawaii and Puerto Rico and expect that this interest may continue. We believe that stakeholders, as well as APHIS, would benefit from a simplified and streamlined process for changing the regulations.

APHIS has found that a notice-based process generally allows us to respond to changes in the pest risk associated with the importation of plants, plant parts, or plant products in a more timely manner than rulemaking, while still providing the public with an opportunity to thoroughly evaluate the risk documentation on which our proposed changes are based. We currently use notice-based processes for changes to the import regulations for plants for planting in 7 CFR 319.37, and for changes to the import regulations for fruits and vegetables in 7 CFR 319.56. Given our successful experience using this process for those commodities, we are proposing to establish a notice-based process for changing the regulations regarding importing unroasted coffee beans and related articles into Hawaii and Puerto Rico. Specifically, we

propose to redesignate §§ 319.73–3 and 319.73–4 as §§ 319.73–4 and 319.73–5, respectively, and add a new § 319.73–3 that would discuss the conditions for the importation of unroasted coffee, and the current list of related articles including coffee leaves, and empty sacks previously used for unroasted coffee into Hawaii and Puerto Rico.

In the new § 319.73–3, paragraph (a) would outline the notice-based process for authorizing the importation of articles listed in § 319.73–2(a)(1)–(3) into Hawaii and Puerto Rico. Articles may be imported after APHIS has analyzed the pest risk posed by the importation of such articles from a specified foreign region, and has determined that the articles do not pose a risk of introducing quarantine pests, or that the quarantine pest risk posed by the articles can be reasonably mitigated by specified requirements; APHIS has made its pest risk analysis and determination available for public comment for at least 60 days through a notice published in the **Federal Register**; and APHIS has announced its decision in a subsequent **Federal Register** notice. The decision would state either that, based on the absence of comments, or the nature of the comments received, the Agency is authorizing the importation of the articles subject to the requirements initially proposed; or, based on the comments received, the Agency is authorizing the importation of the articles under revised requirements that respond to the comments. In the event that APHIS decides against authorizing the importation after receiving public comments, the general prohibition in 319.73–2(a) would continue to apply to the relevant articles.

Paragraph (b) would direct individuals to the USDA Agricultural Commodity Import Requirements (ACIR) database for the name and origin of all articles authorized importation under § 319.73–3, as well as the applicable requirements for their importation. We would state that ACIR is available on the internet at *https://acir.aphis.usda.gov/s/.* Hard copies of ACIR entries may be obtained by calling (301) 851–2046 or (877) 770–5990 (toll-free automated system), by emailing *acirdatabase.comments@usda.gov,* or by submitting a request to the United States Department of Agriculture Animal and Plant Health Inspection Service, Attention: PPQ–PEIP–IRM–ISMU, 1400 Independence Ave. SW, Washington, DC 20250.

Proposed paragraph (c) would outline the processes for changing the requirements relevant to importing coffee articles. Paragraph (c)(1) would provide that, if APHIS determines that the requirements for the importation of articles listed in § 319.73–2(a)(1)–(3) that have been authorized importation under subpart O are no longer sufficient to reasonably mitigate the pest risk posed by the articles, APHIS will prohibit or add further requirements for the importation of the articles. APHIS would also publish a notice in the **Federal Register** advising the public of its finding. The notice would specify the amended importation requirements, provide an effective date for the change, and would invite public comment on the subject.

Paragraph (c)(2) would provide that, if APHIS determines that any of the requirements for an article that has been authorized importation under subpart O are no longer necessary to reasonably mitigate the pest risk posed by the article, APHIS will make new pest risk documentation available for public comment, using the process described in paragraphs (a)(2)–(3) of § 319.73–3, prior to allowing importation of the article subject to the removed or relaxed requirements specified in the notice.

In proposed paragraph (d), we would direct individuals who wish to request the authorization for importation of articles listed in § 319.73–2(a)(1)–(3) into Hawaii and Puerto Rico from a specified foreign region, or to request a change in the requirements for the importation of such articles, to § 319.5. As explained earlier, § 319.5 provides the procedures for requesting a change in import conditions for plants, plant parts, or plant products covered under part 319. We believe that adding a direct reference to these procedures would add clarity for stakeholders who wish to request a change to the prohibition on importing unroasted coffee and related coffee products into Hawaii and Puerto Rico.

Finally, in § 319.73–1, we are proposing to add two additional definitions. We would add a definition for *APHIS* to read, ''the Animal and Plant Health Inspection Service, United States Department of Agriculture.'' The term *APHIS* is currently used in the regulations but is not defined. We are also proposing to revise the definition of *United States* to increase clarity and harmonize the definition in subpart O with the definition of *United States* in several other subparts in part 319, including that in Subpart L—Fruits and Vegetables. The revised definition would define *United States* as all of the States of the United States, the Commonwealth of Northern Mariana Islands, the Commonwealth of Puerto Rico, the District of Columbia, Guam, the Virgin Islands of the United States, and any other territory or possession of the United States.

Executive Order 12866, Executive Order 14192, and Regulatory Flexibility Act

This proposed rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget. As a proposed rule, it also is not subject to Executive Order 14192.

In accordance with 5 U.S.C. 603, we have performed an initial regulatory flexibility analysis, which is summarized below, regarding the economic effects of this proposed rule on small entities. Copies of the full analysis are available by contacting the person listed under **FOR FURTHER INFORMATION CONTACT** or on the *Regulations.gov* website (see **ADDRESSES** above for instructions for accessing *Regulations.gov*).

Based on the information we have, there is no reason to conclude that adoption of this proposed rule would result in any significant economic effect on a substantial number of small entities. However, we do not currently have all of the data necessary for a comprehensive analysis of the effects of this proposed rule on small entities. Therefore, we are inviting comments on potential effects. In particular, we are interested in determining the number and kind of small entities that may incur benefits or costs from the implementation of this proposed rule.

The Animal and Plant Health Inspection Service (APHIS) is proposing to amend the regulations regarding the importation of unroasted coffee and related articles into Hawaii and Puerto Rico by establishing a notice-based process for changes to the prohibitions on importing such articles. The proposal would also broaden language regarding coffee pests. APHIS is proposing these amendments because they would allow the Agency to more efficiently respond to market access requests as well as to emerging pest situations. These amendments would allow the Agency to use a streamlined approach to update the importation conditions for unroasted coffee and related articles while continuing to protect plant health.

This proposed rule would have no direct impact on the quantity of green coffee beans imported into Hawaii or Puerto Rico. The proposed rule does not grant any new specific market access or even expand the general possibility of requesting market access for foreign unroasted coffee. It does set up a streamlined approach to update the importation conditions for unroasted

coffee. Going forward, the streamlined approach could facilitate a broader source of green coffee available to be imported into Hawaii or Puerto Rico. If such future actions were to occur, and there were changes in imports as a result, producers and consumers of coffee products in the Hawaiian and Puerto Rican coffee markets could be affected.

The proposed rule does not itself grant any market access for green unroasted coffee beans. However, if future actions enabled by this rule lead to an expansion of imports, the impact of any such expanded imports is likely to be limited. Because coffee grown in Hawaii and Puerto Rico is generally marketed as a specialty or premium product it does not directly compete with mass-market commodity coffee, including imported green beans. Hawaii's coffee market conditions have changed and will continue to change substantially in the near future. These shifts, particularly new state regulations affecting blending standards and the identification of Hawaii-grown coffee products, are anticipated to significantly impact the marketing and supply chain for Hawaii-grown coffee across retail and food service markets. Coffee products produced and supplied by Hawaii include coffee beans with a 100% Hawaii geographic origin (*e.g.,* 100% Kona coffee), but also roasted coffee blends (*e.g.,* 10% Kona coffee) that may contain prime or lower grade beans grown in Hawaii, as well as lower-cost beans imported from other countries. These blends make up much of the coffee sold from Hawaii. Currently, coffee blends may carry a Hawaii geographical reference if they contain a minimum of 10% Hawaii-grown beans. The new standard will require a minimum of 51% Hawaii-grown beans to carry a Hawaii geographical reference after July 1st, 2027. Fully Hawaii-grown coffee products, *i.e.,* 100% Kona coffee, are extremely limited by the quantity of Hawaiian and sub-regional (particularly Kona) coffee production. Reducing import friction relative to foreign-grown green coffee beans facilitates the production of the blended products and adds value to those imported beans. Because of the specialty premium market positioning of Hawaii-grown coffee, an increase in the imports of foreign-grown green coffee beans would not directly impact the products that consist entirely of Hawaii-grown coffee beans. It is possible that future actions that are facilitated by the existence of this rule could have impacts on consumers, producers, and retailers of blended coffee products, but any impacts would very likely be small relative to larger market forces like the blending and labeling changes.

Puerto Rico imports substantial quantities of foreign-grown coffee. Puerto Rico-grown coffee is generally considered to be a premium specialty product, rather than a generic commodity like many cheaper imported coffees. Puerto Rico, which consumes about ten times as much coffee as it produces, requires significant levels of importation of foreign-grown coffee beans. Thus, the cheaper imported beans are not primarily competing with locally-grown coffee, much of which is exported or sold in the U.S. mainland specialty coffee market. Consumers of coffee products, both in Hawaii and Puerto Rico as well as in the continental United States, would benefit to the extent that an expansion of foreign-grown green coffee beans increases supply or lowers prices of blended coffee products in those markets.

Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. If this proposed rule is adopted: (1) All State and local laws and regulations that are inconsistent with this rule will be preempted; (2) no retroactive effect will be given to this rule; and (3) administrative proceedings will not be required before parties may file suit in court challenging this rule.

Paperwork Reduction Act

This proposed rule contains no new reporting or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 7 CFR Part 319

Coffee, Cotton, Fruits, Imports, Logs, Nursery stock, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Rice, Vegetables.

Accordingly, we propose to revise 7 CFR part 319, subpart O, to read as follows:

PART 319—FOREIGN QUARANTINE NOTICES

■ 1. Amend § 319.73–1 by:
■ a. Adding, in alphabetical order, definitions for *APHIS* and *Quarantine pest;* and
■ b. Revising the definition of *United States.*

The additions and revision read as follows:

§ 319.73–1 Definitions.

* * * * *

APHIS. The Animal and Plant Health Inspection Service, United States Department of Agriculture.

* * * * *

Quarantine pest. A pest of potential economic importance to the area endangered by it and not yet present there, or present but not widely distributed there and being officially controlled.

* * * * *

United States. All of the States of the United States, the Commonwealth of Northern Mariana Islands, the Commonwealth of Puerto Rico, the District of Columbia, Guam, the Virgin Islands of the United States, and any other territory or possession of the United States.

■ 2. Revise § 319.73–2 to read as follows:

319.73–2 Notice of Quarantine.

(a) To prevent the introduction or spread of quarantine pests, the following articles are prohibited importation into Hawaii and Puerto Rico, except as provided in §§ 319.73–3 and 319.73–4 of this subpart:

(1) Unroasted coffee;

(2) Coffee leaves; and

(3) Empty sacks previously used for unroasted coffee.

(b) The importation of any coffee plants (including bare seeds, seeds in pulp, and any other plant parts) that are for planting or capable of being planted is restricted under Subpart H—Plants for Planting § 319.37–4 of this part.

§§ 319.73–3 and 319.73–4 [Redesignated]

■ 3. Redesignate §§ 319.73–3 and 319.73–4 as §§ 319.73–4 and 319.73–5, respectively.

■ 4. Add new § 319.73–3 to read as follows:

§ 319.73–3 Conditions for the importation of coffee into Hawaii and Puerto Rico.

(a) *Authorization for importation.* Articles listed in § 319.73–2(a)(1)–(3) may be authorized for importation into Hawaii and Puerto Rico after:

(1) APHIS has analyzed the pest risk posed by the importation of such articles from a specified foreign region, and has determined that the articles do not pose a risk of introduction of quarantine pests, or that the quarantine pest risk posed by the articles can be reasonably mitigated by specified requirements;

(2) APHIS has made its pest risk analysis and determination available for public comment for at least 60 days through a notice published in the **Federal Register**; and

(3) APHIS has announced its decision in a subsequent **Federal Register** notice, either that:

(i) based on the absence of comments, or the nature of the comments received, the Agency is authorizing the importation of the articles subject to the requirements initially proposed, or

(ii) based on the comments received, the Agency is authorizing the importation of the articles under revised requirements that respond to the comments.

(b) *Articles authorized importation.* For the name and origin of all articles authorized importation under this section, as well as the applicable requirements for their importation, consult the USDA Agricultural Commodity Import Requirements (ACIR) database. The database is available on the internet at *https://acir.aphis.usda.gov/s/.* Hard copies of ACIR entries may be obtained by calling (301) 851–2046 or (877) 770–5990 (toll-free automated system), by emailing *acirdatabase.comments@usda.gov,* or by submitting a request to the United States Department of Agriculture Animal and Plant Health Inspection Service, Attention: PPQ–PEIP–IRM–ISMU, 1400 Independence Ave. SW, Washington, DC 20250. Written requests for the database information should be marked as such.

(c) *Changes to requirements.*

(1) *Reinstating prohibition or adding requirements.* If APHIS determines that the requirements for the importation of articles listed in § 319.73–2(a)(1)–(3) that have been authorized importation under this subpart are no longer sufficient to reasonably mitigate the pest risk posed by the articles, APHIS will prohibit or add further requirements for the importation of the articles. APHIS will also publish a notice in the **Federal Register** advising the public of its finding. The notice will specify the amended importation requirements, provide an effective date for the change, and will invite public comment on the subject.

(2) *Removing or relaxing requirements.* If APHIS determines that any of the requirements for an article that has been authorized importation under this subpart are no longer necessary to reasonably mitigate the pest risk posed by the article, APHIS will make new pest risk documentation available for public comment, using the process described in paragraphs (a)(2)–(3) of this section, prior to allowing importation of the article subject to the removed or relaxed requirements specified in the notice.

(d) *Requesting changes.* Persons who wish to request the authorization for importation of articles listed in § 319.73–2(a)(1)–(3) into Hawaii and Puerto Rico from a specified foreign region, or to request a change in the requirements for the importation of such articles, must do so in accordance with § 319.5.

Done in Washington, DC, this 28th day of July 2026.

Kelly Moore,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2026–15857 Filed 8–4–26; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Parts 145, 146, and 147

[Docket No. APHIS–2025–0033]

RIN 0579–AE89

National Poultry Improvement Plan and Auxiliary Provisions

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to amend the regulations governing the National Poultry Improvement Plan (NPIP). These amendments would, among other things, clarify existing provisions of the regulations, fix editorial errors, and align the regulations more closely with current producer practices. These proposed changes were voted on and approved by the voting delegates at the NPIP's 2024 National Plan Conference.

DATES: We will consider all comments that we receive on or before October 5, 2026.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *www.regulations.gov.* Enter APHIS–2025–0033 in the Search field. Select the Documents tab, then select the Comment button in the list of documents.
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2025–0033, 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 *Regulations.gov* or in our reading room, which is located 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: Dr. Savannah Busby, Acting NPIP Senior Coordinator, National Poultry Improvement Plan, 1506 Klondike Road, Suite 301, Conyers, GA 30094.

SUPPLEMENTARY INFORMATION:

Background

The National Poultry Improvement Plan (NPIP, also referred to below as ''the Plan'') is a cooperative Federal-State-industry mechanism for controlling certain poultry diseases. The Plan consists of a variety of programs intended to prevent and control poultry diseases. Participation in all Plan programs is voluntary, but breeding flocks, hatcheries, and dealers must first qualify as ''U.S. Pullorum-Typhoid Clean'' as a condition for participating in the other Plan programs.

The Plan identifies States, independent flocks, hatcheries, dealers, and slaughter plants that meet certain disease control standards specified in the Plan's various programs. As a result, customers can buy poultry that has tested clean of certain diseases or that has been produced under disease-prevention conditions.

The regulations in 9 CFR parts 56, 145, 146, and 147 (referred to below as the regulations) contain the provisions of the Plan. The Animal and Plant Health Inspection Service (APHIS) amends these provisions from time to time to incorporate new scientific information and technologies within the Plan, and to ensure the plan reflects changes to the poultry industry itself. The changes we are proposing, which are discussed below, were approved by the voting delegates at the Plan's 2024 Biennial Conference. Participants and voting delegates at the Biennial Conference represented the poultry industry, flock owners, breeders, hatchery men, slaughter plants, poultry veterinarians, diagnostic laboratory personnel, Official State Agencies from cooperating States, and other poultry industry affiliates.

Proposed Revisions to Part 145

Section 145.1 of the regulations provides general definitions of terms used within the NPIP regulations. We are proposing several revisions to this section.

The term *authorized laboratory* is currently defined in the regulations as ''An authorized laboratory is a laboratory that meets the requirements of § 147.52 and is thus qualified to perform assays in accordance with part 147 of this subchapter.'' We are

proposing to update the definition to bring its format into alignment with the other definitions in this section, but are making no substantive changes to it. Specifically, we are proposing to remove the words ''An authorized laboratory is.''

The term *baby poultry* is currently defined as ''newly hatched poultry (chicks, poults, ducklings, goslings, keets, etc.).'' We are proposing to amend the definition to specify that the newly hatched poultry are up to 3 days of age. APHIS' import protocols consider baby poultry to be up to 72 hours of age. This change would thus harmonize the understanding of the term within NPIP with these import protocols.

The definition for the term *NPIP program standards* includes the address for the NPIP website. We are amending this definition to update the URL. We are making no substantive changes to the definition.

The term *official supervision* is currently defined as it applies to Plan programs and to non-Plan but equivalent State poultry improvement programs. We are proposing to add an additional paragraph to the definition for the term as applied to non-Plan but equivalent programs abroad as determined by the Official State Agency (OSA), with the concurrence of APHIS. This revision is a harmonizing change tied to revisions we are proposing to § 145.4, discussed below.

The term *primary breeding flock* is currently defined as ''A flock composed of one or more generations that is maintained for the purpose of establishing, continuing, or improving parent lines.'' We are proposing to revise the definition to replace the words ''parent lines'' with the words ''breeding lines.'' We are making this change because a breeding flock could be maintained for both continuing and improving genetics and therefore might not always be using parent lines, but rather breeding lines to improve genetics. We are also proposing to add the word ''and/'' before ''or'' because a breeding flock may be maintained for more than one purpose.

We are also proposing to add a definition of *remote inspection* to read ''an interactive, remote visual study of a premises or flock, performed in real time by the Official State Agent or authorized designee via telecommunication using audio and video-capture devices and supporting platforms. Additionally, the standard for remote inspection should align with expectations defined in § 145.1 of this chapter for the term ''Official Supervision.'' We are proposing to add this definition to distinguish remote inspection from in-person visits to facilities. Adding this definition would clarify the use of combination, audio/video capture devices, in real time, for the performance of NPIP inspections. Remote inspections provide increased biosecurity and efficiency for both facilities and personnel.

Currently the term *sanitize* is defined as ''to treat with a product which is registered by the Environmental Protection Agency as germicidal, fungicidal, pseudomonocidal, or tuberculocidal, in accordance with the specifications for use as shown on the label of each product. The Official State Agency, with the concurrence of the Service, shall approve each product or procedure according to its specified usage.'' We are proposing to revise the definition to include virucidal products and procedures because some of the disease agents of concern are viruses. Additionally, we are proposing to correct the spelling of ''pseudomonocidal'' to ''pseudomonacidal.''

Section 145.4

Section 145.4 provides general provisions for all participants in the Plan. Currently, paragraph (d) of § 145.4 generally prohibits participants in the Plan from buying or receiving products for any purpose from nonparticipants unless the nonparticipants are part of an equivalent program, as determined by the OSA. The paragraph provides a limited exemption from this general prohibition for breeding flocks or experimental purposes, with the permission of the OSA and concurrence of APHIS, and provided that all bird additions to the flock are segregated before introduction into the flock and tested at sexual maturity for any diseases for which the flock has an NPIP classification.

We are proposing to amend § 145.4 by adding a new paragraph (f). The new paragraph would set forth requirements for importation of products from non-participant flocks located outside of the United States that may not follow those requirements of the Plan, but may be considered equivalent if they demonstrate freedom of infection from Plan diseases. (Plan diseases currently include avian influenza, and those produced by *S. pullorum* (pullorum disease), *S. gallinarum* (fowl typhoid), *S. enterica* var. *enteritidis, Mycoplasma gallisepticum* (MG, chronic respiratory disease, and infectious sinusitis in turkeys), *M. synoviae* (MS, infectious synovitis), and *M. meleagridis* (MM, day-old airsacculitis).)

We are proposing to allow such products to be brought into a participant hatchery without the conditions listed in § 145.4(d), provided that they can demonstrate freedom from Plan disease infection through the following conditions:

- They comply with the import requirements set by APHIS, as attested by a certificate issued in accordance with 9 CFR 93.205, which contains APHIS' requirements regarding certificates issued for live poultry and hatching eggs intended for importation into the United States.
- They are approved for importation upon inspection as provided in 9 CFR 93.207, which contains inspection procedures for imported poultry at ports of entry into the United States.
- If the NPIP hatchery participates in Plan disease classifications not covered by the certificate of the exporting country, additional testing or testing history of the flock(s) of origin may be required to demonstrate freedom from infection for each applicable classification.
- In addition, for non-NPIP laboratories, evidence that at least two of the following conditions are met will be required:
  - The laboratory has official certification to conduct the testing methodology from the country of origin;
  - The laboratory possesses an international certification of practice standardization similar to ISO (International Organization for Standardization);
  - The laboratory follows international laboratory protocols for the Plan diseases of interest, as these are set forth for domestic laboratories within NPIP or, alternatively, follows WOAH (World Organization for Animal Health) protocols.

We are proposing this change because the current language addressing equivalencies for non-participant flocks assumes origin within the United States. Non-participant flocks located outside of the United States are subject to their own national health programs and health schedules to address regional epidemiological conditions of disease statuses, which may not reflect those within the Plan, yet may be able to demonstrate freedom of infection for Plan diseases. While poultry primary breeders in the United States routinely import poultry breeding stock from business units around the world to ensure continuous supply of chicks and genetic diversity, segregation of imported product from non-participant flocks may not always be feasible (for example, if imports are frequent and/or a large number of birds are imported in each shipment). However, the health status of source flocks could be

demonstrated as equivalent through different health programs, by foreign government certification that satisfies APHIS's import requirements for entry into the United States, and/or by testing prior to importation of product into the United States.

Our proposed provisions would ensure a clear path for the incorporation of safe product from non-participant flocks into the commercial pipeline of the corresponding subparts.

We would also revise the introductory text of paragraph (d) to include a reference to paragraph (f). We would also revise paragraph (d) to indicate that APHIS must concur with an OSA's determination that a nonparticipant is part of an equivalent program. The definition of *equivalent or equivalent requirement* in § 145.1 indicates that equivalency must be determined by OSAs with APHIS' concurrence, but this latter provision is not currently reflected in paragraph (d) of § 145.4.

Section 145.5 provides specific provisions for participating flocks in the Plan. Paragraph (a) of the section provides that poultry equipment, and poultry houses and the land in the immediate vicinity thereof, shall be kept in sanitary condition in accordance with the requirements of part 147. Paragraph (a) further requires that the participating flock, its eggs, and all equipment used in connection with the flock shall be separated from nonparticipating flocks, in a manner acceptable to the Official State Agency.

We are proposing to amend 145.5(a) to provide an exception for eggs imported from another country provided that the eggs come from flocks demonstrated by certification and testing to be free of Plan diseases or considered equivalent by the Official State Agency with concurrence by the Service as provided under paragraph § 145.4(f).

As with the changes we are proposing to § 145.4 above, we are proposing this change to address equivalencies for non-participant flocks that are not located within the United States but are subject to their own national health programs and health schedules to address regional epidemiological conditions of disease statuses, and may be able to demonstrate freedom of infection for Plan diseases. Modification of this specific provision within Part 145 would provide greater clarity and a clearer path for the incorporation of safe product from non-participant flocks located abroad into the commercial pipeline of the corresponding subparts.

Newcastle Disease Clean Program Requirements

Section 145.43 provides program classifications for turkey breeding flocks and products. Within this section, paragraph (h) describes how producers in the breeding-hatchery industry may achieve Newcastle disease clean status through participation in a program for the prevention and control of Newcastle disease. We are proposing to make several changes to paragraph (h).

First, we are proposing to amend the introductory text for the paragraph. The introductory text currently describes the program as intended to be the basis from which the breeding hatchery industry may conduct a program for the prevention and control of Newcastle disease. We are proposing to revise the text to specify that the program is intended to be the basis from which the primary breeding-hatchery industry may demonstrate the prevention and control of virulent Newcastle disease. The first revision is necessary because the program, operationally, is specific to the primary breeding-hatchery industry rather than the entire breeding-hatchery industry. The latter change is warranted due to changes that we are proposing regarding the requirements for Newcastle disease clean status, which we discuss below.

The introductory text also currently specifies that the program is intended to determine the presence of Newcastle disease in primary breeding turkeys through vaccination and/or monitoring of each participating breeding flock, and that a flock and the hatching eggs and poults produced from it will qualify for classification after meeting certain requirements. We are proposing to further revise the paragraph to specify that the program is intended to be used as an added measure of assurance for only those participants that are enrolled in and members in good standing of the U.S. H5/H7 AI Clean Compartment program.

Paragraphs (h)(1) through (h)(4) currently provide the requirements that a flock and hatching eggs and poults must meet to be classified. Paragraph (h)(1) provides criteria for flocks vaccinated and unvaccinated for Newcastle disease. We are proposing to revise paragraph (h)(1) to provide instead that hatcheries must be kept in a sanitary condition as applicable and as outlined in § 145.6.

Paragraph (h)(2) provides requirements to retain classification for vaccinated flocks. We are proposing to revise paragraph (h)(2) to provide that participants in the program must belong to and be members in good standing as determined by the Official State Agency of the U.S. H5/H7 Avian Influenza Clean Compartment Program.

Paragraph (h)(3) contains provisions for maintaining classification for unvaccinated flocks. We are proposing to remove paragraph (h)(3).

Paragraph (h)(4) provides that Newcastle disease must be a disease reportable to the responsible State authority (State veterinarian, etc.) by all licensed veterinarians. To accomplish this, all laboratories (private, State, and university laboratories) that perform diagnostic procedures on poultry must examine all submitted cases of unexplained respiratory disease, egg production drops, and mortality for Newcastle disease. We are proposing to redesignate (h)(4) as (h)(3) and revise it to update the name of the disease to virulent Newcastle disease.

We are proposing these changes because the current structure of the Newcastle disease Clean program is seen as too complex and a barrier to programmatic success by the poultry industry in light of the United States' current status for Newcastle disease. The United States is free of Newcastle disease, and the disease is a reportable disease if introduced. Thus, a program based on prophylactic industry practices such as vaccination is unwarranted. It also is onerous given the intended purpose of the program at the time of its creation, which was to support the avian influenza compartmentalization program by providing additional assurances in the domestic industry's ability to survey and control for foreign animal diseases affecting poultry. However, as written, the Newcastle disease clean program has instead become a hindrance to the AI compartmentalization program and undermined initial intent.

We are also proposing to make parallel changes to paragraph (h) of § 145.73, which contains the Newcastle disease clean status provisions for the primary egg-type chicken breeding industry, as well as paragraph (h) of § 145.83, which contains the Newcastle disease clean status provisions for the primary meat-type chicken breeding industry.

Pullorum-Typhoid Clean Program

Section 145.23 contains program classifications for the multiplier egg-type chicken breeding industry. Within § 145.23, paragraph (b) describes how producers in the industry may achieve Pullorum-Typhoid clean status. Paragraphs (b)(1) through (b)(4) provide four separate means for producers to achieve such status.

Paragraph (b)(3) affords producers clean status, provided that, among other requirements, APHIS determines that all poultry, including exhibition, exotic, and game birds, but excluding waterfowl, going to public exhibition come from U.S. Pullorum-Typhoid Clean or equivalent flocks, or have had a negative pullorum-typhoid test within 90 days of going to public exhibition. Similar provisions exist in § 145.33 for Pullorum-Typhoid clean status for multiplier meat-type chicken breeding flocks, in § 145.53 for Pullorum-Typhoid clean status for hobbyist and exhibition poultry and raised-for-release waterfowl breeding flocks, in § 145.73 for Pullorum-Typhoid clean status for primary egg-type chicken breeding flocks, in § 145.83 for Pullorum-Typhoid clean status for primary meat-type chicken breeding flocks, in § 145.93 for Pullorum-Typhoid clean status for meat-type waterfowl breeding flocks, and in § 145.103 for Pullorum-Typhoid clean status for egg/meat-type game bird and raised-for-release game bird breeding flocks.

In each of these sections, we are proposing that, instead of coming from Pullorum-Typhoid Clean or equivalent flocks or having a negative test within 90 day of going to public exhibition, birds may go to public exhibition if APHIS and the OSA in the State in question, in consultation with the State animal health official, approve a surveillance program for Pullorum-Typhoid in the State for poultry, including exhibition, exotic, and game birds, but excluding waterfowl going to public exhibition, and this surveillance program utilizes negative Pullorum-Typhoid testing within 90 days of going to public exhibition or sourcing from Pullorum-Typhoid Clean or equivalent flocks.

Salmonella pullorum antigen testing has become increasingly difficult to obtain in recent years, as have certified testers, even as detections in exhibition birds have become increasingly rare (for example, *Salmonella pullorum* has not been diagnosed in exhibition birds in over thirty years in the State of Virginia). This alternate provision would allow States to develop surveillance programs for poultry intended for public exhibition and to present these to APHIS and the OSA in question for approval in lieu of testing of all birds not originating from Pullorum-Typhoid Clean or equivalent flocks.

Updated Abbreviations

Section 145.45 provides terminology and classification for compartments relative to turkey breeding flocks and products. Paragraph (a)(1) of this section defines a United States H5/H7 avian influenza and Newcastle disease clean compartment. Section 145.74(a) sets out requirements for U.S. Avian Influenza and Newcastle Disease Clean Compartment. Section 145.84 provides terminology and classifications for compartments; within that section paragraph (a)(1) provides the definition of a compartment.

We are proposing to revise these paragraphs to update the abbreviation for the World Organization for Animal Health from the legacy abbreviation OIE to the modern abbreviation WOAH. We are making no substantive changes to these paragraphs.

Proposed Revisions to Part 146

Definitional Changes

Part 146 provides general provisions for commercial poultry. In this part, § 146.1 contains definitions. We are proposing to revise the definition of *authorized laboratory* in this section consistent with the revisions made to the definition of *authorized laboratory* in § 145.1 discussed above.

Section 146.6 sets forth specific provisions for participating slaughter plants. In that section, paragraph (a) specifies that only commercial upland game bird, commercial waterfowl, meat-type chicken, and meat-type turkey slaughter plants that are under continuous inspection by the Food Safety and Inspection Service (FSIS) of the Department or under State inspection that FSIS has recognized as equivalent to Federal inspection may participate in the Plan. We are proposing to revise this paragraph by replacing the words ''equivalent to'' with the words ''at least equal to.''

Section 146.31 contains definitions pertaining to special provisions for meat-type chicken slaughter plants. In that section, the term *meat-type chicken slaughter plant* is defined as ''a meat-type chicken slaughter plant that is federally inspected or under State inspection that the Food Safety and Inspection Service has recognized as equivalent to Federal inspection.'' We are proposing to revise this definition to replace the words ''equivalent to'' with the words ''at least equal to.''

Section 146.41 contains definitions pertaining to special provisions for meat-type turkey slaughter plants. In this section, the term *meat-type turkey slaughter plant* is defined as ''a meat-type turkey slaughter plant that is federally inspected or under State inspection that the Food Safety and Inspection Service has recognized as equivalent to Federal inspection. We are proposing to revise this definition to replace the words ''equivalent to'' with the words ''at least equal to.''

Section 146.51 contains definitions applicable to special provisions for hobbyist and exhibition poultry and raised-for-release waterfowl breeding flocks and products. In this section, the term ''*meat-type game bird slaughter plant*'' is defined as ''*Meat-type game bird slaughter plant.* A meat-type game bird slaughter plant that is federally inspected or under State inspection that the U.S. Department of Agriculture's Food Safety and Inspection Service has recognized as equivalent to Federal inspection,'' and the term *meat-type waterfowl slaughter plant* is defined as ''a meat-type waterfowl slaughter plant that is federally inspected or under State inspection that the U.S. Department of Agriculture's Food Safety and Inspection Service has recognized as equivalent to Federal inspection.'' We are proposing to revise both these definitions to replace the words ''equivalent to'' with the words ''at least equal to.''

We are proposing these changes to §§ 146.6, 146.31, 146.41, and 146.51 to align the language in those sections with the language in the Federal Meat Inspection Act (FMIA; 21 U.S.C. 601–695) and the Poultry Product Inspection Act (PPIA, 21 U.S.C. 451–473). Section 661 of the FMIA and § 454 of the PPIA authorize the Food Safety Inspection Service to cooperate with State agencies in developing and administering their own meat or poultry products inspection programs for the inspection and regulation of products that are produced and sold solely within the State. These cooperative State inspection programs are required to operate in a manner and with authorities ''at least equal to,'' but not necessarily identical to, the provisions set out in the FMIA and PPIA. Our proposed revisions are thus consistent with the FMIA and PPIA and would not penalize a State inspection program that, for example, exceeds the level of inspection at FSIS-inspected facilities.

H5/H7 Avian Influenza Testing

Within part 146, § 146.33 contains provisions governing H5/H7 Avian Influenza monitored status for meat-type chicken slaughter plants. Paragraph (a)(2) of the section specifies that a slaughtering plant may qualify for this classification if it accepts only meat-type chickens from flocks where a minimum of 11 birds have been tested negative for antibodies to the H5/H7 subtypes of avian influenza. To reflect that H5/H7 testing typically is now often for the presence of the virus itself,

rather than for antibodies generated by the presence of the virus, and to remove limitations that would preclude the use of such tests, we are proposing to remove reference to antibodies.

Proposed Revisions to Part 147

Section 147 subpart F contains provisions regarding authorized laboratories and approved tests and sanitation procedures. Section 147.51 contains definitions that apply to subpart F.

We are proposing to revise the definition of *NPIP Program Standards* to update the URL contained in the definition. This change is consistent with the change made to the definition of *NPIP Program Standards* in § 145.1.

Proposed Revisions to NPIP Program Standards

We have also prepared updates to the NPIP Program Standards document. The proposed updates would amend several sections of the document. Specifically, we would:

- Update definitions to correspond to the changes described in this proposed rule;
- Add definitions and other information about compartmentalization, including farm and hatchery design, physical requirements, management procedures, and audit checklists in alignment with the changes described in this proposed rule;
- Update acronyms and addresses;
- Update Standard D—Molecular Examination Procedures to reflect names changes and updated product numbers for test kits;
- Add footers to Program Standards F with the format of PUB. MONTH, YEAR to provide a form of version control. (This modification is in response to a request for version control from international trade partners.)

These changes would help ensure that the Program Standards are aligned with our proposed revisions to the regulations themselves and improve version control.

Editorial Revision

In preparing this proposed rule, we identified that, within § 145.14 of the regulations, paragraphs (a)(1) and (a)(6) currently state that alternatives to program standards may be approved by the Administrator under § 145.73. This is, however, a typographical error; alternative standards may be approved by the Administrator under § 147.53, not 145.73. We would correct this error.

Executive Order 12866, Executive Order 14192, and Regulatory Flexibility Act

This proposed rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget. As a proposed rule, it also is not subject to Executive Order 14192.

This rulemaking would result in various changes to regulations in 9 CFR parts 145 through 147, modifying provisions of the NPIP. The modifications are recommended by the NPIP General Conference Committee (GCC), which represents cooperating State agencies and poultry industry members and advises the Secretary on issues pertaining to poultry health. These amendments would, among other things, clarify existing provisions of the regulations, fix editorial errors, and align the regulations more closely with current producer practices.

These changes would also align the regulations with international standards and make them more transparent to APHIS stakeholders and the general public. The changes included in this proposed rule were voted on and approved by the voting delegates at the Plan's 2024 Biennial Conference.

The establishments that would be affected by this rulemaking—principally entities engaged in poultry production and processing—are predominantly small by Small Business Administration standards. In those instances in which an addition or modification could potentially result in a cost to certain entities, we do not expect the costs to be significant. This proposed rule embodies changes decided upon by the NPIP GCC on behalf of Plan members, that is, changes recognized by the poultry industry as in their interest. We note that NPIP membership is voluntary.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action, if promulgated, will not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 2 CFR chapter IV.)

Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. If this proposed rule is adopted: (1) All State and local laws and regulations that are in conflict with this rule will be preempted; (2) no retroactive effect will be given to this rule; and (3) administrative proceedings will not be required before parties may file suit in court challenging this rule.

Paperwork Reduction Act

In accordance with section 3507(d) of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the reporting and recordkeeping requirements included in this proposed rule are approved by the Office of Management and Budget (OMB) under OMB control number 0579–0007.

Lists of Subjects

9 CFR Part 145

Animal diseases, Poultry and poultry products, Reporting and recordkeeping requirements.

9 CFR Part 146

Animal diseases, Poultry and poultry products, Reporting and recordkeeping requirements.

9 CFR Part 147

Animal diseases, Poultry and poultry products, Reporting and recordkeeping requirements.

Accordingly, we propose to revise 9 CFR part 145, 9 CFR part 146, and 9 CFR part 147 to read as follows:

PART 145—NATIONAL POULTRY IMPROVEMENT PLAN FOR BREEDING POULTRY

■ 1. The authority citation for part 145 continues to read as follows:

Authority: 7 U.S.C. 8301–8317; 7 CFR 2.22, 2.80, and 371.4.

■ 2. Amend § 145.1 as follows:

■ a. By revising the definitions of ''*authorized laboratory*'', ''*baby poultry*'', ''*NPIP program standards*'', ''*official supervision*'', and *primary breeding flock;*

■ b. By adding a definition of ''*remote inspection*''*;* and

■ c. By revising the definition of ''*sanitize.*''

The revisions and addition read as set forth below.

§ 145.1 Definitions.

Authorized laboratory. A laboratory that meets the requirements of § 147.52 and is thus qualified to perform assays in accordance with part 147 of this subchapter.

* * * * *

Baby poultry. Newly hatched poultry (chicks, poults, ducklings, goslings, keets, etc.) up to 3 days of age.

* * * * *

NPIP Program Standards. A document that contains tests and sanitation procedures approved by the Administrator in accordance with § 147.53 of this subchapter for use under this subchapter. This document may be obtained from the National Poultry Improvement Plan (NPIP) website at *https://www.poultryimprovement.org* or by writing to the Service at National Poultry Improvement Plan, APHIS, USDA, 1506 Klondike Road, Suite 301, Conyers, GA 30094.

* * * * *

Official supervision—

(1) *As applied to Plan programs.* The direction, inspection, and critical evaluation by the Official State Agency of compliance with the provisions of the Plan;

(2) *As applied to non-Plan but equivalent State poultry improvement programs.* The direction, inspection, and critical evaluation by an officer or agency of a State government, of compliance with a publicly announced State poultry improvement program.

(3) *As applied to non-Plan but equivalent programs abroad as determined by the Official State Agency, with concurrence of the Service.* The inspection and critical evaluation by a foreign country of poultry improvement programs within that country.

* * * * *

Primary breeding flock. A flock composed of one or more generations that is maintained for the purpose of establishing, continuing, and/or improving breeding lines.

* * * * *

Remote inspection. An interactive, remote visual study of a premises or flock, performed in real time by the Official State Agent or authorized designee via telecommunication using audio and video-capture devices and supporting platforms. Additionally, the standard for remote inspection should align with expectations defined in § 145.1 of this chapter for the term ''Official supervision.''

* * * * *

Sanitize. To treat with a product which is registered by the Environmental Protection Agency as germicidal, virucidal, fungicidal, pseudomonacidal, or tuberculocidal, in accordance with the specifications for use as shown on the label of each product. The Official State Agency, with the concurrence of the Service, shall approve each product or procedure according to its specified usage.

* * * * *

■ 3. Amend § 145.4 by revising the introductory text of paragraph (d) and adding a new paragraph (f) to read as set forth below.

§ 145.4 General provisions for all participants.

* * * * *

(d) Except as provided by this paragraph or (f) of this part, participants in the Plan may not buy or receive products for any purpose from nonparticipants unless they are part of an equivalent program, as determined by the Official State Agency, with concurrence of the Service. Participants in the Plan may buy or receive products from flocks that are neither participants nor part of an equivalent program, for use in breeding flocks or for experimental purposes, under the following conditions only:

* * * * *

(f) For products from non-participant flocks located outside of the USA, importation may be permissible without the conditions listed under paragraph (d) of this section only after freedom of infection from Plan diseases can be demonstrated. Such products may only be imported into a participant hatchery, and must demonstrate freedom of infection from Plan diseases through the following:

(1) They comply with the import requirements set by APHIS as attested by a certificate issued in accordance with § 93.205 of this chapter, and

(2) They are approved for importation upon inspection as provided in § 93.207 of this chapter, and

(3) If the NPIP hatchery participates in Plan disease classifications not covered by the certificate of the exporting country, additional testing or testing history of the flock(s) of origin may be required to demonstrate freedom from infection for each applicable classification. In addition, for non-NPIP laboratories, evidence that at least two of the following conditions are met will be required:

(i) The laboratory has official certification to conduct the testing methodology from the country of origin;

(ii) The laboratory possesses an international certification of practice standardization similar to ISO (International Organization for Standardization);

(iii) It follows international laboratory protocols for the Plan diseases of interest, as these are set forth for domestic laboratories within NPIP or, alternatively, follows WOAH (World Organization for Animal Health) protocols.

* * * * *

■ 4. Amend § 145.5 by revising paragraph (a) to read as set forth below.

§ 145.5 Specific provisions for participating flocks.

(a) Poultry equipment, and poultry houses and the land in the immediate vicinity thereof, shall be kept in sanitary condition in accordance with part 147 of this subchapter. The participating flock, its eggs, and all equipment used in connection with the flock shall be separated from nonparticipating flocks, in a manner acceptable to the Official State Agency, unless eggs imported from another country come from flocks demonstrated by certification and testing to be free of Plan diseases or considered equivalent by the OSA with concurrence by the Service as provided for in § 145.4(f) of this subpart.

§ 145.14 [Amended]

■ 5. In § 145.14, amend paragraphs (a)(1) and (a)(6)(ii) by removing the words ''§ 145.73'' and adding the words ''§ 147.53'' in their place.

■ 6. Amend § 145.23 by revising paragraph (b)(3)(vii) to read as set forth below.

§ 145.23 Terminology and classification; flocks and products.

* * * * *

(b) * * *

(3) * * *

(vii) All poultry, including exhibition, exotic, and game birds, but excluding waterfowl, going to public exhibition shall come from U.S. Pullorum-Typhoid Clean or equivalent flocks, or have had a negative pullorum-typhoid test within 90 days of going to public exhibition; or, alternatively, a surveillance program approved by the OSA and the Service, in consultation with the State Animal Health Official, is in place for poultry, including exhibition, exotic, and game birds, but excluding waterfowl going to public exhibition that utilizes negative Pullorum typhoid testing within 90 days of going to public exhibition, or sourcing from US Pullorum Typhoid Clean or equivalent flocks;

* * * * *

■ 7. Amend § 145.33 by revising paragraph (b)(3)(vii) to read as set forth below.

§ 145.33 Terminology and classification; flocks and products.

* * * * *

(b) * * *

(3) * * *

(vii) All poultry, including exhibition, exotic, and game birds, but excluding

waterfowl, going to public exhibition shall come from U.S. Pullorum-Typhoid Clean or equivalent flocks, or have had a negative pullorum-typhoid test within 90 days of going to public exhibition; or, alternatively, a surveillance program approved by the OSA and the Service, in consultation with the State Animal Health Official, is in place for poultry, including exhibition, exotic, and game birds, but excluding waterfowl going to public exhibition that utilizes negative Pullorum typhoid testing within 90 days of going to public exhibition, or sourcing from US Pullorum Typhoid Clean or equivalent flocks;

* * * * *

■ 8. Amend § 145.43 by:
■ a. Revising paragraph (h) introductory text;
■ b. Revising paragraphs (h)(1)(a) and (h)(1)(b);
■ c. Removing paragraph (h)(1)(c);
■ d. Redesignating paragraph (h)(1)(d) as paragraph (h)(1)(c);
■ e. Revising newly designated paragraph (h)(1)(c).

The revisions read as follows.

§ 145.43 Terminology and classification; flocks and products.

* * * * *

(h) U.S. Newcastle Disease Clean. The program in this paragraph (h) is intended to be the basis from which the primary breeding-hatchery industry may demonstrate the prevention and control of virulent Newcastle disease. It is intended to be used as an added measure of assurance for only those participants that are enrolled in and members in good standing of the U.S. H5/H7 AI Clean Compartment program. A flock and the hatching eggs and poults produced from it will qualify for classification in this paragraph (h) when the Official State Agency determines that they have met the following requirements:

(1) Hatcheries must be kept in a sanitary condition as applicable and as outlined in § 145.6 (within the NPIP Program Standards document, Program Standard C applies to hatcheries; alternatives to the program standards may also be approved by the Administrator under § 147.53 of this subchapter).

(2) Participants must belong to and be members in good standing of the U.S. H5/H7 Avian Influenza Clean Compartment Program, as determined by the Official State Agency.

(3) Virulent Newcastle disease must be reportable to the responsible State authority (State veterinarian, etc.) by all licensed veterinarians. To accomplish this, all laboratories (private, State, and university laboratories) that perform diagnostic procedures on poultry must examine all submitted cases of unexplained respiratory disease, egg production drops, and mortality for virulent ND.

§ 145.45 [Amended]

■ 9. Amend § 145.45:
■ a. In paragraph (a)(1), by adding the word ''(WOAH)'' after the words ''World Organization for Animal Health'';
■ b. In paragraph (v), by removing the words ''2 years'' and adding the word ''year'' in their place.
■ 10. Amend § 145.53 by revising paragraph (b)(3)(vii) to read as set forth below.

§ 145.53 Terminology and classification; flocks and products.

* * * * *

(b) * * *

(3) * * *

(vii) All poultry, including exhibition, exotic, and game birds, but excluding waterfowl, going to public exhibition shall come from U.S. Pullorum-Typhoid Clean or equivalent flocks, or have had a negative pullorum-typhoid test within 90 days of going to public exhibition; or, alternatively, a surveillance program approved by the OSA and the Service, in consultation with the State Animal Health Official, is in place for poultry, including exhibition, exotic, and game birds, but excluding waterfowl going to public exhibition that utilizes negative Pullorum typhoid testing within 90 days of going to public exhibition, or sourcing from US Pullorum Typhoid Clean or equivalent flocks;

* * * * *

■ 11. Amend § 145.73 by:
■ a. Revising paragraph (b)(2)(vii);
■ b. Revising paragraph (h) introductory text;
■ c. Revising paragraphs (h)(1)(a) and (b);
■ d. Removing paragraph (h)(1)(c);
■ e. Redesignating paragraph (h)(1)(d) as paragraph (h)(1)(c).
■ f. Revising newly designated paragraph (h)(1)(c).

The revisions read as follows.

§ 145.73 Terminology and classification; flocks and products.

* * * * *

(b) * * *

(2) * * *

(vii) All poultry, including exhibition, exotic, and game birds, but excluding waterfowl, going to public exhibition shall come from U.S. Pullorum-Typhoid Clean or equivalent flocks, or have had a negative pullorum-typhoid test within 90 days of going to public exhibition; or, alternatively, a surveillance program approved by the OSA and the Service, in consultation with the State Animal Health Official, is in place for poultry, including exhibition, exotic, and game birds, but excluding waterfowl going to public exhibition that utilizes negative Pullorum typhoid testing within 90 days of going to public exhibition, or sourcing from US Pullorum Typhoid Clean or equivalent flocks;

* * * * *

(h) U.S. Newcastle Disease Clean. The program in this paragraph (h) is intended to be the basis from which the primary breeding-hatchery industry may demonstrate the prevention and control of virulent Newcastle disease. It is intended to be used as an added measure of assurance for only those participants that are enrolled in and members in good standing of the U.S. AI Clean Compartment program. A flock and the hatching eggs and chicks produced from it will qualify for classification in this paragraph (h) when the Official State Agency determines that they have met the following requirements:

(1) Hatcheries must be kept in a sanitary condition as applicable and as outlined in § 145.6 (within the NPIP Program Standards document, Program Standard C applies to hatcheries; alternatives to the program standards may also be approved by the Administrator under § 147.53 of this subchapter).

(2) Participants must belong to and be members in good standing as determined by the Official State Agency of the U.S. Avian Influenza Clean Compartment Program.

(3) Virulent Newcastle disease must be reportable to the responsible State authority (State veterinarian, etc.) by all licensed veterinarians. To accomplish this, all laboratories (private, State, and university laboratories) that perform diagnostic procedures on poultry must examine all submitted cases of unexplained respiratory disease, egg production drops, and mortality for virulent ND.

§ 145.74 [Amended].

■ 12. In § 145.74, revise paragraph (a)(1) by adding the word ''WOAH'' after the words ''World Organization for Animal Health''.
■ 13. Amend § 145.83 by:
■ a. Revising paragraph (b)(2)(i)(G)
■ b. Revising paragraph (h) introductory text;
■ c. Revising paragraphs (h)(1)(a) and (b);
■ d. Removing paragraph (h)(1)(c);
■ e. Redesignating paragraph (h)(1)(d) as paragraph (h)(1)(c).
■ f. Revising newly designated paragraph (h)(1)(c).

§ 145.83 Terminology and classification; flocks and products.

* * * * *

(b) * * *

(2) * * *

(i) * * *

(G) All poultry, including exhibition, exotic, and game birds, but excluding waterfowl, going to public exhibition shall come from U.S. Pullorum-Typhoid Clean or equivalent flocks, or have had a negative pullorum-typhoid test within 90 days of going to public exhibition; or, alternatively, a surveillance program approved by the OSA and the Service, in consultation with the State Animal Health Official, is in place for poultry, including exhibition, exotic, and game birds, but excluding waterfowl going to public exhibition that utilizes negative Pullorum typhoid testing within 90 days of going to public exhibition, or sourcing from US Pullorum Typhoid Clean or equivalent flocks;

* * * * *

(h) U.S. Newcastle Disease (ND) Clean. The program in this paragraph (h) is intended to be the basis from which the primary breeding-hatchery industry may demonstrate the prevention and control of virulent Newcastle disease. It is intended to be used as an added measure of assurance for only those participants that are enrolled in and members in good standing of the U.S. AI Clean Compartment program. A flock and the hatching eggs and chicks produced from it will qualify for classification in this paragraph (h) when the Official State Agency determines that they have met the following requirements:

(1) Hatcheries must be kept in a sanitary condition as applicable and as outlined in § 145.6 (within the NPIP Program Standards document, Program Standard C applies to hatcheries; alternatives to the program standards may also be approved by the Administrator under § 147.53 of this subchapter).

(2) Participants must belong to and be members in good standing as determined by the Official State Agency of the U.S. Avian Influenza Clean Compartment Program.

(3) Virulent Newcastle disease must be reportable to the responsible State authority (State veterinarian, etc.) by all licensed veterinarians. To accomplish this, all laboratories (private, State, and university laboratories) that perform diagnostic procedures on poultry must examine all submitted cases of unexplained respiratory disease, egg production drops, and mortality for virulent ND.

§ 145.84 [Amended]

■ 14. In § 145.84, revise paragraph (a)(1) by adding the word ''(WOAH)'' after the words ''World Organization for Animal Health.''

■ 15. Amend § 145.93 by revising paragraph (b)(3)(vii) to read as set forth below.

§ 145.93 Terminology and classification; flocks and products.

* * * * *

(b) * * *

(3) * * *

(vii) All poultry, including exhibition, exotic, and game birds, but excluding waterfowl, going to public exhibition shall come from U.S. Pullorum-Typhoid Clean or equivalent flocks, or have had a negative pullorum-typhoid test within 90 days of going to public exhibition; or, alternatively, a surveillance program approved by the OSA and the Service, in consultation with the State Animal Health Official, is in place for poultry, including exhibition, exotic, and game birds, but excluding waterfowl going to public exhibition that utilizes negative Pullorum typhoid testing within 90 days of going to public exhibition, or sourcing from US Pullorum Typhoid Clean or equivalent flocks;

* * * * *

■ 16. Amend § 145.103 by revising paragraph (b)(3)(vii) to read as set forth below.

§ 145.103 Terminology and classification; flocks and products.

* * * * *

(b) * * *

(3) * * *

(vii) All poultry, including exhibition, exotic, and game birds, but excluding waterfowl, going to public exhibition shall come from U.S. Pullorum-Typhoid Clean or equivalent flocks, or have had a negative pullorum-typhoid test within 90 days of going to public exhibition; or, alternatively, a surveillance program approved by the OSA and the Service, in consultation with the State Animal Health Official, is in place for poultry, including exhibition, exotic, and game birds, but excluding waterfowl going to public exhibition that utilizes negative Pullorum typhoid testing within 90 days of going to public exhibition, or sourcing from US Pullorum Typhoid Clean or equivalent flocks;

* * * * *

PART 146—NATIONAL POULTRY IMPROVEMENT PLAN FOR COMMERCIAL POULTRY

■ 17. The authority citation for part 146 continues to read as follows:

Authority: 7 U.S.C. 8301–8317; 7 CFR 2.22, 2.80, and 371.4.

■ 18. Amend § 146.1 by revising the definition for *authorized laboratory* to read as set forth below:

§ 146.1 Definitions.

* * * * *

Authorized laboratory. A laboratory that meets the requirements of § 147.52 and is thus qualified to perform assays in accordance with part 147 of this subchapter.

* * * * *

■ 19. Amend § 146.6 by revising paragraph (a) to read as set forth below.

§ 146.6 Specific provisions for participating slaughter plants.

(a) Only commercial upland game bird, commercial waterfowl, meat-type chicken, and meat-type turkey slaughter plants that are under continuous inspection by the Food Safety and Inspection Service of the Department or under State inspection that the Food Safety and Inspection Service has recognized as at least equal to Federal inspection may participate in the Plan.

■ 20. Amend § 146.31 by revising the definition of *meat-type chicken slaughter plant* to read as set forth below.

§ 146.31 Definitions.

* * * * *

Meat-type chicken slaughter plant. A meat-type chicken slaughter plant that is federally inspected or under State inspection that the Food Safety and Inspection Service has recognized as at least equal to Federal inspection.

* * * * *

■ 21. Amend § 146.33 by revising paragraph (a)(2) to read as set forth below.

§ 146.33 Terminology and Classification; meat-type chicken slaughter plants.

* * * * *

(a) * * *

(2) It is a meat-type chicken slaughter plant which accepts only meat-type chickens from flocks where a minimum of 11 birds have been tested negative for the H5/H7 subtypes of avian influenza, as provided in § 146.13(b), no more than 21 days prior to slaughter; or

* * * * *

■ 22. Amend § 146.41 by revising the definition for *meat-type turkey slaughter plant* to read as set forth below.

§ 146.41 Definitions.

* * * * *

Meat-type turkey slaughter plant. A meat-type turkey slaughter plant that is federally inspected or under State inspection that the Food Safety and Inspection Service has recognized as at least equal to Federal inspection.

■ 23. Amend § 146.51 by revising the definitions for *meat-type game bird slaughter plant* and *meat-type waterfowl slaughter plant* to read as set forth below.

§ 146.51 Definitions.

* * * * *

Meat-type game bird slaughter plant. A meat-type game bird slaughter plant that is federally inspected or under State inspection that the U.S. Department of Agriculture's Food Safety and Inspection Service has recognized as at least equal to Federal inspection.

Meat-type waterfowl slaughter plant. A meat-type waterfowl slaughter plant that is federally inspected or under State inspection that the U.S. Department of Agriculture's Food Safety and Inspection Service has recognized as at least equal to Federal inspection.

* * * * *

PART 147—AUXILIARY PROVISIONS ON NATIONAL POULTRY IMPROVEMENT PLAN

■ 24. The authority citation for part 147 continues to read as follows:

Authority: 7 U.S.C. 8301–8317; 7 CFR 2.22, 2.80, and 371.4.

■ 25. Amend § 147.51 by revising the definition for *NPIP Program Standards* to read as set forth below.

§ 147.51 Definitions.

* * * * *

NPIP Program Standards. A document that contains tests and sanitation procedures approved by the Administrator in accordance with § 147.53 of this subchapter for use under this subchapter. This document may be obtained from the National Poultry Improvement Plan (NPIP) website at *https://www.poultryimprovement.org/* or by writing to the Service at National Poultry Improvement Plan, APHIS, USDA, 1506 Klondike Road, Suite 301, Conyers, GA 30094.

* * * * *

Done in Washington, DC, this 31st day of July 2026.

Sarah Helming,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2026–15845 Filed 8–4–26; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 121

[Docket No. FAA–2026–9178; Notice No. 26–12]

RIN 2120–AM18

Improving Emergency Medical Kit Efficacy and Flexibility in Commercial Airline Operations

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking.

SUMMARY: FAA proposes to eliminate the prescriptive list of required items in emergency medical kits and first aid kits and replace it with a performance-based requirement to ensure contents are practical and sufficient to allow crewmembers to address the most common medical emergencies that occur onboard commercial aircraft. FAA seeks to increase flexibility for operators while maintaining predictability for operators to equip their onboard medical kits. This rule would also remove an outdated reference to certain emergency medical kits modified on April 12, 2004. This action is necessary to address requirements in the FAA Reauthorization Act of 2024.

DATES: Send comments on or before October 5, 2026.

ADDRESSES: Send comments identified by docket number FAA–2026–9178 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *www.regulations.gov* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE, West Building, 5th Floor (W58–213), Washington, DC 20590.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W58–213 of the West Building 5th Floor at 1200 New Jersey Avenue SE, Washington, DC 20590 between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at (202) 493–2251.

Docket: Background documents or comments received may be read at *www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W58–213 of the West Building 5th Floor at 1200 New Jersey Avenue SE, Washington, DC 20590 between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Dr. Charles Mathers, Office of Aerospace Medicine, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone (202) 267–3535; email *9-FAA-Medical-Standards-and-Guidance@faa.gov.*

SUPPLEMENTARY INFORMATION:

List of Abbreviations and Acronyms Frequently Used in This Document

AED: Automated external defibrillator
AsMA: Aerospace Medical Association
EMK: Emergency medical kit(s)
FAK: First aid kit(s)
UPK: Universal precaution kit(s)

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I. Executive Summary

A. Overview of Proposed Rule

FAA proposes to revise 14 CFR 121.803, *Emergency medical equipment,* and remove and reserve Appendix A to 14 CFR part 121 (''Appendix A''), *First Aid Kits and Emergency Medical Kits,* and replace that appendix with the proposed new performance-based requirement in new § 121.807. These changes would ensure the content of each kit is practical and sufficient to

allow crewmembers to address common emergency illnesses or accidents that may occur onboard commercial aircraft. This proposal would also remove an unnecessary reference to kits modified on April 12, 2004, from § 121.805, *Crewmember training for in-flight medical events.* FAA's intent is to increase flexibility in the manner in which operators equip their onboard medical kits and train personnel for their use.

This proposal is necessary to address section 368 of the FAA Reauthorization Act of 2024 (''2024 FAA Reauthorization'') that directed FAA to issue a notice of proposed rulemaking regarding first aid kit (FAK) and emergency medical kit (EMK) equipment and training required for flight crewmembers. It would also replace prescriptive language in the existing regulation that cannot be kept current with new, flexible requirements and advances in medicine and would reduce further resource expenditure by stakeholders and FAA for Appendix A exemptions.

B. Statement of the Problem

The 2024 FAA Reauthorization directed FAA to propose a rule regarding FAK and EMK equipment and training required for flight crew members. The 2024 Reauthorization directed that the proposed rule consider the benefits and costs of any new medications or medical equipment to address the emergency medical needs of children and pregnant women, opioid overdose reversal, anaphylaxis, and cardiac arrest. The 2024 Reauthorization further directed the proposed rule to consider to what extent EMK should be readily available for use by flight crews without prior approval by a medical professional.

In addition, FAA is proposing to address other problems it has identified, such as those related to Appendix A to part 121. The problem with the current Appendix A is it prescribes specific medications and quantities of each medical item. Medical science and medication innovation often evolve, and FAA's proposal would allow operators' EMK or FAK to evolve with them.[1] However, Appendix A's prescriptiveness that specifically names certain medications and specific quantities of each medication in the EMK prevents operators' EMK or FAK contents from keeping up with the most modern medical scientific developments.

In addition, medication shortages occasionally impact operators' abilities to acquire an adequate supply for their EMK. An incomplete EMK prevents an operator from operating the aircraft because this kit is considered a ''GO/NO–GO'' item.[2] When a shortage impacts one or more medications required in an EMK, then all affected aircraft are removed from service. In these instances, operators or trade associations may petition FAA for relief from the prescriptive list of kit items.[3] FAA grants an exemption from a regulation if the petitioner shows that granting the relief is in the public interest and would not adversely affect safety.[4] This process is resource-intensive for both the petitioner and FAA. For that reason, FAA seeks to end the need for regular exemptions by initiating this rulemaking action. These proposed regulatory changes would alleviate these resource concerns.

C. Summary of the Costs and Benefits

The proposed rule would create new flexible EMK and FAK requirements, potentially reducing the risk of negative health outcomes during part 121 operations. The new flexible requirements would also result in cost savings for part 121 operators by allowing more options for equipping and restocking FAK on their aircraft and by eliminating the need to petition for an exemption from regulatory requirements in Appendix A to part 121. FAA would experience cost savings on the processing of petitions for exemption from Appendix A.

Though part 121 operators would incur minimal costs to equip an EMK with a few additional supplies, overall, the proposed rule would maintain safety and result in net cost savings for both industry and FAA by establishing more flexible EMK and FAK requirements.

II. Authority for This Rulemaking

FAA's authority to issue rules on aviation safety is found in title 49 of the United States Code (49 U.S.C.). 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.

FAA is issuing this notice of proposed rulemaking under the authority described in 49 U.S.C. 106(f), which establishes the authority of the Administrator to promulgate regulations and rules, and 49 U.S.C. 44701(a)(5), which requires the Administrator to promote safe flight of civil aircraft in air commerce by prescribing regulations and setting minimum standards for cybersecurity and other practices, methods, and procedures necessary for safety in air commerce and national security. This rulemaking is within the scope of that authority. Finally, this rulemaking implements the Congressional mandate set forth in section 368 of the FAA Reauthorization Act of 2024. Section 368 requires FAA to issue a notice of proposed rulemaking regarding FAK and EMK equipment and training for required flight crewmembers, as provided in 14 CFR part 121.[5]

III. Background

A. 2024 FAA Reauthorization

1. Section 367 ''Sense of Congress Regarding Mandated Contents of Onboard Emergency Medical Kits''

Section 367 of the 2024 FAA Reauthorization [6] provided that it was the sense of Congress that:

(1) a regularly scheduled panel of experts should reexamine and provide an updated list of mandated contents of onboard emergency medical kits that is thorough and practical, keeping passenger safety and well-being paramount; and

(2) such panel should consider including on the list of mandated contents of such medical kits, at a minimum, opioid overdose reversal medication.

In response to section 367 of the 2024 FAA Reauthorization, FAA's Federal Air Surgeon asked the Aerospace Medical Association (ASMA) to provide scientific and practical advice for revising current EMK requirements.

[1] FAA uses the term EMK and FAK to refer to emergency medical kits and first aid kits in general, respectively. For purposes of this rulemaking document, FAA uses the abbreviation ''EMK'' and ''FAK'' to refer to both the singular and plural of those kits.

[2] *See* 14 CFR 121.803(a).

[3] FAA approved 14 exemptions to address shortages in the EMK since 2015: *Spirit Airlines, Inc.* (FAA–2025–0521); *Airlines for America, the National Air Carrier Association, Cargo Airline Association, and the Regional Airline Association* (FAA–2021–0706) (19 operators exercised this exemption relief) *Spirit Airlines, Inc.* (FAA–2025–0522); *Ameristar Air Cargo, Inc.* (FAA–2017–0780); *Airlines for America/National Air Carrier Association/Regional Airline Association* (FAA–2013–0034) (29 operators exercised this exemption relief) NOTE: this docket contains seven exemptions/amendments for exemption number 10690 over the past ten years; *Airlines for America, the National Air Carrier Association, Cargo Airline Association, and the Regional Airline Association* (FAA–2021–0706); *Aerodynamics Inc.* (FAA–2019–0014); *Vision Airlines* (FAA–2016–8158).

[4] 14 CFR 11.81.

[5] Section 368 of Public Law 118–63, 138 Stat. 1136 (49 U.S.C. 44701 note).

[6] Section 367 of Public Law 118–63, 138 Stat. 1136.

2. Section 368 ''Passenger Aircraft First Aid and Emergency Medical Kit Equipment and Training'' of the 2024 FAA Reauthorization

Section 368(a) of the 2024 FAA Reauthorization required FAA to issue a notice of proposed rulemaking regarding first aid and emergency medical kit equipment and training required for flight crewmembers as provided in 14 CFR part 121, no later than 2 years after the date of the Act's enactment.[7] Specifically, in carrying out subsection (a) of section 368, subsection (b) directed FAA to consider the following:

(1) the benefits and costs (including the costs of flight diversions and emergency landings) of requiring any new medications or equipment necessary to be included in approved emergency medical kits;

(2) whether the contents of the emergency medical kits include, at a minimum, appropriate medications and equipment that can practicably be administered to address—

(A) the emergency medical needs of children and pregnant women;

(B) opioid overdose reversal;

(C) anaphylaxis; and

(D) cardiac arrest;

(3) what contents of the emergency medical kits should be readily available, to the extent practicable, for use by flight crews without prior approval by a medical professional.[8]

FAA considered subsection (b)(1) of Section 368 and supported this directive in section V.A. (Regulatory Notices and Analyses, Regulatory Impact Analysis) of this preamble. FAA considered subsection (b)(2) and the medications and equipment listed therein using a proposal by AsMA, with further discussion of AsMA's report in section III.C of this preamble. With AsMA's report (referred to hereinafter as the AsMA report) and FAA's independent analysis of section 368(b)(2)(A) through (D), FAA concluded that appropriate medications and medical equipment should be made available for use on transport aircraft for the medical conditions and events as considered by Congress. Therefore, FAA proposes in this rulemaking for operators to equip their aircraft with an EMK that includes adequate supplies for medical personnel to provide basic evaluation and initial treatment for medical conditions and events described in section 368 and other life-threatening conditions as proposed in § 121.807. FAA considered section 368(b)(3) and discusses access and contents of EMK in sections IV.A.1. (Appendix A to part 121, Emergency Medical Kit) and IV.B. (Flight Crewmember Training) of this preamble. Finally, FAA is aware of the agency's obligation as discussed in section 368(c) that FAA ''not later than 5 years after the issuance of the final rule under subsection (a) and every 5 years thereafter'' take action as appropriate to evaluate and revise ''(1) the first aid and emergency medical kit equipment and training required for flight crewmembers; and any required training for flight crewmembers regarding the content, location, and function of such kit.''

B. History

1. EMK, FAK, and Crewmember Training History

A FAK is a kit that contains supplies to provide necessary care for injuries such as abrasions, lacerations, sprains or strains, and fractures. An EMK contains supplies to address more serious conditions. FAK were first introduced on commercial airliners in 1949, and EMK were first introduced in 1986.[9] The most recent revision to the EMK or FAK in Appendix A occurred over 20 years ago.[10] When each of these pieces of emergency medical equipment was introduced, FAA set the requirement for the kits to contain certain medical equipment and supplies approved by the Administrator as suitable and sufficient for the type of operation involved. This revision, titled ''Emergency Medical Equipment'' (hereinafter the ''2001 Final Rule''), updated EMK and FAK by establishing the current prescriptive list of each kit's [11] contents. Though the 2001 EMK contents are dated by today's standards, the list of contents was relatively modern when introduced. The 2001 revision required 64 different items from updated medication and medical equipment lists—double the number (32) required previously.[12]

Unlike the prescriptive kit content requirements, the 2001 final rule did not mandate a ''one-size-fits-all'' requirement for crewmember training utilizing an EMK and FAK. FAA asserted that requiring such a training scheme would be overly burdensome and contrary to the efforts made by operators who already were responsible for training crewmembers on medical emergencies.[13] However, some standardization for crewmember training for in-flight medical events was implemented with the publication of subpart X of part 121 on April 12, 2001.[14] Training requirements outlined in § 121.805, *Crewmember training for in-flight medical events,* apply to all crewmembers, with additional automated external defibrillator (AED) and cardiopulmonary resuscitation (CPR) performance drill training requirements for flight attendants.

2. Exemptions History

As previously mentioned, FAA issues exemptions on a temporary basis to mitigate the negative externalities of relevant medication shortages. The prescriptive nature of the current Appendix A to part 121 requires an exemption for every modification to a medication listed. An exemption is required to substitute a medication, change a dosage amount, or both.

For example, in 2013, FAA granted exemptions to Airlines for America (A4A), National Air Carrier Association, Regional Airlines Association, Sierra Pacific Airline, Inc., Virgin America Inc., and Mesa Airlines, Inc. from § 121.803(c)(3) and Appendix A to part 121 because of a Dextrose shortage in the market. These exemptions allowed the subject air carriers to not stock Dextrose in their EMK. Operators were required to inform employees, crewmembers, and other relevant parties of the lack of Dextrose in the EMK, and the operators' crewmembers were required to maintain a physical copy of the exemption on each flight during which the exemption was used. This exemption was for one year and was extended by two years by exemption number 10721A. FAA considered the petitioners' request and supporting information and found that a grant of exemption would be in the public interest for three reasons: (1) an EMK is considered a ''no-go'' item, and the small risk of a lack of an infrequently used EMK input (Dextrose) is outweighed by the benefit of grounding fewer planes; (2) Dextrose substitutions, while available, would be complex to administer and potentially lead to human error and less operational efficiency; and (3) given the nationwide shortage of Dextrose at the time, FAA determined that it was not in the public interest for EMK suppliers to be competing for Dextrose with the greater need and demand of ground-based medical providers.

[7] Section 368 of Public Law 118–63, 138 Stat. 1136 (49 U.S.C. 44701 note).

[8] *Id.*

[9] *See generally* Part 42-Irregular Air Carriers and Off-Route Rules, 14 FR 7034 (Nov. 22, 1949); Emergency Medical Equipment, 51 FR 1218 (Jan. 9, 1986).

[10] *See Emergency Medical Equipment,* 66 FR 19028 (Apr. 12, 2001).

[11] *Id.* at 19044.

[12] Appendix A to 14 CFR 121 (2000).

[13] *See* Emergency Medical Equipment, 66 FR 19028 at 19036.

[14] *Id.*

If this proposed rule were in place, then A4A could have found a replacement for Dextrose, such as Glucagon, if such an option were appropriate and available on the open market without requesting an FAA exemption.

Many medications in the EMK can be pervasively unavailable, which requires ongoing petitions for exemption. The process of reviewing the efficacy of potentially dozens of exemptions is a resource-intensive process for FAA. Several FAA offices meticulously review exemptions to ensure the petition for an exemption, if granted, would meet regulatory requirements in 14 CFR part 11 and safety thresholds. This process requires resources from both FAA and the petitioners, who are responsible for preparing and submitting the required exemption paperwork. For example, FAA granted exemption number 10690 in 2013 in response to a shortage of Atropine. Since 2013, FAA has extended this exemption 11 times and expanded the exemption to include Atropine, Dextrose, Epinephrine, or Lidocaine or all four medications if the market fails to produce enough of each medication.

C. 2025 Aerospace Medical Association Report

In response to section 367 of the 2024 FAA Reauthorization,[15] FAA's Federal Air Surgeon asked the Aerospace Medical Association to provide scientific and practical advice for revising current EMK requirements. FAA wanted to hear from Aerospace Medicine experts and practitioners familiar with existing requirements who would be able to make educated, scientifically based recommendations for improving FAA EMK. In October 2024 AsMA convened a working group to develop recommendations based on clearly identified (1) conditions, or categories of conditions, that are reasonable to expect trained cabin crew members to be able to address effectively with the contents of an EMK or FAK; (2) contents, or categories of contents, necessary to include to address these conditions; and (3) specific examples of contents that would be sufficient to address each condition identified.

FAA received the AsMA report on April 30, 2025. AsMA expanded the scope of FAA's original request from solely providing a recommendation on the contents for EMK to also include recommended revisions to the contents of the FAK and Universal Precautions Kits (UPK) as well.[16] As such, the AsMA report provided recommendations to revise each kit to modern standards.

AsMA developed this report with the intent that the report would serve as a model for updating the list of medication contents and dosages and the equipment required in a part 121 FAK and EMK. FAA concluded a more flexible regulation to replace Appendix A would be appropriate to avoid unnecessary exemptions for medication and equipment substitutions while maintaining an equivalent level of safety.[17]

IV. Discussion of the Proposal

A. Appendix A to Part 121

Currently, Appendix A to part 121 contains a prescriptive list of medications and equipment for FAK and EMK along with a requirement that at least one approved AED be on board. Appendix A currently requires only one EMK and one AED for all operators operating under part 121. In contrast, Appendix A requires operators to adjust the number of FAK depending on the number of passenger seats.[18]

1. Emergency Medical Kit

FAA currently requires an EMK to contain the following specific items and quantities: one Sphygmomanometer; one Stethoscope; three sizes of cricopharyngeal [19] airways; four syringes of sizes necessary to administer the required medications; six needles of the sizes necessary to administer required medications; one 50 percent dextrose injection, 50 cc; two epinephrine 1:1,000, single dose ampule or equivalent; two diphenhydramine HC1 injection, single dose ampule or equivalent; ten nitroglycerin tablets; one set of basic instructions for the use of the medications in the kit; and one pair of protective nonpermeable gloves or equivalent.[20]

The purpose of the EMK is to provide basic evaluation and initial treatment for a passenger experiencing moderate to severe injuries and illnesses until the aircraft can land and the passenger can be transferred to emergency medical personnel. The contents of the EMK include medicines and a wider range of medical equipment than in the FAK. FAA intends for any person providing care using the contents of the EMK to be a person with medical training. Furthermore, a crewmember would only provide medical care using the contents of the EMK with supervision from ground-based medical oversight.

FAA proposes to remove and reserve Appendix A to part 121 and replace the current prescriptive list of items in Appendix A with proposed § 121.807. This new section would allow operators to determine the items and amounts of those items that should be included in an EMK to treat a list of life-threatening conditions operators may encounter during a flight.

Specifically, FAA proposes operators equip their EMK with sufficient resources to detect and treat, at a minimum, the nine life-threatening medical conditions discussed further in the following paragraphs. In accordance with section 368(b)(2)(B) of the 2024 FAA Reauthorization, FAA has considered the specific signs and symptoms and possible treatment options for opioid overdose. Further, in accordance with section 368(b)(2)(A), FAA has considered the specific needs of children and pregnant women when discussing signs and symptoms and possible treatment options.

First, FAA recommends sufficient resources for chest pain and cardiac emergencies, such as cardiac arrest, heart attack, unstable angina, or arrhythmia which may include the following signs and symptoms: loss of consciousness; chest pain or discomfort; shortness of breath; rapid or irregular pulse; pain radiating to the arm, jaw, neck, or back; dizziness, lightheadedness, or sweating. Treatment options could include medication such as Aspirin.

Second, FAA recommends sufficient resources for airway or breathing emergencies, which may include the following signs and symptoms: shortness of breath, wheezing, coughing, chest tightness, difficulty speaking, or blue skin. Treatment options could include medication such as an inhaled short-acting bronchodilator.

Third, FAA recommends sufficient resources for sudden impairment of consciousness, such as a seizure, which may include the following signs and symptoms: loss or impairment of consciousness or confusion. Treatment options could include antiepileptic medication.

Fourth, FAA recommends sufficient resources for major bleeding (hemorrhage), which may include the following signs and symptoms: visible

[15] Section 367 of Public Law 118–63, 138 Stat. 1136.

[16] For purposes of this rulemaking document, FAA uses the abbreviation ''UPK'' to refer to both the singular and plural of universal precaution kits. FAA considers the two respective terms to be synonymous.

[17] DeVoll J.P., Alves P., and Lyng J., *FAA Onboard Medical Kits Working Group Report* (May 1, 2025). FAA placed a copy of the AsMA report in the docket for this NPRM.

[18] *See* Appendix A to 14 CFR 121 (2025).

[19] The term ''cricopharyngeal'' is spelled incorrectly in the current regulation.

[20] Appendix A to 14 CFR 121 (2025).

blood loss, rapid heart rate or breathing or both, pale or clammy skin, weakness, dizziness, confusion, disorientation, or loss of consciousness. Treatment options could include equipment such as a commercial windlass-style tourniquet.

Fifth, FAA recommends sufficient resources for opioid overdose, which may include the following signs and symptoms: slow or shallow breathing, small pupils, altered mental status, blue skin or lips, or unresponsiveness. Treatment options could include medication such as naloxone.

Sixth, FAA recommends sufficient resources for hypoglycemia, which may include the following signs and symptoms: altered mental status, shakiness, sweating, clammy skin, nausea or vomiting, rapid heart rate or breathing or both, or loss of consciousness. Treatment options could include medication such as a dextrose-containing intravenous (IV) solution.

Seventh, FAA recommends sufficient resources for gastrointestinal (stomach) emergencies, which may include the following signs and symptoms: dehydration from severe vomiting or diarrhea. Treatment options could include medication such as an isotonic crystalloid IV solution and antiemetics.

Eighth, FAA recommends sufficient resources for anaphylaxis (sudden/acute severe allergic reaction), which may include the following signs and symptoms: hives; swelling of the mouth, throat, or tongue; difficulty breathing, rapid or weak pulse, dizziness; stomach pain; nausea or vomiting; or loss of consciousness. Treatment options could include medication such as epinephrine.

Finally, FAA recommends sufficient resources for childbirth, which may include the following signs and symptoms: contractions, water breaking, vaginal discharge, back pain, or pelvic pressure. Treatment options could include equipment such as a delivery kit.

FAA relied on the AsMA report to formulate this list of life-threatening conditions. Specifically, FAA determined the list of life-threatening conditions AsMA's recommended list of medications and equipment were intended to treat. FAA also considered the situations in section 368 of the 2024 FAA Reauthorization that Congress asked FAA to consider when proposing rulemaking regarding FAK and EMK. After consideration of all sources, FAA concluded this proposed list of life-threatening conditions was the most appropriate list for treatment by modern EMK.[21]

In this NPRM, FAA seeks to address a long-standing need to provide clear, risk-based requirements to operators for equipping and training sufficiently to enable effective response to medical emergencies onboard commercial aircraft. FAA believes the equipment identified in existing Appendix A is too specific to be practical and cannot be updated timely in response to changing standards of medical practice and product availability. The prescriptive nature of Appendix A results in unnecessary stakeholder and agency workload to submit and respond to petitions for exemption when medications are not available. If finalized as proposed, operators would utilize their Safety Management System (SMS) to ensure the content of the FAK and EMK would be monitored and adjusted, when necessary, based on the scope of their operation, emergency medical event data, and advances in medical science.[22]

To assist operators in developing their EMK, procedures, and training, FAA has revised the current Advisory Circular (AC) 121–33 to include a model list of medications and equipment. AC 121–33C would replace 121–33B [23] and InFO 20001 [24] and would establish one way, but not the only way, for a part 121 operator to comply with the proposed requirements for each FAK and EMK. Furthermore, FAA intends to combine AC 120–44A [25] and 121–34B [26] into revised AC 120–44B to consolidate flight crewmember training content appropriately. A draft of these ACs has been placed in the docket for this rulemaking for public comment.

FAA proposes this revision because, as previously mentioned, FAA seeks to promote modern medical practices by allowing assemblers of kits to follow the most up-to-date medical advice and make changes as necessary when designing the contents of each kit to treat the life-threatening conditions proposed in § 121.807. FAA also seeks to end the practice of processing and granting exemptions to operators when there are medication shortages in the market affecting the availability of EMK contents.

FAA believes given the volume of requests for exemptions to Appendix A, a rulemaking action would be appropriate to increase flexibility to air carriers' EMK.

2. First Aid Kit

The current requirement for a FAK is the following: sixteen adhesive bandage compresses, 1-inch; twenty antiseptic swabs; ten ammonia inhalants; eight bandage compresses, 4-inch; five triangular bandage compresses, 40-inch; one arm splint, noninflatable; one leg splint, noninflatable; four roller bandage, 4-inch; two adhesive tape, 1-inch standard roll; and one bandage scissors.[27]

The purpose of the FAK is to provide necessary care for injuries such as abrasions, lacerations, sprains or strains, and fractures. Crewmembers are already trained by their part 121 operators to assist with such injuries but are not required to be equivalent to the expert level of proficiency attained by professional emergency medical personnel.

As previously mentioned, FAA proposes to remove and reserve Appendix A to part 121 and replace the current prescriptive-based regulation in Appendix A with a new § 121.807. This new section would maintain the current requirement for the number of FAK equipped onboard the aircraft to increase as the number of passenger seats increase.[28] Each operator would

[21] Sec. 368 of Public Law 118–63, 138 Stat. 1136 (49 U.S.C. 44701 note).

[22] SMS includes systematic procedures, practices, and policies for the management of safety risk. All part 121, 135 and 91.147 operators must have an SMS that meets the requirements of 14 CFR part 5. The SMS is approved and surveilled by FAA to ensure compliance. The operator implements medical event risk controls (policies, procedures, and training) through the safety risk management (SRM) processes required by part 5 (14 CFR 5.71). The safety assurance component of SMS (14 CFR 5.53) requires monitoring and measuring safety performance of operational processes and continuously improving the level of safety performance. Strong safety assurance processes will yield information used to maintain the integrity of risk controls. The operator monitors the operation and collects and analyzes data from medical events to validate the risk controls are effective. If the risk controls are not effective or the operator identifies a need for a new risk control, then the operator triggers the SRM process to change the ineffective risk control or develop the new risk control. This whole process is data driven and monitored by FAA through continued operational surveillance.

[23] AC 121–33B—Emergency Medical Equipment, *https://www.faa.gov/regulations_policies/advisory_circulars/index.cfm/go/document.information/documentID/22516*.

[24] InFO20001: Emergency Medical Equipment on Passenger Aircraft, *https://www.faa.gov/sites/faa.gov/files/other_visit/aviation_industry/airline_operators/airline_safety/InFO20001.pdf*.

[25] AC Air Carrier First Aid Programs, *https://www.faa.gov/documentLibrary/media/Advisory_Circular/ac120-44a.pdf*.

[26] AC Emergency Medical Equipment Training, *https://www.faa.gov/documentLibrary/media/Advisory_Circular/AC121-34B.pdf*.

[27] Appendix A to 14 CFR 121 (2025).

[28] FAA intends to maintain the current requirement found in Appendix A of one FAK for 0–50 passenger seats, two FAK for 51–150 passenger seats, three FAK for 151–250 passenger

have the flexibility to design their own FAK and any ancillary equipment; however, each operator would ensure their FAK contents were sufficient to provide adequate medical supplies to address injuries such as abrasions, lacerations, sprains or strains, and fractures.

Though AsMA recommended operators include medications in their FAK, FAA declines to pursue that recommendation but intends to encourage those same medications to be included in an EMK. FAK currently in use in part 121 operations do not contain any medications. Adding a medication to those kits would require altering crewmember training and adding unnecessary complexity to the FAK because crewmembers are already aware and have the understanding that medications are found in an EMK rather than a FAK; therefore, requiring new medications in a FAK would only add unnecessary complication for crewmembers using a FAK. FAA believes it is appropriate to incorporate additional medications in an EMK if additional medications are required.

3. Universal Precaution Kit

FAA is not proposing UPK requirements in this proposed rulemaking. FAA does not currently regulate UPK; however, AsMA recommended and proposed a model UPK. The purpose of the UPK is to provide Occupational Safety and Health Administration (OSHA)-compliant Personal Protective Equipment (PPE) for crewmembers and on-board volunteer medical responders. The AsMA report recommended UPK include nitrile gloves, sanitizer, absorbent pads, and other necessary PPE for mitigating bodily fluids until the aircraft lands and additional resources are available.

FAA encourages operators to create and maintain their own suite of UPK but declines to propose a regulation requiring it to be onboard aircraft. FAA would provide guidance in its draft Advisory Circular on how an operator might design a UPK if they choose to stock such a kit. The draft Advisory Circular has been placed in the docket for this rulemaking.

4. Emergency Medical Equipment and Automated External Defibrillators (§§ 121.803, 121.805)

Currently, § 121.803, titled *Emergency medical equipment,* contains the requirement that passenger-carrying airplanes must be equipped with approved FAK and EMK, and AEDs. Though Appendix A to part 121 lists specific contents for each kit, § 121.803 contains the regulatory requirement that each passenger-carrying airplane equip each kit. Specifically, § 121.803(c) references Appendix A when describing the contents of both kits. Section 121.803(c)(3) also references emergency medical kits as modified as of April 12, 2004.

FAA proposes to make a conforming amendment to § 121.803(c) to strike the reference to Appendix A and replace it with a reference to § 121.807. FAA finds this action is necessary to remove and reserve Appendix A as part of this rulemaking while still referencing the new, appropriate section in part 121 for each kit's contents. FAA also proposes to remove § 121.803(c)(3) because the reference to an ''approved emergency medical kit as modified effective April 12, 2004'' is no longer relevant given operators would no longer carry EMK more than 20 years old.

In addition, part 121 regulations pertaining to AEDs on aircraft are located in Appendix A. Given FAA does not intend to remove any requirements for AEDs, FAA proposes to redesignate and update this regulatory requirement in § 121.803(c)(3). FAA also proposes to remove the current reference to ''April 30, 2005'' in the removed Appendix A because FAA finds that operators would no longer equip their AEDs with power sources more than 20 years old. FAA finds it is necessary to redesignate this regulatory requirement because FAA proposes to remove and reserve Appendix A. In doing so, FAA does not seek to remove or otherwise modify the manner and means of compliance for operators regarding their AEDs. FAA seeks to maintain the same AED requirements that part 121 operators have followed for decades. Furthermore, the current reference to AEDs is outdated. The current regulations in §§ 121.803(c)(3) and 121.805(b)(1) contain references to 21-year-old EMK that operators no longer use or would be approved to use today. Thus, FAA proposes to relocate the current AED requirements found in Appendix A to § 121.803(c)(3), and FAA proposes to remove references to ''April 12, 2004'' and associated language from §§ 121.803 and 121.805.

B. Crewmember Training

Section 368(a) of the 2024 FAA Reauthorization also directed the NPRM to address training required for flight crewmembers. FAA has considered if changes to required crewmember training are necessary and has concluded the regulations do not require changes at this time.

Currently, § 121.801 establishes that certificate holders or their agents are not required to provide medical care or establish a standard of care; rather, § 121.805 requires each training program to provide instruction as appropriate for each crewmember. Air carriers are currently responsible for instructional training of crewmembers on the location, function, and intended operation of emergency medical equipment and the associated emergency medical event procedures, in accordance with § 121.805(b)(1) and (2). In addition, crewmembers must receive instruction to familiarize them with the content of the EMK, in accordance with § 121.805(b)(3). Familiarization with the content of EMK is appropriate because requiring crewmembers to be skilled in administering the contents of EMK, without medical advice, would require crewmembers to be given medical training. There is no need to change these requirements as part of this rulemaking because the current requirements are flexible enough to accommodate the changes in this proposed rule that would allow operators to change the content of their kits. The current requirements would continue to require crewmembers to be familiar with the content of those changing kits. Therefore, FAA will not take further action to revise crewmember training regulations.

seats, and four FAK for more than 250 passenger seats.

C. Crewmember Training for In-Flight Medical Events (§ 121.805)

Section 121.805 establishes standards for crewmember training concerning the location, function and operation of emergency medical equipment, and the contents of EMK. Though Appendix A is not specifically mentioned in this section, § 121.805(b)(4) provides instruction to familiarize crewmembers with the content of EMK as modified on April 12, 2004. FAA proposes to remove § 121.805(b)(4) because this reference is no longer relevant given operators operating today would not be using pre-April 12, 2004, medical kits, and § 121.805(b)(3) already requires crewmember training to include instruction to familiarize crewmembers with the content of EMK. Therefore, FAA does not believe there is a need to reference pre- and post-April 2004 EMK.

V. Regulatory Notices and Analyses

A. Regulatory Impact Analysis

Executive Order (E.O.) 12866 (''Regulatory Planning and Review'') and E.O. 13563 (''Improving Regulation and Regulatory Review'') require agencies to regulate in the ''most cost-effective manner,'' to make a ''reasoned determination that the benefits of the intended regulation justify its costs,'' and to develop regulations that ''impose the least burden on society.'' FAA has determined this proposed rule is not a significant regulatory action as defined in section (3)(f) of E.O. 12866.

E.O. 14192 (''Unleashing Prosperity through Deregulation''), issued January 31, 2025, instructs agencies to ''alleviate unnecessary regulatory burdens.'' FAA expects this proposed rule, if finalized as proposed, to be an E.O. 14192 deregulatory action.

In conducting this analysis, FAA has determined this proposed rule has benefits that justify its costs. This section provides FAA's analysis of the regulatory impact of the proposed rule.

1. Baseline for Analysis

The existing regulatory framework and practices for equipping a part 121 operator's EMK and FAK constitute the baseline for this analysis. The impacted entities of the proposed rule include all air carriers operating under part 121. FAA uses a 6-year period for this analysis. A 6-year period of analysis encompasses the typical time between granting, amending, and extending new precedent-setting Appendix A exemptions. A 6-year analysis period also encompasses the life span of a typical FAK.[29]

Currently, part 121 operators must have one to four approved FAK based on the number of passenger seats on the aircraft and one approved EMK per aircraft. Each approved kit must contain the medications and medical equipment specified in Appendix A to 14 CFR part 121. In addition to stocking medical kits with the contents required under Appendix A, several operators, including Southwest, United, Alaska, Delta, American,[30] and Frontier Airlines,[31] have voluntarily equipped their EMK with medications to treat medication overdoses. This economic analysis assesses the incremental costs and benefits of the proposed rule against these existing regulatory requirements and practices.

This proposed rule impacts the EMK and FAK on all aircraft conducting part 121 operations. FAA estimates that, in the base year of this analysis, the active affected fleet would include 7,063 active aircraft. Using an assumed annual growth rate of 1.7 percent,[32] FAA estimates the affected population would increase to 7,684 active aircraft throughout the analysis period. Each active aircraft must have one EMK, but the number of FAK required on a part 121 aircraft depends upon the number of passenger seats on the aircraft.[33] FAA estimates there would be 17,807 FAK on the 7,063 active aircraft in the base year of the analysis, and FAA assumes the number of FAK would grow at the same rate as the number of active aircraft (1.7%). Table 1 displays the number of affected aircraft, FAK, and EMK throughout the period of analysis.

TABLE 1—ESTIMATED AFFECTED AIRCRAFT, FAK, AND EMK

Year	Active aircraft	Total FAK	Total EMK
0	7,063	17,807	7,063
1	7,183	18,110	7,183
2	7,306	18,418	7,306
3	7,430	18,731	7,430
4	7,556	19,049	7,556
5	7,684	19,373	7,684

Source: FAA data as of June 2024.

2. Benefits

This rule proposes removing the list of required items in EMK and FAK and replacing those lists with a list of medical events those kits must be able to treat, thereby providing greater flexibility to operators to design their own kits based on current availability of contents. This proposed rule would ensure contents are practical and sufficient to allow crewmembers to address the most common emergency illnesses or injuries that occur onboard commercial aircraft. The proposed rule is necessary to replace prescriptive language within the existing regulation that cannot be kept current with new flexible requirements that address clearly defined risks.

Ideally, the quantification of the potential safety benefits for this proposed regulation would involve a three-step process. FAA would (1) estimate the baseline's expected value of risk; (2) estimate how effectively the proposed rule would mitigate this risk;

[29] *Is Your First Aid Kit Expired?,* American Red Cross (Jun. 17, 2024), *https://www.redcross.org/take-a-class/resources/articles/do-first-aid-kits-expire?srsltid=AfmBOoqnQY86Y1jjz70Z1vFYWGxINry9AMsYJ3QM1qg40-zP0Xsqij2m.*

[30] *Southwest Airlines to Carry Naloxone or ''Narcan'' on Planes Following Pettersen Push,* Office of U.S. Representative Brittany Pettersen (February 1, 2024), *https://pettersen.house.gov/news/documentsingle.aspx?DocumentID=566.*

[31] Carvalho, Anna-Maria, and Vincent Poirier, *Naloxone is becoming more available in airline medical kits,* CMAJ (2018), *https://pmc.ncbi.nlm.nih.gov/articles/PMC6019339/.*

[32] FAA Aerospace Forecast Fiscal Years 2025–2045 (2025), *https://www.faa.gov/data_research/aviation/aerospace_forecasts/FY-2025-2045-Full-Forecast-Document-and-Tables.pdf,* page 103.

[33] The existing requirements for the number of FAK on part 121 aircraft are: 1 FAK for aircraft with less than 50 passenger seats; 2 FAK for aircraft with 51 to 150 passenger seats; 3 FAK for aircraft with 151 to 250 passenger seats; and 4 FAK for aircraft with more than 250 passenger seats. FAA estimated the number of FAK on part 121 aircraft based upon the number of certified passenger seats on all part 121 aircraft. 14 CFR 121, Appendix A (2025).

and (3) multiply the estimates in steps one and two. However, FAA could not quantify the potential safety benefits of the proposed rule because step two relies on data that is not currently available.

Expected Value of Risk for the Baseline

Quantifying the expected value of risk for the baseline is a three-step process. First, FAA identified what could go wrong in the absence of the proposed rule. Outcomes include in-flight medical emergencies, hospitalizations,[34] deaths, and diversions.[35] Second, FAA uses probabilities of what could go wrong through the relative frequency approach.[36] Based upon a 2013 study of over 7 million flights, the New England Journal of Medicine estimated the likelihood of an in-flight medical emergency (0.1664%), a hospitalization (0.043%), a death (0.0005%), and a diversion (0.0123%) on a given flight.[37] Third, FAA quantified the expected value of risk [38] for the baseline using the DOT's Value of Statistical Life (VSL) of $13.7 million [39] and a weighted average cost of a diversion of approximately $132,000.[40] Table 2 displays the expected value of risk for the baseline.

TABLE 2—EXPECTED VALUE OF RISK FOR THE BASELINE

Year	Departures [1]	In-flight medical emergencies	Event frequencies			Cost of adverse outcomes ($M)			Total costs ($M)
			Hosp.[2]	Death	Diversions	Hosp.[2]	Death	Diversions	
0	8,593,688	14,304	3,596	43	1,058	$2,315	$589	$123	$3,083
1	8,739,781	14,547	3,657	44	1,076	2,355	599	125	3,135
2	8,888,357	14,794	3,764	44	1,094	2,423	609	127	3,189
3	9,039,459	15,046	3,828	45	1,113	2,465	619	130	3,243
4	9,193,130	15,302	3,893	46	1,132	2,507	630	132	3,298
5	9,349,413	15,562	3,959	47	1,151	2,549	641	134	3,354

[1] FAA used the 2025–2045 FAA Aerospace Forecast's 2024 domestic departures estimation (8.2 million) with a 1.7% annual departures growth rate (*https://www.faa.gov/data_research/aviation/aerospace_forecasts/FY-2025-2045-Full-Forecast-Document-and-Tables.pdf*).

[2] The number of hospitalizations excludes fatalities.

[3] USDOT's Maximum Abbreviated Injury Scale (MAIS) estimates the cost of non-lethal injuries based upon a fraction of the VSL, with a MAIS 1 injury being a minor injury and a MAIS 5 being a critical injury. FAA assumes that all hospitalizations result in a MAIS 2 (moderate) injury, which is estimated to be 4.7% as costly as a fatality ($643,900). (See: *Departmental Guidance on Valuation of a Statistical Life in Economic Analysis,* U.S. DOT (2025), *https://www.transportation.gov/office-policy/transportation-policy/revised-departmental-guidance-on-valuation-of-a-statistical-life-in-economic-analysis*).

Effectiveness of the Proposed Rule at Mitigating the Baseline's Risk

Although FAA expects the proposed rule to reduce the risk of adverse outcomes relative to the baseline, the Agency does not know the extent of the reduction. Therefore, it was not possible for FAA to quantify the potential safety benefits of this proposed rule. When a proposed rule's effects cannot be quantified or monetized, OMB Circular A–4 requires that FAA present any relevant quantitative information along with a description of unquantified effects.[41] In the following paragraphs, FAA describes why the Agency expects the proposed rule to result in a risk reduction relative to the baseline.

This rule would revise the list of required items in EMK and FAK to ensure contents are up to date, practical, and sufficient to allow crewmembers to address the most common emergency illnesses or accidents that occur onboard commercial aircraft. Having current and appropriate medical supplies onboard aircraft would thus lower risk to the passengers, airline staff, and operators by allowing for effective treatment of life-threatening emergencies aboard aircraft. Lowered risk would likely lead to lower rates of patient morbidity, mortality, and possibly fewer aircraft diversions.

Furthermore, changing the regulatory requirement from a list of items to a list of conditions creates flexibility for operators to use their SMS to reduce medication and equipment or increase medication and equipment based on the emergency medical events the operator encounters or trending aviation medical event data or both. For example, small operators conducting short flights in small aircraft might have different medical event risks than large operators conducting long flights in larger aircraft. The operators monitor medical event data through their SMS and can revise the kit to address the new or increased risk in their operation.

3. Cost Savings

First Aid Kit

FAA finds that affected operators would experience cost savings from the proposed rule's flexible FAK requirements. FAA assumes that purchasing a new FAK would cost approximately 15 percent less due to the proposed rule's flexibilities.[42] FAA requests comment on this assumption. According to a 2024 article by the American Red Cross, most FAK supplies have a shelf life of 5 years.[43] Therefore, FAA assumes a FAK needs to be fully replaced every five years, or alternatively, 20 percent of all FAK must be replaced annually. A standard

[34] Whether or not the passenger was admitted to a hospital.

[35] Whether or not the aircraft was diverted from its intended destination.

[36] The probability of any outcome is roughly equal to the proportion of times it comes up over a long history of repetitions.

[37] Peterson et al., *Outcomes of Medical Emergencies on Commercial Airline Flights,* The New England Journal of Medicine (May 30, 2013), *https://www.nejm.org/doi/10.1056/NEJMoa1212052.*

[38] The expected value of risk is an operation that essentially multiplies the cost consequences of each event by its probability of occurrence and sums all these products over the entire universe of events.

[39] *Departmental Guidance on Valuation of a Statistical Life in Economic Analysis,* U.S. Department of Transportation (2025), *https://www.transportation.gov/office-policy/transportation-policy/revised-departmental-guidance-on-valuation-of-a-statistical-life-in-economic-analysis.*

[40] The cost of a diversion is dependent on several factors, including aircraft size. A 2023 Transportation Research Board research paper estimated that the cost of a diversion ranged from $25,000 for narrow-body aircraft to $100,000 for widebody aircraft. See *Managing a Flight Diversion with an Emergency Response at Small, Non-Hub, or General Aviation Airports,* National Academies of Sciences, Engineering, and Medicine (2023), *https://nap.nationalacademies.org/catalog/26900*). FAA used a weighted average cost of a flight diversion based upon the share of domestic operations in widebody and narrowbody aircraft and then converted this weighted average to 2024 dollars. See *Transtats,* Bureau of Transportation Statistics (2025), *https://www.transtats.bts.gov/Fields.asp?gnoyr_VQ=GED*).

[41] OMB Circular A–4, (2003), page 28. *https://obamawhitehouse.archives.gov/omb/circulars_a004_a-4.*

[42] FAA estimated the cost savings from the FAK recommended, but not required, by the draft Advisory Circular by comparing the cost of each item in the existing FAK to the costs of items in a new FAK, which would comply with the proposed rule's flexible requirements.

[43] *Is Your First Aid Kit Expired?,* American Red Cross (June 17, 2024), *https://www.redcross.org/take-a-class/resources/articles/do-first-aid-kits-expire?srsltid=AfmBOoo_yuYk-rMlMKZxceGppcYP1siQpC5C97i2EOTIog2yQoYE8-DZ.*

part 121 FAK available for purchase from medical supplier Cabin Crew Safety costs $192.50.[44] Based upon the cost savings and kit replacement schedule, FAA estimates that affected operators would save approximately $28.88 every 5 years for each new FAK purchased. Using cost and population projections, FAA estimates that part 121 operators would save $643,943 ($545,557 at a seven percent discount rate and $597,966 at a three percent discount rate) on FAK throughout the period of analysis. Table 3 displays the FAK population and cost savings over the analysis period.

TABLE 3—COST SAVINGS FROM SYMPTOMS-BASED FAK

Year	Total FAK	New or replaced FAK [1]	Per-unit FAK savings	Total FAK savings [2]
0	17,807	3,561	$28.88	$102,842
1	18,110	3,622	28.88	104,603
2	18,418	3,684	28.88	106,382
3	18,731	3,746	28.88	108,190
4	19,049	3,810	28.88	110,027
5	19,373	3,875	28.88	111,898

[1] Assuming 20% of FAK are replaced annually, the number of FAK replaced equals 20% of total FAK in a given year. For example, the number of new or replaced FAK in year 0 is calculated as follows: 3,561 = 20% * 17,807.
[2] Total FAK savings equals the number of new or replaced FAK times the per-unit FAK savings.

Appendix A Exemptions

The proposed rule would eliminate the need for exemptions from EMK and FAK contents requirements because of medication shortages. This would save both FAA and affected entities exemption application and processing costs. To estimate petition for exemption and processing costs, FAA separates exemptions into precedent-setting exemptions, extensions, and amendments.[45] Precedent-setting exemptions incur a greater cost to FAA and industry than non-precedent setting extensions and amendments. FAA assumes amendments and extensions incur the same time and cost burdens, whereas precedent-setting exemptions incur a much greater burden on FAA and industry.[46] Based upon internal estimates of processing time and costs,[47] FAA assumes precedent-setting exemptions cost FAA $2,272 per petition for exemption, whereas amendments and extensions cost FAA $901 per petition for exemption. Table 4 shows the total unit cost of precedent setting and non-precedent setting exemptions.

TABLE 4—PER-UNIT FAA EXEMPTION PROCESSING COSTS

FAA office/role	Annual salary [1]	Fully loaded hourly wage [2]	Amendments and extensions		Precedent setting	
			Labor hours	*Labor cost*	*Labor hours*	*Labor cost*
Petitions Analyst	$67,847	$44.44	1.5	$67	3	$133
Petitions Manager	165,891	108.67	0.5	54	1	109
Attorney	141,125	92.44	0	0	3	277
Flight Standards Administrative	60,489	39.62	2	79	2	79
Flight Standards Analyst	114,298	74.87	5	374	18	1,348
Flight Standards Manager	165,891	108.67	3	326	3	326
Per-Unit Exemption Processing Cost				901		2,272

[1] Source: 2024 Core Compensation Plan (FV) Salary Table, Rest of U.S. Locality (See: *Pay and Benefit,* FAA (2025), *https://www.faa.gov/jobs/working_here/benefits).*
[2] The fully loaded wage is estimated using a fringe benefit of 36.25% (See: OMB Memo M–08–13 (March 11, 2008)) and an estimated 2,080 hours worked annually. For example, the fully loaded hourly wage of a rulemaking analyst is calculated as follows: $50.85 = ($77,631 * 1.3625)/2,080.

[44] *Aircraft First Aid Kit Standard,* Cabin Crew Safety (2025), *https://www.cabincrewsafety.aero//stock/cabin/199/aircraft-first-aid-kit-standard.html.*

[45] Precedent-setting exemptions are exemptions that would provide relief from a section of 14 CFR for which relief has not been provided in the past or that would provide relief under a new factual situation. An extension may be granted when a petitioner states, and FAA agrees, that the conditions and reasons in the original petition and exemption remain unchanged. A petitioner may also request an amendment to its exemption, such as adding aircraft, changing a name, adding a part, or changing a condition or limitation. Most Appendix A precedent-setting exemptions have been initial petitions, and most extensions and amendments have been non-precedent setting. Though precedent-setting exemptions can also be amendments or extensions, in this analysis, FAA assumes all amendments and extensions in the period of analysis are not precedent-setting. Oftentimes, air carrier trade associations file petitions on behalf of their organization and member airlines. When this occurs, each air carrier wishing to exercise the relief provided in a particular grant of exemption must submit a letter of intent to FAA, and FAA must process this letter of intent. In this analysis, FAA assumes no costs to submit or process a letter of intent.

[46] Petitions to amend or extend exemptions are often requested in tandem by a petitioner. For this analysis, FAA assumes the cost burden of an exemption extension/amendment equals the cost and time burden of individual extensions and amendments.

[47] FAA employees from four offices (the Office of Rulemaking, the Office of the Chief Counsel, the Office of Aerospace Medicine, and the Flight Standards Service) process Appendix A exemptions. FAA estimated the labor hours for each role within each office and estimated those labor costs using each role's fully loaded hourly wage. An FAA employee's fully loaded wage is the hourly wage of each employee (assuming an employee works 2,080 hours annually) multiplied by the Federal Government's fringe benefit factor. A fringe benefit factor estimates the additional monetary benefits an employee receives beyond their salary, including insurance and retirement benefits. The Federal Government's fringe benefit rate is 36.25 percent (a fringe benefit factor of 1.3625). See OMB Memo M–08–13 (March 11, 2008).

FAA assumes that, for a petitioner to submit an Appendix A petition for exemption, an administrative assistant prepares the Appendix A petition, and an executive-level employee reviews the petition. For amendments and extensions, FAA assumes an administrative assistant spends 1 hour drafting a petition and an operations manager spends 0.25 hours reviewing the petition. For precedent-setting petitions, FAA assumes administrative assistants spend 1.5 hours drafting a petition and an operations manager spends 0.5 hours reviewing the petition. Using Bureau of Labor Statistics salary estimations, FAA assumes the unitary application cost for a petitioner ranges between $57 and $97. FAA requests comment on the Appendix A application labor and cost assumptions. Table 5 displays the unitary application cost for precedent setting and non-precedent setting petitions.

TABLE 5—PER-UNIT INDUSTRY PETITION FOR EXEMPTION COST

Industry role	Annual salary [1]	Fully loaded hourly wage [2]	Amendments and extensions		Precedent setting	
			Labor hours	*Labor cost*	*Labor hours*	*Labor cost*
Administrative Assistant	$54,060	$33.66	1	$34	1.5	$50
Operations Manager	150,080	93.44	0.25	23	0.5	47
Per-Unit Petition Application Cost				57		97

[1] FAA uses the Bureau of Labor Statistics (BLS) mean annual wage for Office and Administrative Support Occupations to estimate the salary of an Administrative Assistant and General and Operations Managers for an Operations Managers within the Air Transportation industry (See: *Occupational Employment and Wage Statistics Query System,* BLS (May 2024), *https://data.bls.gov/oes*).

[2] The fully loaded wage is estimated using a fringe benefit of 29.5% (See: *Employer Cost for Employee Compensation—December 2024,* BLS (2024), *https://www.bls.gov/news.release/archives/ecec_03142025.pdf*) and an estimated 2,080 hours worked annually. For example, the fully loaded hourly wage of an administrative assistant is calculated as follows: $33.66 = ($54,060 * 1.295)/2,080.

FAA estimated the number of precedent setting and non-precedent setting exemptions based on the number of exemptions from 2016 to 2025. From 2016 to 2025, there were two precedent-setting exemptions, four extensions, and 10 amendments.[48] Based upon this historical data, FAA made the following assumptions for Appendix A petitions for exemption: (1) there would be one new precedent-setting exemption during the analysis period that would be extended biennially; (2) two existing precedent-setting exemptions (10690 and 18955) would exist throughout the period of analysis, and the two active 10690 and one active 18995 exemptions would continue to be extended biennially; and (3) all three exemptions would have amendments granted biennially. Table 6 displays the projected number of precedent setting and non-precedent setting exemptions processed throughout the period of analysis. FAA estimates there would be one precedent-setting exemption, 11 extensions, and nine amendments.

TABLE 6—PROJECTED NUMBER OF EXEMPTIONS IN THE ABSENCE OF THE PROPOSED RULE

Exemption name/type	Year					
	0	1	2	3	4	5
10690 Exemptions						
Non-Precedent Setting:	1	2	1	2	1	2
Extensions		*2*		*2*		*2*
Amendments	*1*		*1*		*1*	
18995 Exemptions						
Non-Precedent Setting:	1	1	1	1	1	1
Extensions		*1*		*1*		*1*
Amendments	*1*		*1*		*1*	
Projected New Exemption						
Precedent Setting Exemption	1	0	0	0	0	0
Non-Precedent Setting:	0	1	1	1	1	1
Extensions			*1*		*1*	
Amendments		*1*		*1*		*1*

Using the estimated unitary costs and exemption projections, FAA estimates that, in the absence of the proposed rule, the existing Appendix A exemption process would cost $21,522 ($18,423 at a seven percent discount rate and $20,074 at a three discount rate) over the period of analysis. Table 7 displays the annual number of exemptions, the costs of industry applications, and FAA's processing costs.

[48] Exemption No. 10690 from 2013, granted airlines represented by Airlines for America (A4A), the National Air Carrier Association (NACA), and the Regional Airline Association (RAA) to operate without meeting the Appendix A requirements for Atropine. Between 2016 and 2025, FAA granted seven amendments and three extensions to Exemption No. 10690, including an amendment (10690E) which expanded the exempted requirements to include Atropine, Dextrose, Epinephrine, and Lidocaine. See FAA Exemption No. 10690E, *Regulations.gov* (2016), *https://www.regulations.gov/document/FAA-2013-0034-0015*). Exemption No. 18995 from 2022 granted airlines represented by A4A, NACA, and RAA to operate without meeting the Appendix A requirements for ammonia inhalants. Between 2022 and 2025, FAA granted one extension and one amendment to Exemption No. 18995. See: FAA Exemption No. 18995, *Regulations.gov* (2022), *https://www.regulations.gov/document/FAA-2021-0706-0001*).

TABLE 7—EXEMPTION COSTS IN THE ABSENCE OF THE PROPOSED RULE

Year	Total exemptions		Industry petition costs			FAA processing costs			Total costs
	Precedent	Non-precedent	Precedent	Non-precedent	Total cost	Precedent	Non-precedent	Total cost	
0	1	2	$97	$114	$211	$2,272	$1,801	$4,073	$4,285
1	0	4	0	228	228	0	3,602	3,602	3,830
2	0	3	0	171	171	0	2,702	2,702	2,873
3	0	4	0	228	228	0	3,602	3,602	3,830
4	0	3	0	171	171	0	2,702	2,702	2,873
5	0	4	0	228	228	0	3,602	3,602	3,830

4. Unquantified Costs

FAA cannot quantify the proposed rule's impact on the costs of EMK because FAA cannot quantify either the costs of new EMK requirements or the cost savings from increased requirement flexibilities. When a proposed rule's effects cannot be quantified or monetized, OMB Circular A–4 requires FAA to present any relevant quantitative information along with a description of unquantified effects.[49] The proposed rule would impose costs on affected operators to equip their EMK through additional supplies, including supplies to treat opioid overdose, childbirth, and supplies for treating children. Though this would present an additional cost for operators, FAA cannot quantify the magnitude of this cost. Further, five operators (Southwest, United, Alaska, Delta, American, and Frontier Airlines) already equip EMK with overdose medication and would not incur an additional cost from the proposed rule's overdose medication requirement. The proposed rule would also grant operators new flexibilities to reduce or replace other medications and equipment, resulting in initial and recurrent EMK cost savings. However, FAA cannot quantify the magnitude of the proposed rule's initial and recurrent EMK cost savings.

Table 8 compares the proposed rule's flexible requirements with the baseline EMK content requirements. FAA requests comment on the unquantified impacts the proposed rule would have on EMK production.

TABLE 8—COMPARISON OF PROPOSED RULE CONDITIONS WITH BASELINE EMK CONTENTS

Baseline EMK contents [quantity]	Proposed rule conditions
Stethoscope [1]	Chest pain and cardiac emergencies such as cardiac arrest, heart attack, unstable angina, or arrhythmia.
CPR mask (3 sizes), 1 pediatric, 1 small adult, 1 large adult, or equivalent.	
Epinephrine 1:10,000, 2 cc, injectable, (single dose ampule or equivalent) [2]	
Atropine, 0.5 mg, 5 cc (single dose ampule or equivalent) [2]	
Aspirin tablets, 325 mg [4]	
Lidocaine, 5 cc, 20 mg/ml, injectable (single dose ampule or equivalent) [2]	
Nitroglycerin tablets, 0.4 mg [10]	
Self-inflating manual resuscitation device with 3 masks (1 pediatric, 1 small adult, 1 large adult or equivalent).	Airway or breathing emergencies, such as asthma attack.
Airways, oropharyngeal (3 sizes): 1 pediatric, 1 small adult, 1 large adult or equivalent	
Bronchodilator, inhaled (metered dose inhaler or equivalent) [1]	
Sphygmomanometer [1]	Sudden impairment of consciousness, such as seizure.
Tourniquet (IV Admin Set) [1]	Sudden onset of major bleeding (hemorrhage).
No baseline content requirements:	Opioid overdose.
Dextrose, 50%/50 cc injectable (single dose ampule or equivalent) [1].	Hypoglycemia.
IV Admin Set (Tubing w/2 Y connectors; Alcohol sponges [2]; Adhesive tape, 1-inch standard roll adhesive; Tape scissors; Tourniquet).	Gastrointestinal (stomach) emergencies.
Saline solution, 500 cc [1]	
Needles (2–18 ga., 2–20 ga., 2–22 ga., or sizes necessary to administer required medications).	
Syringes (1–5 cc, 2–10 cc, or sizes necessary to administer required medications)	
Antihistamine tablets, 25 mg [4]	Anaphylaxis (sudden/acute severe allergic reaction).
Antihistamine injectable, 50 mg, (single dose ampule or equivalent) [2]	
Epinephrine 1:1000, 1 cc, injectable, (single dose ampule or equivalent) [2]	
No baseline content requirements:	Childbirth.
Pairs of Protective nonpermeable gloves or equivalent	*Medications and equipment not paired.*

[49] OMB Circular A–4, (2003), page 28. *https://obamawhitehouse.archives.gov/omb/circulars_a004_a-4.*

TABLE 8—COMPARISON OF PROPOSED RULE CONDITIONS WITH BASELINE EMK CONTENTS—Continued

Baseline EMK contents [quantity]	Proposed rule conditions
Analgesic, non-narcotic, tablets, 325 mg [4] Basic instructions for use of the drugs in the kit.	

5. Summary

The proposed rule may reduce the risk of various negative outcomes that occur during part 121 operations, including in-flight emergencies, hospitalizations, deaths, and aircraft diversions. In addition, part 121 operators and FAA would experience cost savings. Part 121 operators would save on the costs to equip and restock FAK on their aircraft and would save the costs associated with petitioning for an Appendix A exemption. FAA would experience cost savings on the processing of petitions for exemptions from Appendix A. Over the period of analysis, FAA estimates the proposed rule would save industry and FAA $665,476 ($563,992 at a seven percent discount rate and $618,051 at a three percent discount rate) on FAK. Part 121 operators would incur minimal costs to equip EMK with a few additional supplies. Overall, the proposed rule would maintain safety and result in net cost savings for both industry and FAA by creating more flexible EMK and FAK requirements. Table 9 provides a summary of the qualitative benefits and costs and the quantified cost savings to both part 121 operators and FAA.

TABLE 9—SUMMARY OF COSTS

[Millions 2024$]

Qualitative Benefits					
• Reduced probability of medical emergencies during part 121 operations, including in-flight medical emergencies, hospitalizations, deaths, and diversions. • Faster adoption of modern medications and equipment to best address medical emergencies in future part 121 operations.					
Qualitative Costs					
• Costs for affected operators to equip an EMK with additional supplies to treat opioid overdose, childbirth, and supplies for treating children. • Cost savings for affected operators through new flexibilities to reduce or replace other medications and equipment within EMK.					
Cost Savings ($M)					
	2024$	7%	3%	7%	3%
		Present value		Annualized	
FAK Cost Savings					
Total (Part 121 Operators)	$0.644	$0.546	$0.598	$0.114	$0.110
Exemption Cost Savings					
Total Cost Savings:	0.022	0.018	0.020	0.004	0.004
Part 121 Operators	0.001	0.001	0.001	0.000	0.000
FAA	0.020	0.017	0.019	0.004	0.003
Total Cost Savings					
Total Cost Savings:	0.665	0.564	0.618	0.118	0.114
Part 121 Operators	0.645	0.547	0.599	0.115	0.111
FAA	0.020	0.017	0.019	0.004	0.003

B. Regulatory Flexibility Act

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

FAA used the definition of small entities in the RFA for this analysis. The RFA defines small entities as small businesses, small governmental jurisdictions, or small organizations. In 5 U.S.C. 601(3), the RFA defines ''small business'' to have the same meaning as ''small business concern'' under section 3 of the Small Business Act. The Small Business Act authorizes the Small Business Administration (SBA) to define ''small business'' by issuing regulations. SBA (2023) has established size standards for various types of economic activities, or industries, under the North American Industry Classification System (NAICS). These size standards generally define small businesses based on the number of employees or annual receipts.

SBA classifies a scheduled passenger air carrier as a small entity if that scheduled passenger operator has 1,500 or fewer employees.[50] To identify small entities, FAA identified the primary operator and used Bureau of Transportation Statistics (BTS) data to determine whether the operator meets the applicable size standard. Of the 38 passenger-carrying part 121 operators, FAA estimates 17 operators have 1,500 or fewer employees and are classified as small entities.[51] Therefore, FAA has determined this proposed rule will have an impact on a substantial number of small entities.

However, FAA has determined the proposed rule would not have a significant economic impact on a substantial number of small part 121 operators for the following reasons: The proposed rule would impose minimal costs on small entities to equip their EMK through additional supplies, including supplies to treat opioid overdose, childbirth, and supplies for treating children. Overall, the proposed rule would result in cost savings from the proposed new flexible EMK and FAK requirements, which would also eliminate the need for exemption from Appendix A.

Therefore, FAA certifies the proposed rulemaking would not result in a significant economic impact on a substantial number of small entities. FAA solicits comments regarding this determination.

C. International Trade Impact Assessment

The Trade Agreements Act of 1979 (Pub. L. 96–39), as amended by the Uruguay Round Agreements Act (Pub. L. 103–465), prohibits Federal agencies from establishing standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. Pursuant to these Acts, the establishment of standards is not considered an unnecessary obstacle to the foreign commerce of the United States, so long as the standard has a legitimate domestic objective, such as the protection of safety, and does not operate in a manner that excludes imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards.

FAA has assessed the potential effect of this proposed rule and determined it ensures the safety of the American public and does not exclude imports that meet this objective. As a result, FAA does not consider this proposed rule as creating an unnecessary obstacle to foreign commerce.

D. Unfunded Mandates Assessment

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) governs the issuance of Federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a State, local, or Tribal Government or the private sector to incur direct costs without the Federal Government having first provided the funds to pay those costs. FAA determined the proposed rule would not result in the expenditure of $187,000,000 or more ($100,000,000 adjusted for inflation using the most current Implicit Price Deflator for the Gross Domestic Product) by State, local, or Tribal Governments, in the aggregate, or the private sector, in any one year.

E. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) requires FAA to consider the impact of paperwork and other information collection burdens imposed on the public. FAA has determined there would be no new requirement for information collection associated with this proposed rule.

F. International Compatibility

In keeping with U.S. obligations under the Convention on International Civil Aviation, it is FAA policy to conform to International Civil Aviation Organization (ICAO) Standards and Recommended Practices to the maximum extent practicable. ICAO Annex 6, 6.2.2 (a) states, ''An aeroplane shall be equipped with accessible and adequate medical supplies.'' As a recommendation, it further states, ''Medical supplies should comprise: (1) one or more first-aid kits for the use of cabin crew in managing incidents of ill health; and (2) for aeroplanes required to carry cabin crew as part of the operating crew, one universal precaution kit (two for aeroplanes authorized to carry more than 250 passengers) for the use of cabin crew members in managing incidents of ill health associated with a case of suspected communicable disease, or in the case of illness involving contact with body fluids; and (3) for aeroplanes authorized to carry more than 100 passengers, on a sector length of more than two hours, a medical kit, for the use of medical doctors or other qualified persons in treating in-flight medical emergencies.'' Attachment A to Annex 6 provides guidance on the ''types, number, location, and contents of the medical supplies.'' If finalized as proposed, this rule would harmonize with ICAO Annex 6, section 6.2.2 (a) in whole, since prescriptive requirements for the contents of on-board medical kits will be removed.

[50] 13 CFR 121.201.

[51] FAA used BTS' September 2025 airline employment data to estimate the number of small and large part 121 passenger-carrying operators (See: *Airline Employment Data by Month*, BTS (September 2025), *https://www.transtats.bts.gov/Employment/*). FAA assumes all operators who did not meet BTS's size standard for employment reporting are small businesses.

G. Environmental Analysis

FAA has analyzed the environmental impacts of this proposed rule pursuant to the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*). FAA has determined this rule is categorically excluded pursuant to Paragraph B–2.6(f) of Appendix B to FAA Order 1050.1G, FAA National Environmental Policy Act Implementing Procedures.[52] Categorical exclusions are categories of actions the agency has determined normally do not significantly affect the quality of the human environment and therefore do not require either an environmental assessment (EA) or environmental impact statement (EIS).[53] In analyzing the applicability of a categorical exclusion, the agency must also consider whether extraordinary circumstances are present that would warrant the preparation of an EA or EIS.[54] This rulemaking, which will provide additional flexibility to operators in how they stock their EMK, is categorically excluded pursuant to Paragraph B–2.6(f) of FAA Order 1050.1G: ''Regulations, standards, and exemptions.'' FAA does not anticipate any environmental impacts, and there are no extraordinary circumstances present in connection with this rulemaking.

VI. Executive Order Determinations

A. Executive Order 13132, Federalism

FAA has analyzed this proposed rule under the principles and criteria of E.O. 13132, Federalism. FAA has determined this action would not have a substantial direct effect on the States, or the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government, and, therefore, would not have federalism implications.

B. Executive Order 13211, Regulations That Significantly Affect Energy Supply, Distribution, or Use

FAA analyzed this proposed rule under E.O. 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use. FAA has determined it would not be a ''significant energy action'' under the E.O. and would not be likely to have a significant adverse effect on the supply, distribution, or use of energy.

C. Executive Order 13609, Promoting International Regulatory Cooperation

E.O. 13609, Promoting International Regulatory Cooperation, promotes international regulatory cooperation to meet shared challenges involving health, safety, labor, security, environmental, and other issues and to reduce, eliminate, or prevent unnecessary differences in regulatory requirements. FAA has analyzed this action under the policies and agency responsibilities of E.O. 13609 and has determined this action would have no effect on international regulatory cooperation.

D. Executive Order 14192, Unleashing Prosperity Through Deregulation

This proposed rule, if finalized as proposed, is expected to be an E.O. 14192 deregulatory action.

VII. Additional Information

A. Comments Invited

FAA invites interested persons to participate in this rulemaking by submitting written comments, data, or views. FAA also invites comments relating to the economic, environmental, energy, or federalism impacts that might result from adopting the proposals in this document. 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.

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

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

B. 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 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 you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' 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 the person in the **FOR FURTHER INFORMATION CONTACT** section of this document. Any commentary FAA receives that is not specifically designated as CBI will be placed in the public docket for this rulemaking.

[52] 90 FR 29615 (Jul. 3, 2025).

[53] *See* DOT Order 5610.1D § 9.

[54] Id. § 9(b).

C. Electronic Access and Filing

A copy of this NPRM, all comments received, any final rule, and all background material may be viewed online at *www.regulations.gov* using the docket number listed above. 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 the Office of the Federal Register's website at *www.federalregister.gov* and the Government Publishing Office's website at *www.govinfo.gov.* A copy may also be found at FAA's Regulations and Policies website at *www.faa.gov/regulations_policies.*

Copies may also be obtained by sending a request to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Avenue SW, Washington, DC 20591, or by calling (202) 267–9677. Commenters must identify the docket or notice number of this rulemaking.

All documents FAA considered in developing this proposed rule, including economic analyses and technical reports, may be accessed in the electronic docket for this rulemaking.

D. Small Business Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996 requires FAA to comply with small entity requests for information or advice about compliance with statutes and regulations within its jurisdiction. A small entity with questions regarding this document may contact its local FAA official or the person listed under the **FOR FURTHER INFORMATION CONTACT** heading at the beginning of the preamble. To find out more about SBREFA on the internet, visit *www.faa.gov/regulations_policies/rulemaking/sbre_act/.*

List of Subjects in 14 CFR Part 121

Air carriers, Aircraft, Airmen, Aviation safety, Reporting and recordkeeping requirements, Safety, Transportation.

The Proposed Amendment

For the reasons discussed in the preamble, the Federal Aviation Administration proposes to amend chapter I of title 14, Code of Federal Regulations, as follows:

PART 121—OPERATING REQUIREMENTS: DOMESTIC, FLAG, AND SUPPLEMENTAL OPERATIONS

■ 1. The authority citation for part 121 is revised to read as follows:

Authority: 49 U.S.C. 106(f), 40103, 40113, 40119, 41706, 42301 preceding note added by Pub. L. 112–95, sec. 412, 126 Stat. 89, 44101, 44701–44702, 44705, 44709–44711, 44713, 44716–44717, 44722, 44729, 44732; 46105; Pub. L. 111–216, 124 Stat. 2348 (49 U.S.C. 44701 note); Pub. L. 112–95, 126 Stat. 62 (49 U.S.C. 44732 note); Pub. L. 115–254, 132 Stat. 3186 (49 U.S.C. 44701 note) sec. 368, Pub. L. 118–63, 138 Stat. 1330 (49 U.S.C. 44703 note).

■ 2. Amend § 121.803 by:
■ a. Revising paragraph (c) introductory text,
■ b. removing paragraph (c)(3),
■ c. Redesignating paragraph (c)(4) as paragraph (c)(3), and revising redesignated paragraph (c)(3).

The revisions read as follows:

§ 121.803 Emergency medical equipment.

* * * * *

(c) For treatment of injuries, medical events, or minor accidents that might occur during flight time, each airplane must have the following equipment that meets the specifications and requirements of § 121.807:

* * * * *

(3) In airplanes for which a flight attendant is required and with a maximum payload capacity of more than 7,500 pounds, at least one approved automated external defibrillator, legally marketed in the United States in accordance with Food and Drug Administration requirements, that must:

(i) Be stored in the passenger cabin.

(ii) Be maintained in accordance with the manufacturer's specification.

(iii) Have a power source that meets FAA Technical Standard Order requirements for power sources for electronic devices used in aviation as approved by the Administrator.

§ 121.805 [Amended]

■ 3. Amend § 121.805 by removing paragraph (b)(4) and redesignating paragraph (b)(5) as paragraph (b)(4).

■ 4. Add § 121.807 to read as follows:

§ 121.807 Performance requirements for emergency medical kits and first aid kits.

(a) The following items must be readily accessible to the crew, stored securely, and kept free from dust, moisture, and damaging temperatures:

(1) The number of FAA-approved first-aid kits required in paragraph (c) of this section;

(2) At least one emergency medical kit; and

(3) At least one automated external defibrillator complying with § 121.803 requirements.

(b) An aircraft must have a first aid kit(s) that is accessible to crewmembers and provides adequate medical supplies that address injuries. These injuries include abrasions, lacerations, sprains or strains, and fractures.

(c) The minimum number of first aid kits required on an aircraft is set forth in the following table:

Number of passenger seats	Number of first-aid kits
0–50	1
51–150	2
151–250	3
More than 250	4

(d) An aircraft must have an emergency medical kit that includes adequate supplies for medical personnel to provide basic evaluation and initial treatment for both adults and children with immediate life-threatening medical conditions, as found in the table below:

Life-Threatening Conditions

(1) Chest pain and cardiac emergencies such as cardiac arrest, heart attack, unstable angina, or arrhythmia

(2) Airway or breathing emergencies, such as asthma attack

(3) Sudden impairment of consciousness, such as seizure

(4) Major bleeding (hemorrhage)

(5) Opioid overdose

(6) Hypoglycemia

(7) Gastrointestinal (stomach) emergencies

(8) Anaphylaxis (sudden/acute severe allergic reaction)

(9) Childbirth

Appendix A to Part 121—First Aid Kits and Emergency Medical Kits [Removed and Reserved]

■ 5. Remove and reserve Appendix A to part 121.

Issued under authority provided by 49 U.S.C. 106(f), 44701, and Sec. 368 of Public Law 118–63 in Washington, DC.

Susan Northrup,

Federal Air Surgeon, Office of Aerospace Medicine.

[FR Doc. 2026–15929 Filed 8–4–26; 8:45 am]

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Notices

Federal Register
Vol. 91, No. 149
Wednesday, August 5, 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–2026–1156]

Notice of Request for Approval of a New Information Collection; National Animal Health Monitoring System; Poultry 2027 Upland Gamebird and Duck Study

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Request for approval of a new 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 intention to request approval of a new information collection associated with the conduct of the National Animal Health Monitoring System's Upland Gamebird and Duck study in 2027.

DATES: We will consider all comments that we receive on or before October 5, 2026.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *www.regulations.gov.* Enter APHIS–2026–1156 in the Search field. Select the Documents tab, then select the Comment button in the list of documents.
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2026–1156, 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 located 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 the Poultry 2027 Upland Gamebird and Duck Study, contact Ms. Nia Washington-Plaskett, Program Analyst, Center for Epidemiology and Animal Health, VS, APHIS, 2150 Centre Ave., Bldg. B, Fort Collins, CO 80524; telephone 1–866–907–8190, or email *nia.washington-plaskett@usda.gov* or *vs.sp.ceah.pci@usda.gov.* For more detailed 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: National Animal Health Monitoring System; Poultry 2027 Upland Gamebird and Duck Study.

OMB Control Number: 0579–XXXX.

Type of Request: New information collection.

Abstract: Under the Animal Health Protection Act (7 U.S.C. 8301 *et seq.*), the Secretary of Agriculture is authorized to protect the health of the livestock, poultry, and aquaculture populations in the United States by preventing the introduction and interstate spread of serious diseases and pests of livestock, and for eradicating such diseases from the United States when feasible. This authority has been delegated to the Animal and Plant Health Inspection Service (APHIS).

In connection with this mission, APHIS operates the National Animal Health Monitoring System (NAHMS) which collects on a national basis statistically valid and scientifically sound data on the prevalence and economic importance of livestock, poultry, and aquaculture disease risk factors.

NAHMS' studies have evolved into a collaborative industry and government initiative to help determine the most effective means of preventing and controlling diseases of poultry. NAHMS is the only agency responsible for collecting data on poultry health. Participation in any NAHMS study is voluntary, and all data are confidential.

NAHMS plans to conduct the Poultry 2027 Upland Gamebird and Duck Study as part of an ongoing series of NAHMS studies on the U.S. poultry population. This study will support the following objectives: (1) Establish baselines for health and management practices on U.S. upland gamebird operations to support producers and partners in advancing animal health, productivity, and marketability; (2) describe upland gamebird producer preparedness for animal health emergencies, including highly pathogenic avian influenza, to assist producers and partners in disease prevention and control; and (3) describe management protocols and the structure of the commercial duck industry, including movement and biosecurity practices.

The study will consist of two parts. The first part is in collaboration with the National Agricultural Statistics Service (NASS). A survey will be administered to upland gamebird operations in all States. The survey will be administered with three options for completion: Mail, web, or telephone call by NASS enumerators. The second part consists of a duck company-level questionnaire with options to complete the survey electronically or on paper.

The information collected through the study will be analyzed and organized into descriptive reports. Reports will be disseminated by NAHMS to producers, stakeholders, academia, veterinarians, and other interested parties. The collected data will be used to: (1) Establish national and regional production measures for producer, veterinary, and industry references; (2) predict or detect national and regional trends in disease emergence and movement; (3) address emerging issues; (4) aid in disease preparedness; (5) increase understanding about biosecurity practices of upland gamebird producers and biosecurity protocols of duck companies; (6) determine what sort of informational resources may be most useful for upland gamebird producers and how to best dispense new information to this demographic; (7) provide estimates of both outcome (disease or other parameters) and exposure (risks and components) variables that can be used in analytic studies in the future by NAHMS; (8) provide input into the design of surveillance systems for specific diseases; and (9) provide parameters for animal disease spread models.

We are asking the Office of Management and Budget (OMB) to approve our use of these information collection activities for 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 0.195 hours per response.

Respondents:

• Upland gamebird operations (defined as chukars, pheasants, quail, Hungarian partridges, and guineas) with inventories of at least 500 head.

• Representatives of large duck companies.

Estimated annual number of respondents: 2,812.

Estimated annual number of responses per respondent: 4.

Estimated annual number of responses: 9,320.

Estimated total annual burden on respondents: 1,816 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 28th day of July 2026.

Kelly Moore,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2026–15856 Filed 8–4–26; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2020–0021]

Bayer/Monsanto: Determination of Nonregulated Status for MON 87429 Maize Genetically Engineered for Dicamba, Glufosinate, Quizalofop, and 2,4-Dichlorophenoxyacetic Acid (2,4-D) Resistance With Tissue-Specific Glyphosate Resistance Facilitating the Production of Hybrid Maize Seed

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public of our determination that MON 87429 maize, which was developed using genetic engineering for dicamba, glufosinate, quizalofop, and 2,4-dichlorophenoxyacetic acid resistance with tissue-specific glyphosate resistance facilitating the production of hybrid maize seed, is no longer considered regulated. Our determination is based on our evaluation of information and data Bayer/Monsanto submitted in its petition for a determination of nonregulated status, available scientific data, the plant pest risk assessment, and public comments received in response to a previous notice announcing the availability of the petition for nonregulated status and a draft plant pest risk assessment. This notice announces the availability of our written determination and supporting documents.

DATES: This change in regulatory status is recognized as of August 5, 2026.

ADDRESSES: You may read the petition, our determination referenced in this notice, and supporting documents by any of the following methods:

• *Federal eRulemaking Portal:* Go to *www.regulations.gov.* Enter APHIS–2020–0021 in the Search field.

• Our reading room, located in 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: Mr. Alan Pearson, Biotechnology Regulatory Services, APHIS, USDA, 5601 Sunnyside Ave., AP100, Beltsville, MD 20740; (301) 851–3944; email: *alan.pearson@usda.gov.*

SUPPLEMENTARY INFORMATION: Under the authority of the plant pest provisions of the Plant Protection Act (7 U.S.C. 7701–7772, 7781–7786) and the regulations in 7 CFR part 340, ''Introduction of Organisms and Products Altered or Produced Through Genetic Engineering Which Are Plant Pests or Which There Is Reason to Believe Are Plant Pests,'' APHIS regulates, among other things, the introduction (importation, interstate movement, or release into the environment) of organisms and products altered or produced through genetic engineering that are plant pests or that there is reason to believe are plant pests. Such organisms and products are considered ''regulated articles.''

The regulations in § 340.6(a) provide that any person may submit a petition to the Animal and Plant Health Inspection Service (APHIS) seeking a determination that an article should not be regulated under 7 CFR part 340.

APHIS received a petition (APHIS Petition Number 19–316–01p) from Monsanto Company, as a wholly owned subsidiary of Bayer Crop Science (Bayer/Monsanto), seeking a determination of nonregulated status for MON 87429 maize (corn), which has been developed using genetic engineering for dicamba, glufosinate, quizalofop, and 2,4-dichlorophenoxyacetic acid (2,4-D) resistance with tissue-specific glyphosate resistance facilitating the production of hybrid maize seed. The petition provides information in support of petitioners' position that MON 87429 is unlikely to pose a plant pest risk and therefore should not be regulated under APHIS' regulations in 7 CFR part 340.

As part of our decision-making process regarding the organism's regulatory status, APHIS prepared a draft plant pest risk assessment (PPRA) to assess the plant pest risk of the organism.

On May 8, 2020, APHIS published the Bayer/Monsanto petition in the **Federal Register** seeking public comment for a period of 60 days (85 FR 27354–27355; Docket No. APHIS–2020–0021). APHIS received 4,112 comments on the petition. On April 28, 2021, APHIS published a Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) in the **Federal Register** seeking public comment for a period of 30 days (86 FR 22384–22386; Docket No. APHIS–2020–0021). APHIS received 3,069 comments on the NOI.

On March 22, 2024, APHIS published the draft PPRA and draft EIS in the **Federal Register** (89 FR 20424–20425, APHIS–2020–0021) and accepted public comments from March 22, 2024, through May 6, 2024. APHIS received

9,600 comments on the draft EIS and one comment on the draft PPRA. However, on August 18, 2025, APHIS published a withdrawal of the NOI (90 FR 40050; Docket No. APHIS–2025–0029). Therefore, consistent with this August 18, 2025 **Federal Register** notice, APHIS terminated work on the EIS.

Based on APHIS' evaluation in the PPRA of information and data submitted by Bayer/Monsanto in its petition, available scientific data, and public comments received in response to the petition and draft PPRA, APHIS has determined that MON 87429 is unlikely to pose a greater plant pest risk than the unmodified comparator and therefore is no longer subject to our regulations in 7 CFR part 340 governing the introduction of certain organisms developed using genetic engineering.

Copies of the signed determination, PPRA, and response to comments, as well as the previously published petition and supporting documents, are available as indicated in the **ADDRESSES** and **FOR FURTHER INFORMATION CONTACT** sections of this notice.

Authority: 7 U.S.C. 7701–7772 and 7781–7786; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 30th day of July 2026.

Kelly Moore

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2026–15876 Filed 8–4–26; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Forest Service

Information Collection: Land Exchanges

AGENCY: Forest Service, USDA.

ACTION: Notice; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the USDA Forest Service is seeking comments from all interested individuals and organizations on the extension without revision of a currently approved information collection, Land Exchanges.

DATES: Comments must be received in writing on or before October 5, 2026 to be assured of consideration. Comments received after that date will be considered to an extent practicable.

ADDRESSES: Comments may be submitted by mail to Monte Senor, Realty Specialist, Lands, Minerals, and Geology, Forest Service, PO Box 948, Glenwood Springs, CO 81601. Comments also may be submitted via e-mail to *SM.FS.WO_LandStaff@usda.gov.*

FOR FURTHER INFORMATION CONTACT: Monte Senor, Realty Specialist, Lands, Minerals, and Geology, at 970–319–5161. Individuals who use telecommunication devices for the hearing impaired may call 711 to reach the Telecommunications Relay Service, 24 hours a day, every day of the year, including holidays. Copies of the proposed information collection and related materials are available from the contact listed above upon request.

SUPPLEMENTARY INFORMATION:

Title: Land Exchanges.

OMB Number: 0596–0105.

Expiration Date of Approval: April 30, 2027.

Type of Request: Extension without revision of a currently approved information collection.

Abstract: Land exchanges are discretionary, voluntary real estate transactions between the Secretary of Agriculture (acting by and through the Forest Service) and a non-Federal exchange party (or parties). Land exchanges can be initiated by a non-Federal party (or parties), an agent of a landowner, a broker, a third party, or a non-Federal public agency.

If the authorized officer agrees to proceed with an exchange proposal, all prospective parties must execute an Agreement to Initiate as required by Title 36 Code of Federal Regulations (CFR), part 254, subpart A—section 254.4—Agreement to Initiate. The Agreement to Initiate document specifies the preliminary and non-binding intentions of the non-Federal land exchange party and the Forest Service in pursuing a land exchange. The Agreement to Initiate must contain, among other information, the description of properties being considered in the land exchange, an implementation schedule of action items, identification of the party responsible for each action item, as well as target dates for completion of each action item.

After the authorized officer decides to approve the exchange under 36 CFR 254.13, the Forest Service and the non-Federal land exchange party may enter into a binding Exchange Agreement, pursuant to Title 36 CFR part 254, subpart A, section 254.14—Exchange Agreement. Its legally binding effect is subject to the conditions specified in 36 CFR 254.14(b). The Exchange Agreement documents the conditions that must be met to complete the exchange. The Exchange Agreement must contain identification of parties, description of lands and interests to be exchanged, identification of all reserved and outstanding interest, stipulation of any necessary cash equalization, terms regarding responsibility for hazardous substances on the involved non-Federal lands, the agreed-upon values of the involved lands, and all other terms and conditions necessary to complete the exchange.

The Forest Service collects the information from the non-Federal party (or parties) necessary to complete the Agreement to Initiate and the Exchange Agreement. The information is collected by Forest Service personnel from parties involved in the exchange via telephone, email or in person. Data from this information collection is unique to each land exchange and is not available from other sources. No standardized forms are associated with this information collection.

Estimate of Annual Burden

Agreement to Initiate: 3 hours.

Exchange Agreement: 1 hour.

Type of Respondents: Non-Federal party (or parties) that can include landowners, agents of landowners, brokers, a third party or a non-Federal public agency.

Estimated Annual Number of Respondents: 25.

Estimated Annual Number of Responses per Respondent: 1.826.

Estimated Total Annual Burden on Respondents: 88.

Comment Is Invited: Comment is invited on: (1) Whether this collection of information is necessary for the stated purposes and the proper performance of the functions of the Agency, including whether the information will have practical or scientific utility; (2) the accuracy of the Agency's estimate of the burden 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 to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All comments received in response to this notice, including names and addresses when provided, will be a matter of public record. Comments will be summarized and included in the submission request toward Office of Management and Budget approval.

Lisa Northrop,

Deputy Chief, National Forest System.

[FR Doc. 2026–15866 Filed 8–4–26; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–560–849]

Certain Fatty Acids From Indonesia: Preliminary Determination of Critical Circumstances, in Part, in the Countervailing Duty Investigation

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) determines that critical circumstances exist, in part, with respect to imports of certain fatty acids (fatty acids) from Indonesia. The period of investigation is January 1, 2025, through December 31, 2025.

DATES: Applicable August 5, 2026

FOR FURTHER INFORMATION CONTACT: Jon Hall-Eastman or Sophie Egar, 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) 482–6467 or (202) 482–2697, respectively.

SUPPLEMENTARY INFORMATION:

Background

In response to a countervailing duty (CVD) petition filed by Vantage Specialty Chemicals, Inc. (the petitioner), Commerce initiated a CVD investigation of fatty acids from Indonesia on March 9, 2026.[1] On June 29, 2026, the petitioner timely alleged that critical circumstances exist with respect to imports of fatty acids from Indonesia pursuant to section 703(e)(1) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.206.[2] On July 23, 2026, Commerce published its affirmative *Preliminary Determination* in the **Federal Register**.[3]

Critical Circumstances Allegation

The petitioner alleges that critical circumstances exist because it believes that: (1) there is a reasonable basis to believe that the subsidies alleged in this investigation are inconsistent with the Agreement on Subsidies and Countervailing Measures (SCM Agreement) of the World Trade Organization; and (2) there have been massive imports of subject merchandise over a relatively short period given that there was a 24.30 percent increase of U.S. imports of fatty acids from Indonesia during the period February 2026 through April 2026 compared to the period November 2025 through January 2026.[4]

Critical Circumstances Analysis

Section 703(e)(1) of the Act provides that if the petitioner alleges critical circumstances more than 20 days before the date of Commerce's final CVD determination, Commerce shall determine whether there is a reasonable basis to believe or suspect that: (A) the alleged countervailable subsidy is inconsistent with the SCM Agreement; and (B) there have been massive imports of the subject merchandise over a relatively short period. In determining whether there are ''massive imports'' over a ''relatively short period,'' pursuant to section 703(e)(1)(B) of the Act and 19 CFR 351.206(h) and (i), Commerce normally examines: (i) the volume and value of the imports; (ii) seasonal trends; and (iii) the share of domestic consumption accounted for by the imports.[5] Imports must increase by at least 15 percent during the relatively short period to be considered massive.[6] Commerce normally considers the relatively short period to be the period beginning on the date the proceeding begins and ending at least three months later. In practice Commerce typically compares the volume of imports of subject merchandise after the petitioner was filed until the month of publication of the preliminary determination (*i.e.,* the comparison period) to the volume of imports of subject merchandise for a period of comparable duration prior to the filing of the petition (*i.e.,* the base period). However, if Commerce finds that importers, exporters or producers, had reason to believe, at some time prior to the beginning of the proceeding, that a proceeding was likely, Commerce may consider a period of not less than three months from that earlier time.[7]

Alleged Countervailable Subsidies Are Inconsistent With the SCM Agreement

In prior proceedings, Commerce determined that use of an export subsidy program is sufficient to determine that the countervailable subsidy is inconsistent with the SCM Agreement under section 703(e)(l)(A) of the Act. In the *Preliminary Determination,* Commerce found the following programs to be export-contingent and thus inconsistent with the SCM Agreement: Exemption from Import Income Tax Withholding for Companies in Bonded Zones; and Import Duty Exemption on Imported Capital Goods, Machinery, and Equipment in Bonded Zones.[8]

Whether Imports of Subject Merchandise Were Massive Over a Relatively Short Period

To determine whether imports of the mandatory respondent's subject merchandise were massive over a relatively short period, we compared the volume of each mandatory respondent's shipments of subject merchandise, including shipments of their cross-owned affiliates, from September 2025 through January 2026 to the volume of their shipments of subject merchandise from February 2026 through June 2026.[9] Consistent with Commerce's practice, because the petitioner filed the petition in the last half of January 2026, we included shipments during January in the base period, rather than the comparison period.

PT Wilmar Nabati Indonesia and its cross-owned affiliates reported sales volumes for the base and comparison periods, rather than reporting the shipment volumes for the period, as requested by Commerce.[10] Further, PT Wilmar Nabati Indonesia, during the base and comparison periods and reported those sales volumes on an inconsistent basis for the base and

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[1] *See* Petitioner's Letter, ''Petitions for the Imposition of Antidumping and Countervailing Duties on Imports of Certain Fatty Acids from Indonesia and Malaysia,'' dated January 28, 2026 (Petition); *see also Certain Fatty Acids From Indonesia and Malaysia: Initiation of Countervailing Duty Investigations,* 91 FR 12342 (March 9, 2026) (*Initiation Notice*).

[2] *See* Petitioner's Letter, ''Critical Circumstances Allegation and Amendment to Volumes II and IV of the Petitions,'' dated June 29, 2026 (Critical Circumstances Allegation). Because the petitioner submitted its critical circumstances allegation more than 30 days before the scheduled date of the final determination, but less than 20 days before the scheduled date of the preliminary determination, Commerce is issuing this critical circumstances determination within 30 days after the petitioner submitted its critical circumstances allegation, in accordance with sections 703(e)(1) of the Act and 19 CFR 351.206(c)(1) and (2)(ii).

[3] *See Certain Fatty Acids from Indonesia: Preliminary Affirmative Countervailing Duty Determination, and Alignment of Final Determination With Final Antidumping Duty Determination,* 91 FR 46409 (July 23, 2026) (*Fatty Acids from Indonesia Prelim*), and accompanying Preliminary Decision Memorandum (PDM).

[4] *See* Critical Circumstances Allegation at 3, 5, and 8–10 and Exhibit 1.

[5] *See* 19 CFR 351.206(h)(1).

[6] *See* 19 CFR 351.206(h)(2).

[7] *See* 19 CFR 351.206(i).

[8] *See Fatty Acids from Indonesia Prelim* PDM at 24–27.

[9] We did not include July 2026 shipment data in our comparison because the respondents' complete shipment data for July 2026 were not available at the time that Commerce issued this preliminary critical circumstances determination.

[10] *See* PT Wilmar Nabati Indonesia's Letters, ''Critical Circumstances Supplemental Questionnaire Response,'' dated July 24, 2026 and ''Wilmar Monthy {sic} Quantity and Value Data.,'' dated July 10, 2026; *see also* Commerce's Letters, ''Request for Monthly Quantity and Value Shipment Data,'' dated July 2, 2026 and ''Supplemental Questionnaire Regarding Wilmar's Critical Circumstances Questionnaire Response,'' dated July 20, 2026.

comparison periods.[11] As a result, we find that PT Wilmar Nabati Indonesia withheld information requested by Commerce that, in turn, significantly impeded the proceeding, as provided under section 776(a)(2)(A) and (C) of the Act. Thus, in the absence of the necessary information, we have relied on facts otherwise available under 776(a) of the Act to determine whether there were massive shipments by PT Wilmar Nabati Indonesia massive over a relatively short period of time, as defined under 19 CFR 351.206(h). Specifically, as facts available under section 776(a), we have used the sales volumes of in our analysis for PT Wilmar Nabati Indonesia in our analysis but adjusted those volumes to account for the inconsistent reporting basis.[12]

To determine whether imports for all other Indonesian producers of fatty acids were massive over a relatively short period, we compared import volumes from the ITC DataWeb for the Harmonized Tariff Schedule codes listed in the scope for the periods October 2025 through January 2026 and February 2026 through May 2026,[13] after subtracting the shipment volumes reported by PT Musim Mas and sales volumes reported by PT Wilmar Nabati Indonesia (adjusted to account for its inconsistent reporting basis).[14]

Based on the comparisons described above, we preliminarily find that there have been massive imports of the subject merchandise over a relatively short period (a greater than 15 percent increase in import volumes) for PT Wilmar Nabati Indonesia and ''All others'' but not for PT Musim Mas.[15]

Preliminary Critical Circumstance Determination

Based on the above analysis, we preliminarily find that critical circumstances exist for PT Wilmar Nabati Indonesia and ''All others'' because alleged countervailable subsidies are inconsistent with the SCM Agreement and there were massive imports of the subject merchandise over a relatively short period for PT Wilmar Nabati Indonesia and ''All others.'' However, we preliminarily find that critical circumstances do not exist for PT Musim Mas because both criteria under section 703(e)(1) of the Act have not been met, namely there have not been massive imports of subject merchandise from PT Musim Mas over a relatively short period.

Final Critical Circumstances Determination

In accordance with section 705(a)(2) of the Act, Commerce will issue its final critical circumstances determination when it issues its final determination in this investigation.

Public Comment

Interested parties may comment on Commerce's preliminary critical circumstances in their case briefs. Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than seven days after the date on which the last verification report is issued in this investigation. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.[16] Interested parties who submit case briefs or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.[17]

As provided under 19 CFR 351.309(c)(2)(iii) and (d)(2)(iii), we request that interested parties provide at the beginning of their briefs a public, executive summary for each issue raised in their briefs.[18] Further, we request that interested parties limit their executive summary of each issue to no more than 450 words, not including citations. We intend to use the executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final determination in this investigation. We request that interested parties include footnotes for relevant citations in the executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).[19]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce within 30 days after the date of publication of this notice. Requests should contain the party's name, address, and telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

Suspension of Liquidation

In accordance with section 703(e)(2)(A) of the Act, for PT Wilmar Nabati Indonesia and ''all-other'' exporters and producers, we intend to direct U.S. Customs and Border Protection (CBP) to suspend liquidation of any unliquidated entries of subject merchandise from Indonesia entered, or withdrawn from warehouse for consumption, on or after April 24, 2026, which is 90 days prior to the date of publication of the *Preliminary Determination* in the **Federal Register**. For such entries, CBP shall require a cash deposit equal to the estimated preliminary subsidy rates established in the *Preliminary Determination.* This suspension of liquidation will remain in effect until further notice.

U.S. International Trade Commission Notification

In accordance with section 703(f) of the Act, we intend to notify the ITC of this preliminary determination of critical circumstances.

Notification to Interested Parties

This determination is issued and published pursuant to sections 703(e) and 777(i) of the Act and 19 CFR 351.205(c).

Dated: July 30, 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. 2026–15890 Filed 8–4–26; 8:45 am]

BILLING CODE 3510–DS–P

[11] *See* PT Wilmar Nabati Indonesia's Letters, ''Critical Circumstances Supplemental Questionnaire Response,'' dated July 24, 2026.

[12] *See* Memorandum, ''Critical Circumstances Memorandum,'' dated concurrently with this notice (Critical Circumstances Memorandum); *see also* PT Wilmar Nabati Indonesia's Letter, ''Critical Circumstances Supplemental Questionnaire Response,'' dated July 24, 2026.

[13] *See* Critical Circumstances Memorandum. We only used four months of data because June 2026 ITC DataWeb data are not available.

[14] *Id.*

[15] *Id.*

[16] *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*).

[17] *See* 19 CFR 351.309(c)(2) and (d)(2).

[18] We use the term ''issue'' here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

[19] *See APO and Service Final Rule.*

DEPARTMENT OF COMMERCE

International Trade Administration

[A–588–869]

Diffusion-Annealed, Nickel-Plated Flat-Rolled Steel Products From Japan: Preliminary Results and Rescission, in Part, of Antidumping Duty Administrative Review; 2024–2025

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that Toyo Kohan Co., Ltd. (Toyo Kohan) did not make sales of subject merchandise at less than normal value (NV) during the period of review (POR), May 1, 2024, through April 30, 2025. In addition, we are rescinding the review with respect to 14 companies. Interested parties are invited to comment on these preliminary results of review.

DATES: Applicable August 5, 2026.

FOR FURTHER INFORMATION CONTACT: Elizabeth Beuley, AD/CVD Operations, Office IX, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3269.

SUPPLEMENTARY INFORMATION:

Background

On June 25, 2025, based on timely requests for review, in accordance with 19 CFR 351.221(c)(1)(i), we initiated an administrative review of the antidumping duty order on diffusion-annealed, nickel-plated flat-rolled steel products (nickel-plated steel products) from Japan.[1] On July 28, 2025, Commerce selected Toyo Kohan as the mandatory respondent in this review.[2]

Due to the lapse in appropriations and Federal Government shutdown, on November 14, 2025, Commerce tolled all deadlines in administrative proceedings by 47 days,[3] and, due to a backlog of documents that were electronically filed via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS) during the Federal Government shutdown, on November 24, 2025, Commerce tolled all deadlines in administrative proceedings by an additional 21 days.[4] On March 10, 2026, we extended the preliminary results of this review.[5] Accordingly, the deadline for these preliminary results is now July 30, 2026.

For a complete description of the events that followed the initiation of this review, *see* the Preliminary Decision Memorandum.[6] A list of the topics discussed in the Preliminary Decision Memorandum is attached as an Appendix I to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via ACCESS. ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *https://access.trade.gov/frnotices.*

Scope of the Order

The merchandise subject to the *Order* is nickel-plated steel products from Japan. For a complete description of the scope of the *Order, see* the Preliminary Decision Memorandum.

Rescission of Administrative Review, in Part

Pursuant to 19 CFR 351.213(d)(3), it is Commerce's practice to rescind an administrative review of an antidumping duty order where it concludes that there were no suspended entries of subject merchandise during the POR.[7] Normally, upon completion of an administrative review, the suspended entries are liquidated at the antidumping duty assessment rate for the review period.[8] Therefore, for an administrative review to be conducted, there must be a reviewable, suspended entry that Commerce can instruct U.S. Customs and Border Protection (CBP) to liquidate at the AD assessment rate calculated for the POR.[9] Commerce notified all interested parties of its intent to rescind the instant review regarding the companies listed in Appendix II because there were no reviewable, suspended entries of subject merchandise from these companies during the POR and invited interested parties to comment.[10] No party commented on this memorandum. In the absence of any suspended entries of subject merchandise from these companies during the POR, we are rescinding this administrative review for the companies listed in Appendix II, in accordance with 19 CFR 351.213(d)(3).

Methodology

Commerce is conducting this review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act). Export price is calculated in accordance with section 772 of the Act. NV is calculated in accordance with section 773 of the Act. For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum.

Preliminary Results of Review

As a result of this review, we preliminarily determine the following estimated weighted-average dumping margin exists for the period May 1, 2024, through April 30, 2025:

Producer/exporter	Weighted-average dumping margin (percent)
Toyo Kohan Co., Ltd	0.00

Disclosure

Commerce intends to disclose its calculations and analysis performed to interested parties for these preliminary results within five days of any public announcement or, if there is no public announcement, within five days of the

[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 90 FR 26967 (June 25, 2025); *see also Diffusion-Annealed, Nickel-Plated Flat-Rolled Steel Products from Japan: Antidumping Duty Order,* 79 FR 30816 (May 29, 2014) (*Order*).

[2] *See* Memorandum, ''Respondent Identification,'' dated July 18, 2025.

[3] *See* Memorandum, ''Deadlines Affected by the Shutdown of the Federal Government,'' dated November 14, 2025.

[4] *See* Memorandum, ''Tolling of all Case Deadlines,'' dated November 24, 2025.

[5] *See* Memorandum, ''Extension of Deadline for the Preliminary Results of the 2024–2025 Antidumping Administrative Review,'' dated March 10, 2026.

[6] *See* Memorandum, ''Decision Memorandum for the Preliminary Results of the Administrative Review of the Antidumping Duty Order on Diffusion-Annealed, Nickel-Plated Flat-Rolled Steel Products from Japan; 2024–2025,'' dated concurrently withm and hereby adopted by, this notice (Preliminary Decision Memorandum).

[7] *See, e.g., Certain Carbon and Alloy Steel Cut-to Length Plate from the Federal Republic of Germany: Recission of Antidumping Administrative Review; 2020–2021,* 88 FR 4154 (January 24, 2023).

[8] *See* 19 CFR 351.212(b)(1).

[9] *See, e.g., Shanghai Sunbeauty Trading Co.* v. *United States,* 380 F.Supp.3d 1328, 1337 (CIT 2019), at 12 (referring to section 751(a) of the Act, the U.S. Court of International Trade held that ''{w}hile the statute does not explicitly require that an entry be suspended as a prerequisite for establishing entitlement to a review, it does explicitly state the determined rate will be used as the liquidation rate for the reviewed entries. This result can only obtain if the liquidation of entries has been suspended''; *see also Certain Frozen Fish Fillets from the Socialist Republic of Vietnam: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2018–2019,* 86 FR 36102, and accompanying Issues and Decision Memorandum at Comment 4; and *Solid Fertilizer Grade Ammonium Nitrate from the Russian Federation: Notice of Rescission of Antidumping Duty Administrative Review,* 77 FR 65532 (October 29, 2012) (noting that ''for an administrative review to be conducted, there must be a reviewable, suspended entry to be liquidated at the newly calculated assessment rate'').

[10] *See* Memorandum, ''Notice of Intent to Rescind Review, In Part,'' dated August 11, 2025.

date of publication of this notice in accordance with 19 CFR 351.224(b).

Verification

On September 12, 2025, Thomas Steel Strip Corporation, a domestic interested party, requested that Commerce conduct verification of Toyo Kohan's responses.[11] Accordingly, in June 2026, as provided in section 782(i)(3) of the Act, we verified Toyo Kohan's information relied upon for the preliminary results of this review.[12]

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than seven days after the date on which the verification report is issued in this review.[13] Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.[14] Interested parties who submit case briefs or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.[15] All briefs must be filed electronically using ACCESS. An electronically filed document must be received successfully in its entirety in ACCESS by 5:00 p.m. Eastern Time on the established deadline.

As provided under 19 CFR 351.309(c)(2)(iii) and (d)(2)(iii), we request that interested parties provide at the beginning of their briefs a public executive summary for each issue raised in their briefs.[16] Further, we request that interested parties limit their public executive summary of each issue to no more than 450 words, not including citations. We intend to use the public executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final results in this administrative review. We request that interested parties include footnotes for relevant citations in the public executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).[17]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS by 5:00 p.m. Eastern Time within 30 days after the date of publication of this notice. Requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Oral presentations at the hearing will be limited to issues raised in the briefs. If a request for a hearing is made, Commerce will inform parties of the scheduled date for the hearing.[18]

Assessment Rates

Pursuant to section 751(a)(2)(A) of the Act and 19 CFR 351.212(b)(1), Commerce will determine, and CBP shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review.

If Toyo Kohan's weighted-average dumping margin is not zero or *de minimis* (*i.e.,* less than 0.50 percent) in the final results of this review, Commerce intends to calculate importer-specific assessment rates on the basis of the ratio of the total amount of dumping calculated for each importer's examined sales to the total entered value of those sales. Where we do not have entered values for all U.S. sales to a particular importer, we will calculate an importer-specific, per-unit assessment rate on the basis of the ratio of the total amount of dumping calculated for the importer's examined sales to the total quantity of those sales.[19] To determine whether an importer-specific, per-unit assessment rate is *de minimis,* in accordance with 19 CFR 351.106(c)(2), we also will calculate an importer-specific *ad valorem* ratio based on estimated entered values. If Toyo Kohan's weighted-average dumping margin is zero or *de minimis* or where an importer-specific *ad valorem* assessment rate is zero or *de minimis,* we will instruct CBP to liquidate appropriate entries without regard to antidumping duties.[20]

In accordance with Commerce's ''automatic assessment'' practice, for entries of subject merchandise during the POR produced by Toyo Kohan for which it did not know that the merchandise was destined for the United States, we intend to instruct CBP to liquidate those entries at the all-others rate calculated in the less-than-fair-value (LTFV) investigation if there is no rate for the intermediate company(ies) involved in the transaction.[21]

For the companies listed in Appendix II for which the review is being rescinded, Commerce will instruct CBP to assess antidumping duties on all appropriate entries. Antidumping duties shall be assessed at rates equal to the cash deposit rate for estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). Commerce intends to issue rescission instructions to CBP no earlier than 35 days after the date of publication of this notice in the **Federal Register**.

Commerce intends to issue assessment instructions to CBP regarding Toyo Kohan no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

Cash Deposit Requirements

The following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for Toyo Kohan will be that established in the final results of this review, except if the rate is less than 0.50 percent and, therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) for previously investigated or reviewed companies not covered by this review, the cash deposit rate will continue to be the company-specific cash deposit rate published for the most recently completed segment of this proceeding in

[11] *See* Petitioner's Letter, ''Request for Verification,'' dated September 12, 2025.

[12] We intend to issue the verification report after the issuance of these preliminary results.

[13] *See* 19 CFR 351.309(c)(1)(i); *see also* 19 CFR 351.303 (for general filing requirements).

[14] *See* 19 CFR 351.309(d); *see also Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings,* 88 FR 67069, 67077 (September 29, 2023) (*APO and Service Procedures*).

[15] *See* 19 CFR 351.309(c)(2) and (d)(2).

[16] We use the term ''issue'' here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

[17] *See APO and Service Procedures.*

[18] *See* 19 CFR 351.310(d).

[19] *See* 19 CFR 351.212(b)(1).

[20] *See* 19 CFR 351.106(c)(2); *see also Antidumping Proceeding: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings; Final Modification,* 77 FR 8101, 8103 (February 14, 2012).

[21] For a full discussion of this practice, *see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

which the company participated; (3) if the exporter is not a firm covered in this review, or the LTFV investigation, but the manufacturer is, then the cash deposit rate will be the rate established for the most recent segment for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 45.42 percent, the all-others rate established in the LTFV investigation.[22] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification to Interested Parties

We are issuing and publishing these preliminary results of review in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(4).

Dated: July 30, 2026.

Christopher Abbott,

Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix I

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the *Order*
IV. Discussion of the Methodology
V. Particular Market Situation
VI. Currency Conversion
VII. Recommendation

Appendix II

Companies With No Reviewable Entries Rescinded From Review

1. Higuchi Manufacturing Co., Ltd.
2. IHI Corporation
3. JFE Shoji Corporation
4. Kohan Shoji Co., Ltd.
5. Marubeni-Itochu Steel, Inc.
6. Nichias Corporation
7. Nikken Lath Kogyo Co., Ltd.
8. Nippon Steel Trading Co., Ltd.; Nippon Steel Trading Corporation
9. Oneda Electric Corporation
10. Panasonic Operational Excellence Co., Ltd.
11. Rinnai Corporation
12. Sumisho Metalex Corporation
13. Tokyo Metal Resources Co., Ltd.
14. Tomiyasu & Co., Ltd

[22] *See Order.*

[FR Doc. 2026–15877 Filed 8–4–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XF893]

Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands Management Area; Cost Recovery Fee Notice for the Pacific Cod Trawl Cooperative Program

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

ACTION: Notice of standard prices fee percentage.

SUMMARY: NMFS publishes the fee percentage for cost recovery for the Pacific Cod Trawl Cooperative (PCTC) Program. The fee percentage for 2026 is 2.09 percent. This notice is intended to provide the 2026 fee percentage to calculate the required payment for cost recovery fees due by August 31, 2026.

DATES: The fee percentage is valid on August 5, 2026.

FOR FURTHER INFORMATION CONTACT: Tristan Mandeville, Fee Coordinator, 907–586–7105.

SUPPLEMENTARY INFORMATION:

Background

Section 304(d) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) authorizes and requires that NMFS collect cost recovery fees for limited access privilege programs. Cost recovery fees include NMFS' actual costs directly related to its management, data collection, and enforcement of the programs. Section 304(d) of the Magnuson-Stevens Act mandates that cost recovery fees not exceed 3 percent of the annual ex-vessel value of fish harvested under any program subject to a cost recovery fee.

NMFS manages the PCTC Program as a limited access privilege program. On August 8, 2023, NMFS published a final rule to implement the PCTC Program (88 FR 53704). The PCTC Program allocates total allowable catch of Pacific cod to trawl catcher vessels and processors in the Bering Sea and Aleutian Islands Management Area (BSAI). Participants in the PCTC Program must form a cooperative and associate with a processor. The PCTC Program includes a process for calculating and administering cost recovery fees under 50 CFR 679.135. The annual PCTC Program cost recovery process builds on other existing cost recovery requirements implemented under other programs. The fee liability is based on the ex-vessel value of fish harvested in the PCTC Program. Each year, NMFS publishes a notice announcing the fee percentage in the **Federal Register**. The Regional Administrator sends invoices to cooperatives before August 1.

Each PCTC Program cooperative is responsible for payment of the cost recovery fee assessed on Pacific cod landed under the PCTC Program. Each cooperative must submit any cost recovery fee liability payment(s) no later than August 31. NMFS determines the total dollar amount of the fee due by multiplying the NMFS published fee percentage by the annual ex-vessel value of Cooperative Quota (CQ) landings under the PCTC Program, as described in this notice.

If a cooperative fails to pay its cost recovery fee liability by August 31, NMFS will disapprove that cooperative's application to transfer CQ and will not issue a CQ permit the following year until NMFS receives full payment of the fee liability from the cooperative. NMFS will not issue a CQ permit until NMFS receives a complete application for CQ issuance and confirmation of the full payment of any cost recovery fee liability.

Standard Price

For purposes of calculating cost recovery fees, NMFS uses a standard ex-vessel price (standard price) for Pacific cod. A standard price is determined using information on landings purchased (volume) and ex-vessel value paid (value). NMFS annually receives information used to calculate the Pacific cod standard price in the existing BSAI Pacific cod Ex-vessel Volume and Value Report, which is submitted in early November of each year. NMFS uses this existing data source to calculate standard prices and thus determine the annual PCTC Program fishery value, which, along with the direct program costs, is used to calculate the annual PCTC Program cost recovery fee percentage. The standard prices are described in U.S. dollars per pound for landings made during the previous year. NMFS published the standard price of $0.34 per pound for Pacific cod for Trawl Gear in 2025 in the **Federal**

Register on December 5, 2025 (90 FR 56134).

Each landing made under the PCTC Program is multiplied by the standard price to arrive at an ex-vessel value for each landing. These values are summed together to arrive at the ex-vessel value of Pacific cod (*i.e.,* fishery value).

Fee Percentage

Annually, NMFS calculates the total costs directly related to the management, data collection, and enforcement of the program (direct program costs). NMFS captures direct PCTC program costs through an established accounting system that allows NMFS staff to track labor, travel, contracts, and procurement costs. For 2026, the direct program costs for the PCTC Program were tracked from July 1, 2025, to June 30, 2026. A more detailed explanation will be provided in the annual Cost Recovery Report, which will be published in May of 2027.

NMFS then calculates the applicable fee percentage according to the factors and methods described at § 679.135 for the PCTC Program. NMFS used the standard price of $0.34 to calculate the fee percentage applied to landings made in 2026. NMFS determined the fee percentage that applies to landings made in the A and B seasons, which extend from January 20 to June 10, 2025, by dividing the direct program costs by the value of the catch subject to the cost recovery fee.

Using the fee percentage formula described generally above, the estimated percentage of direct program costs to fishery value for the 2026 calendar year is 2.09. For 2026, NMFS applied the fee percentage to each PCTC landing that was debited from a CQ allocation between January 20 and June 10 to calculate the fee liability for each cooperative. A PCTC Program cooperative's 2026 fee payments must be submitted to NMFS on or before August 31, 2026. Payment must be made in accordance with the payment methods set forth in § 679.135(a)(3).

The 2026 fee percentage of 2.09 percent is lower than the 2025 fee percentage of 3.00 percent. Net fishery management costs for 2026 decreased by approximately 17 percent when compared to 2025 and total fishery value increased by approximately 42 percent.

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

Dated: August 3, 2026.

Shannon Bettridge,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2026–15911 Filed 8–4–26; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XF927]

Western Pacific Fishery Management Council; Public Meetings

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

ACTION: Notice of public meeting.

SUMMARY: The Western Pacific Fishery Management Council (Council) will hold its Mariana Archipelago Fishery Ecosystem Plan (FEP) Guam Advisory Panel (AP) to discuss and make recommendations on fishery management issues in the Western Pacific Region.

DATES: The meetings will be held on August 8, 2026. For specific times and agendas, see **SUPPLEMENTARY INFORMATION**.

ADDRESSES: The Council will hold its Mariana Archipelago FEP Guam AP meeting in a hybrid format with in-person and remote participation (Webex) options available for the members and the public. In-person attendance for the Mariana Archipelago FEP Guam AP and public will be hosted at Cliff Pointe, 304 W O'Brien Drive, Hagatña, GU, 96910. Instructions for connecting to the web conference and providing oral public comments will be posted on the Council website at *www.wpcouncil.org.* For assistance with the web conference connection, contact the Council office at (808) 522–8220.

FOR FURTHER INFORMATION CONTACT: Contact Kitty M. Simonds, Executive Director, Western Pacific Fishery Management Council; phone: (808) 522–8220.

SUPPLEMENTARY INFORMATION: The Mariana Archipelago FEP Guam AP will be held between 6 p.m. and 8:30 p.m. (Chamorro Standard Time [ChST]) on Saturday, August 8, 2026.

Public Comment periods will be provided in the agendas. The order in which agenda items are addressed may change. The meetings will run as late as necessary to complete scheduled business.

Schedule and Agenda for the Mariana Archipelago FEP Guam AP Meeting

Saturday, August 8, 2026, 6 p.m. to 8:30 p.m. (ChST)

1. Welcome and Introductions
2. Review of the Last AP Recommendation and Meeting
3. Council Fisheries Issues
   A. Options for Management of Commercial Fishing in waters of the Islands Unit of the Marianas Trench Marine National Monument (MNM)
   B. Social, Economic, Ecological and Management (SEEM) Process Review
4. Council Inflation Reduction Act (IRA) Community Consultation Project Update
   A. Guam Fisher Community Meeting
   B. Malesso Community Based Fishery Management Plan Meeting
5. AP Strategic Planning for 2026
6. Other Business
7. Public Comment
8. Discussion and Recommendations

Special Accommodations

These meetings are accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kitty M. Simonds, (808) 522–8220 (voice) or (808) 522–8226 (fax), at least 5 days prior to the meeting date.

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

Dated: August 3, 2026.

Anna Michelle Harrison,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2026–15898 Filed 8–4–26; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XF925]

Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permits

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

ACTION: Notice; request for comments.

SUMMARY: The Assistant Regional Administrator for Sustainable Fisheries, Greater Atlantic Region, NMFS, has made a preliminary determination that an Exempted Fishing Permit (EFP) application contains all of the required information and warrants further consideration. The EFP would allow federally permitted fishing vessels to fish outside fishery regulations in support of exempted fishing activities proposed by Atlantic Capes Fisheries, Inc. Regulations under the Magnuson-Stevens Fishery Conservation and Management Act require publication of

this notification to provide interested parties the opportunity to comment on applications for proposed EFPs.

DATES: Comments must be received on or before August 20, 2026.

ADDRESSES: You may submit written comments by email: *nmfs.gar.efp@noaa.gov.* Include in the subject line ''Atlantic Capes SCOQ EFP.'' All comments received are a part of the public record and may be posted for public viewing without change. All personal identifying information (*e.g.,* name, address), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''anonymous'' as the signature if you wish to remain anonymous).

FOR FURTHER INFORMATION CONTACT: Christine Ford, Fishery Management Specialist, *christine.ford@noaa.gov,* 978–281–9185.

SUPPLEMENTARY INFORMATION: The applicant submitted a complete application for an EFP to conduct commercial fishing activities that the regulations would otherwise restrict. This EFP would exempt the participating vessels from the following Federal regulations:

TABLE 1—REQUESTED EXEMPTIONS

CFR citation	Regulation	Need for exemption
50 CFR 648.14(j)(1)(iii)	Prohibition against fishing for, retaining, or landing both surfclams and ocean quahogs in or from the EEZ on the same trip.	Retaining and landing both species on the same trip is needed to calculate the amount of mixing in the fishery, to develop protocols for future estimation of discards and mixing at sea, and for shoreside processing.
50 CFR 648.14(j)(1)(iv)	Prohibition against fishing for, retaining, or landing ocean quahogs in or from the EEZ on a trip designated as a surfclam fishing trip under 648.15(b); or fishing for, retaining, or landing surfclams in or from the EEZ on a trip designated as an ocean quahog fishing trip under 648.15(b).	Retaining and landing ocean quahogs on a designated surfclam trip or surfclams on a designated ocean quahog trip is needed to calculate the amount of mixing in the fishery, to develop protocols for future estimation of discards and mixing at sea and for shoreside processing.

TABLE 2—PROJECT SUMMARY

Project title	SCOQ mixing Amendment Accounting Protocols Study.
Project start	09/01/2026.
Project end	08/31/2027.
Project objectives	To conduct industry-funded research to determine best practices and protocols for: (1) Estimating discards of non-target clam species for eVTR reporting; (2) estimating pre-landing bushel volumes of surfclam/ocean quahogs that are mixed in cages; and (3) fully accounting for the volume of bushels separated from mixed cages to be reported to NMFS via vessel trip reports.
Project location	Southern New England and Mid-Atlantic.
Number of vessels	Up to 15.
Number of trips	Up to 1,200.
Trip duration (days)	Up to 2.
Total number of days	Up to 2,400.
Gear type(s)	Dredge.
Number of tows or sets	25 per trip.
Duration of tows or sets	1 hour.

Project Narrative

The purpose of this project is to continue to collect data in support of determining best practices and protocols for estimating discards of non-target clam species, estimating pre-landing bushel volumes of surfclams/ocean quahogs that are in mixed cages, and fully accounting for the volume of bushels separated from mixed cages, to be reported to NMFS via vessel trip reports. This project was issued a previous EFP (24080), under which 255 trips were taken. During each of those trips, volumetric data was collected by the captain/crew on target clam species, non-target clam species, bycatch, and trash/broken shells. Partner organization Rutgers University had scientists aboard 13 EFP trips and collected volumetric data on one of the same tows as the captain/crew, as well as additional tows. The processor provided data on the number of cages, the volume of non-target clams sorted from the total catch, and the volume of trash and bycatch sorted from the total catch. The data collected so far allowed for preliminary progress toward determining best practices and protocols for estimates of catch composition on mixed-catch trips. Specifically, the catch estimate collected by the captain appears to be a fair representation of the mix of target and non-target clams caught. The catch mix determined at the plants represents the mix of clams in the landed catch. This EFP would continue the data collection under the previous EFP, in support of determining the best practices and protocols for estimating catch composition on mixed-catch trips.

Under this EFP, up to 15 vessels would be authorized to fish for, retain, and land both surfclams and ocean quahogs on the same trip, either in mixed or separate cages, regardless of which species the trip was designated for. On each trip, the captain/crew would make independent estimates of mixing using protocols co-developed by scientists, industry, and the Northeast Fisheries Science Center (NEFSC). Processors would independently sort and document catch at the plant. A subset of trips (approximately two per month) would carry a project scientist to collect independent estimates using scientifically derived protocols, taking into consideration methods provided by the Northeast Fisheries Observer Program. Project scientists would also collect estimates at the processing plant,

though not from the same trips on which they collected at-sea estimates.

Vessels would be required to indicate each EFP trip when making the Vessel Monitoring System (VMS) declaration in order to land both surfclams and ocean quahogs on that trip and must submit the appropriate VMS trip-start and trip-end hail forms. Individual Transferable Quota (ITQ) would be used to account for all surfclams and ocean quahogs landed during this project. Vessels would use ITQ cage tags for the target species, and those tag numbers would be reported by the vessel and the processor as usual. The project PI would submit to the Greater Atlantic Regional Fisheries Office (GARFO) processor-sort data for all EFP trips and, on a quarterly basis, ITQ cage tags to fully cover the total number of bushels of non-target clams that are sorted out of landings by the participating processors.

All independent estimates would be submitted to Rutgers University for comparison. Project results would be summarized in a report made available to the Mid-Atlantic Fishery Management Council, NEFSC assessment scientists, and GARFO.

If approved, the applicant may request minor modifications and extensions to the EFP throughout the year. EFP modifications and extensions may be granted without further notice if they are deemed essential to facilitate completion of the proposed research and have minimal impacts that do not change the scope or impact of the initially approved EFP request. Any fishing activity conducted outside the scope of the exempted fishing activity would be prohibited.

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

Dated: August 3, 2026.

Shannon Bettridge,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2026–15915 Filed 8–4–26; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2026–OS–1651]

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense for Research and Engineering (OUSD(R&E)), Department of Defense (DoD).

ACTION: 60-day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the OUSD(R&E) announces proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by October 5, 2026.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

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

Mail: Department of Defense, Office of the Director of Administration and Management, Oversight and Compliance Directorate, Regulatory Division, 4800 Mark Center Drive, Mailbox #24, Suite 05F16, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to Technology Transfer, Transition and Commercial Partnerships (T3CP), Barry Datloff, 301–332–2548, 4800 Mark Center Drive, Alexandria, VA 22311.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Report of Inventions and Subcontracts; Unclassified: DD Form 882–R and Classified: DD Form 882–R; OMB Control Number 0704–RCIS.

Needs and Uses: This information collection is mandated by the Bayh-Dole Act to govern rights allocation for inventions made with federal funding, requiring contractors to disclose inventions and subcontracts and report on their utilization. The DoD replaces the legacy DD Form 882 with two specialized forms: DD Form 882–R for unclassified inventions, submitted annually or at contract closeout to certify disclosures in the iEdison database, and DD Form 882–C for classified inventions, submitted securely due to national security concerns. These processes ensure government contractors comply with reporting requirements, enable the government to secure royalty-free licenses, assume ownership of abandoned inventions, and verify subcontract compliance. Additionally, the data supports enterprise-level analysis of federally funded intellectual property, enhancing contract administration and technology management. Without these collections, the government would lose critical mechanisms to protect and exercise its rights over innovations developed under its funding.

Affected Public: Business or other for profit.

Annual Burden Hours: 4,942.

Number of Respondents: 3,150.

Responses Per Respondent: 1.48.

Annual Responses: 4,662.

Average Burden Per Response: 1.06 hours.

Frequency: Annually.

Dated: August 3, 2026.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2026–15862 Filed 8–4–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Savannah River Site

AGENCY: Office of Environmental Management, Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces an in-person/livestreamed meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Savannah River Site. The Federal Advisory Committee Act requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Tuesday, September 22, 2026; 9 a.m.–4 p.m. EDT.

ADDRESSES: Advanced Manufacturing Collaborative, 4345 Trolley Line Road, Aiken, South Carolina 29801. This meeting will be held in-person at the Advanced Manufacturing Collaborative and streamed on YouTube, no

registration is necessary. The link for the livestream can be found on the following website: *https://www.youtube.com/@SRSCAB/streams.*

FOR FURTHER INFORMATION CONTACT: James Tanner, Office of External Affairs, U.S. Department of Energy, Savannah River Operations Office, P.O. Box A, Aiken, SC 29802; Phone: (803) 646–2167; or Email: *james.tanner@srs.gov.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: At the request of the Assistant Secretary or Field Managers, the Board may provide community-based advice and recommendations concerning any EM program activities, such as clean-up activities and environmental restoration; waste management and disposition; excess facilities; future land use and long-term stewardship; communications; and budget priorities. The Board also provides an avenue to fulfill public participation requirements outlined in the Comprehensive Environmental Response, Compensation, and Liability Act (CERLA), the Resource Conservation and Recovery Act (RCRA), Federal Facility Agreements, Consent Orders, Consent Decrees and Settlement Agreements.

Tentative Agenda: (agenda topics are subject to change; please contact Juanita Campbell at *juanita.campbell@srs.gov* for the most current agenda)

- Chair Update
- Agency Updates
- Program Presentations to the Board
- Board Business
- Public Comments

Public Participation: The meeting is open to the public and public comment can be given orally or in writing. Fifteen minutes are allocated during the meeting for public comment and those wishing to make oral comment will be given a minimum of two minutes to speak. Written comments received at least two working days prior to the meeting will be provided to the members and included in the meeting minutes. Written comments received within two working days after the meeting will be included in the minutes. For additional information on public comment and to submit written comment, please contact *srscitizensadvisoryboard@srs.gov.* The EM SSAB, Savannah River Site, welcomes the attendance of the public at its meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact *srscitizensadvisoryboard@srs.gov* at least seven days in advance of the meeting.

Meeting conduct: The Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Questioning of board members or presenters by the public is not permitted.

Minutes: Minutes will be available at the following website: *www.cab.srs.gov.*

Signing Authority: This document of the Department of Energy was signed on August 3, 2026, by David Borak, Committee Management Officer, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on August 3, 2026.

Jennifer Hartzell,

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

[FR Doc. 2026–15889 Filed 8–4–26; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP26–556–000]

Tres Palacios Gas Storage LLC; Notice of Application and Establishing Intervention Deadline

Take notice that on July 22, 2026, Tres Palacios Gas Storage LLC (Tres Palacios), 915 N Eldridge Parkway, Suite 1100, Houston, Texas 77079, filed an application under section 7(c) of the Natural Gas Act (NGA) and Part 157 of the Commission's regulations requesting authorization for its Smith Cavern Expansion Project (Project). The Project consists of constructing: (1) three new natural gas salt dome storage caverns by converting three existing brine caverns, with a total working gas capacity of approximately 24.8 billion cubic feet (Bcf) and a base gas capacity of approximately 8.93 Bcf, equaling a total capacity of approximately 33.73 (Smith Caverns 5, 6, and 7); (2) 5.4 miles of new 36-inch-diameter pipeline loop; (3) three 1.7-mile-long, 16-inch-diameter pipeline cavern laterals; (4) the new El Campo Compressor Station, including four 5,500 horsepower (hp) reciprocating compressor units; (5) additional facilities at the existing Tres Palacios Gas Storage Facility including three new 5,500 hp reciprocating compressor units, a new compressor building, six cooling bays, and one gas dehydration system; (6) modifications at three existing metering and regulation stations; and (7) associated appurtenant facilities, all located in Matagorda and Wharton Counties, Texas. The Project is designed to increase Tres Palacios' maximum design storage capacity from 63.6 Bcf (42.5 Bcf of working gas capacity) to 97.3 Bcf (67.3 Bcf of working gas capacity), as well as increase injection capability by 650 million cubic feet per day (MMcf/day) for a total of 1,650 MMcf/day of injection capability. Tres Palacios also requests reaffirmation of its authorization to charge market-based rates for its services, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://www.ferc.gov*). From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

User assistance is available for eLibrary and the Commission's website during normal business hours from FERC Online Support at (202) 502–6652 (toll free at 1–866–208–3676) or email at *ferconlinesupport@ferc.gov,* or the Public Reference Room at (202) 502–8371, TTY (202) 502–8659. Email the Public Reference Room at *public.referenceroom@ferc.gov.*

Any questions regarding the proposed project should be directed to Arthur Diestel, Director, Regulatory, Tres Palacios Gas Storage LLC, P.O. Box 1642, Houston, Texas 77251–1642, by phone at (713) 627–5116, or by email at *Arthur.Diestel@enbridge.com.*

Pursuant to section 157.9 of the Commission's Rules of Practice and

Procedure,[1] within 90 days of this Notice the Commission staff will either: complete its environmental review and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or environmental assessment (EA) for this proposal. The filing of an EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Water Quality Certification

Tres Palacios stated that a water quality certificate under section 401 of the Clean Water Act is required for the project from the Railroad Commission of Texas (RRC). When available, Tres Palacios should submit to the Commission a copy of the request for certification for the Commission authorization, including the date the request was submitted to the certifying agency, and either (1) a copy of the certifying agency's decision or (2) evidence of waiver of water quality certification.

Public Participation

There are three ways to become involved in the Commission's review of this project: you can file comments on the project, you can protest the filing, and you can file a motion to intervene in the proceeding. There is no fee or cost for filing comments or intervening. The deadline for filing a motion to intervene is 5:00 p.m. Eastern Time on August 21, 2026. How to file protests, motions to intervene, and comments is explained below.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation (OPP) at (202) 502–6595 or *OPP@ferc.gov.*

Comments

Any person wishing to comment on the project may do so. Comments may include statements of support or objections, to the project as a whole or specific aspects of the project. The more specific your comments, the more useful they will be.

Protests

Pursuant to sections 157.10(a)(4)[2] and 385.211[3] of the Commission's regulations under the NGA, any person[4] may file a protest to the application. Protests must comply with the requirements specified in section 385.2001[5] of the Commission's regulations. A protest may also serve as a motion to intervene so long as the protestor states it also seeks to be an intervenor.

To ensure that your comments or protests are timely and properly recorded, please submit your comments on or before 5:00 p.m. Eastern Time on August 21, 2026.

There are three methods you can use to submit your comments or protests to the Commission. In all instances, please reference the Project docket number CP26–556–000 in your submission.

(1) You may file your comments electronically by using the eComment feature, which is located on the Commission's website at *www.ferc.gov* under the link to Documents and Filings. Using eComment is an easy method for interested persons to submit brief, text-only comments on a project;

(2) You may file your comments or protests electronically by using the eFiling feature, which is located on the Commission's website (*www.ferc.gov*) under the link to Documents and Filings. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''eRegister.'' You will be asked to select the type of filing you are making; first select ''General'' and then select ''Comment on a Filing''; or

(3) You can file a paper copy of your comments or protests by mailing them to the following address below. Your written comments must reference the Project docket number (CP26–556–000).

To file via USPS: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

To file via any other courier: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

The Commission encourages electronic filing of comments (options 1 and 2 above) and has eFiling staff available to assist you at (202) 502–8258 or *FercOnlineSupport@ferc.gov.*

Persons who comment on the environmental review of this project will be placed on the Commission's environmental mailing list, and will receive notification when the environmental documents (EA or EIS) are issued for this project and will be notified of meetings associated with the Commission's environmental review process.

The Commission considers all comments received about the project in determining the appropriate action to be taken. However, the filing of a comment alone will not serve to make the filer a party to the proceeding. To become a party, you must intervene in the proceeding. For instructions on how to intervene, see below.

Interventions

Any person, which includes individuals, organizations, businesses, municipalities, and other entities,[6] has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders issued in this proceeding and to subsequently challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

To intervene, you must submit a motion to intervene to the Commission in accordance with Rule 214 of the Commission's Rules of Practice and Procedure[7] and the regulations under the NGA[8] by the intervention deadline for the project, which is 5:00 p.m. Eastern Time on August 21, 2026. As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as your interest in the proceeding. For an individual, this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene. For more information about motions to intervene, refer to the FERC website at *https://www.ferc.gov/resources/guides/how-to/intervene.asp.*

There are two ways to submit your motion to intervene. In both instances, please reference the Project docket number CP26–556–000 in your submission.

(1) You may file your motion to intervene by using the Commission's eFiling feature, which is located on the Commission's website (*www.ferc.gov*)

[1] 18 CFR 157.9.

[2] 18 CFR 157.10(a)(4).

[3] 18 CFR 385.211.

[4] Persons include individuals, organizations, businesses, municipalities, and other entities. 18 CFR 385.102(d).

[5] 18 CFR 385.2001.

[6] 18 CFR 385.102(d).

[7] 18 CFR 385.214.

[8] 18 CFR 157.10.

under the link to Documents and Filings. New eFiling users must first create an account by clicking on ''eRegister.'' You will be asked to select the type of filing you are making; first select ''General'' and then select ''Intervention.'' The eFiling feature includes a document-less intervention option; for more information, visit *https://www.ferc.gov/docs-filing/efiling/document-less-intervention.pdf.;* or

(2) You can file a paper copy of your motion to intervene, along with three copies, by mailing the documents to the address below. Your motion to intervene must reference the Project docket number CP26–556–000.

To file via USPS: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

To file via any other courier: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

The Commission encourages electronic filing of motions to intervene (option 1 above) and has eFiling staff available to assist you at (202) 502–8258 or *FercOnlineSupport@ferc.gov.*

Protests and motions to intervene must be served on the applicant either by mail at: Arthur Diestel, Director, Regulatory, P.O. Box 1642, Houston, Texas 77251–1642 or by email (with a link to the document) at *Arthur.Diestel@enbridge.com.* Any subsequent submissions by an intervenor must be served on the applicant and all other parties to the proceeding. Contact information for parties can be downloaded from the service list at the eService link on FERC Online. Service can be via email with a link to the document.

All timely, unopposed [9] motions to intervene are automatically granted by operation of Rule 214(c)(1).[10] Motions to intervene that are filed after the intervention deadline are untimely, and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations.[11] A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

Tracking the Proceeding

Throughout the proceeding, additional information about the project will be available from OPP at (202) 502–6595 or on the FERC website at *www.ferc.gov* using the ''eLibrary'' link as described above. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. For more information and to register, go to *www.ferc.gov/docs-filing/esubscription.asp.*

Intervention Deadline: 5:00 p.m. Eastern Time on August 21, 2026

(Authority: 18 CFR 2.1)

Dated: July 31, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–15883 Filed 8–4–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 9985–039]

Rivers Electric, LLC; Notice of Scoping Period Requesting Comments on Environmental Issues for the Proposed Mill Pond Hydroelectric Project

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Subsequent Minor License.

b. *Project No.:* 9985–039.

c. *Date Filed:* March 31, 2025.

d. *Applicant:* Rivers Electric, LLC (Rivers Electric).

e. *Name of Project:* Mill Pond Hydroelectric Project.

f. *Location:* On Catskill Creek in Greene County, New York.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contacts:* Allison Frechette, Regulatory Compliance Director, Relevate Power, 1795 Baseline Road, Grand Island, NY 14072, Email: *Allison.Frechette@hydroval-am.com,* Phone: 800–371–9146; or Jessica Antonez, Regulatory Compliance Specialist, Relevate Power, 1795 Baseline Road, Grand Island, NY 14072, Email: *Jessica.Antonez@hydroval-am.com,* Phone: 800–371–9146.

i. *FERC Contact:* Andy Bernick at (202) 502–8660, or *andrew.bernick@ferc.gov.*

j. The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental document that will discuss the environmental effects of relicensing the Mill Pond Hydroelectric Project. The Commission will use this environmental document in its decision-making process to determine whether to issue a subsequent license for the project.

k. This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies regarding the project. This notice is intended to advise all participants as to the potential scope of the National Environmental Policy Act (NEPA) document and to seek additional information pertinent to this analysis. Commission staff does not intend to issue a separate scoping document.

As part of the NEPA review process, the Commission takes into account concerns the public may have about proposals and the environmental effects that could result from its action whenever it considers the issuance of a hydropower license. This gathering of public input is referred to as ''scoping.'' The main goal of the scoping process is to focus the analysis in the environmental document on the important environmental issues.

l. *Scoping Comments:* By this notice, the Commission requests written public comments on the scope of issues to address in the environmental document. To ensure that your comments are timely and properly recorded, please submit your comments so that the Commission receives them in Washington, DC on or before 5:00 p.m. Eastern Time on August 31, 2026.

Comments should focus on the potential environmental effects and reasonable alternatives. Your input will help the Commission staff determine what issues they need to evaluate in the environmental document. Commission staff will consider all written comments during the preparation of the environmental document.

The Commission strongly encourages electronic filing. Please file scoping comments using the Commission's eFiling system at *https://ferconline.ferc.gov/FERCOnline.aspx.* Commenters can submit brief comments

[9] The applicant has 15 days from the submittal of a motion to intervene to file a written objection to the intervention.

[10] 18 CFR 385.214(c)(1).

[11] 18 CFR 385.214(b)(3) and (d).

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, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852. All filings must clearly identify the project name and docket number on the first page: Mill Pond Hydroelectric Project (P–9985–039).

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.

m. The application is not ready for environmental analysis at this time.

n. *Project Description:* The Mill Pond Project consists of the following existing facilities: (1) a concrete gravity dam approximately 3 to 5 feet high and 130 feet long with a crest elevation of 105 feet mean sea level (msl) topped by 3-foot-high pneumatic flashboards for a spillway crest of 108 feet msl; (2) a 20-foot natural ledge rock fall; (3) a 7.28-acre reservoir with a gross storage capacity of 82 acre-feet at normal water surface elevation of 108 feet msl; (4) an intake structure that includes a trash rack with 1.75-inch clear bar spacing; (5) a 36-inch-diameter concrete trough and conveyance chute adjacent to the intake that passes minimum flows, fish, ice, and debris downstream; (6) an approximately 10-foot-diameter, 147-foot-long steel penstock that bifurcates into two separate, equivalent diameter sections; (7) a powerhouse 30 feet wide and 32 feet long containing two generating units rated at 500 kilowatts (kW) each for a total installed capacity of 1,000 kW; (8) 2.4-kilovolt (kV) generator leads connecting the generating units to a 13.2-kV-ampere step-up transformer located in a small switchyard; (9) a 200-foot-long (mostly underground) transmission line from the step-up transformer to the point of interconnection with the distribution system; and (10) appurtenant facilities.

Existing project recreation access consists of an approximately 250-foot-long public access trail between Route 23B/Main Street and the northern shoreline of the project impoundment, with associated signage, as required by Article 404 of the current license. Rivers Electric proposes to continue operating and maintaining the existing trail, to include vegetation maintenance (*e.g.,* physical removal of poison ivy along the trail), repair or replacement of damaged sections of an existing safety fence (to prevent access to the project facilities and a steep embankment near the project intake), extension of the existing safety fence to the shoreline at normal full pool elevation, and monthly inspections of trail conditions to determine the need for ongoing repairs or maintenance.

Rivers Electric proposes to continue operating the project in a run-of-river mode such that outflow from the project approximates inflow to the project reservoir and to release, through the conveyance chute, a minimum flow of 20 cubic feet per second, or inflow, whichever is less, on a year-round basis as required by Article 402 of the current license.

o. A copy of the application, with details of the proposed project, can be viewed on the Commission's website at *https://www.ferc.gov* using the ''eLibrary'' link. Enter the project's docket number excluding the last three digits in the docket number field to access the document (P–9985). For assistance, contact FERC at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY).

p. *NEPA Process and the Environmental Document:* Any environmental document issued by the Commission will discuss effects that could occur as a result of the project's relicensing under the relevant general resource areas, such as:

- geology and soils;
- water resources;
- fish resources;
- aquatic resources;
- terrestrial resources;
- recreation resources;
- land use resources;
- aesthetic resources;
- cultural resources;
- socioeconomics; and
- air quality.

Commission staff will also evaluate reasonable alternatives to the proposed project or portions of the project and make recommendations on how to lessen or avoid effects on the various resource areas. Your comments will help Commission staff identify and focus on the issues that might have an effect on the human environment and potentially eliminate others from further discussion in the environmental document.

Following this scoping period, Commission staff will determine whether to prepare an Environmental Assessment (EA) or an Environmental Impact Statement (EIS). The EA or EIS will present Commission staff's independent analysis of the issues. If Commission staff prepares an EA, a *Notice of Intent to Prepare an Environmental Assessment* will be issued. The EA may be issued for an allotted public comment period. The Commission would consider timely comments on the EA before making its decision regarding the proposed project. If Commission staff prepares an EIS, a *Notice of Intent to Prepare an Environmental Impact Statement* will be issued. Staff will then prepare a draft EIS which will be issued for public comment. Commission staff will consider all timely comments received during the comment period on the draft EIS and revise the document, as necessary, before issuing a final EIS. Any EA or draft and final EIS will be available in electronic format in the public record through eLibrary. If eSubscribed, you will receive instant email notification when the environmental document is issued (see paragraph (r) of this notice for instructions on using eSubscription).

q. 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.*

This notice is being distributed to the Commission's official mailing list for the project and any additional entities on the applicant's distribution list. You can access the Commission's official mailing list for this project at *https://ferconline.ferc.gov/MailListLOR.aspx?Type=MailList&ListVar=P-9985.* If you want to receive futuremailings for the project and are not included on the Commission's official mailing list, or if you wish to be removed from the Commission's official mailing list, please send your request by email to *FERCOnlineSupport@ferc.gov.* In lieu of an email request, you may submit a paper request. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese,

Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852. All written or emailed requests must specify your wish to be added to or removed from themailing list and must clearly identify the following on the first page: Mill Pond Hydroelectric Project No. 9985–039.

Additionally, the Commission offers a free service called eSubscription, which makes it easy to stay informed of all issuances and submittals regarding the dockets/projects to which you subscribe. These instant email notifications are the fastest way to receive notification and provide a link to the document files which can reduce the amount of time you spend researching proceedings. Go to *https://www.ferc.gov/ferc-online/overview* to register for eSubscription.

In addition to publishing the full text of this notice in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this notice, as well as other documents in the proceeding (*e.g.,* license application) via the internet through the Commission's Home Page (*https://www.ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document (P–9985). For assistance, contact FERC at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY).

(Authority: 18 CFR 2.1)

Dated: July 31, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–15879 Filed 8–4–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP26–19–000]

Columbia Gas Transmission, LLC; Notice of Availability of the Environmental Assessment for the Proposed NKY Gate Enhancement Project

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared an environmental assessment (EA) for the NKY Gate Enhancement Project, proposed by Columbia Gas Transmission, LLC (Columbia) in the above-referenced docket.[1] Columbia requests authorization to construct about 30.2 miles of new natural gas pipeline, abandon 48.5 miles of existing natural gas pipeline, and construct or abandon associated auxiliary and appurtenant facilities in Kentucky and Ohio. The project purpose is to enhance the safety, integrity, and reliability of Columbia's existing natural gas transmission system by replacing vintage pipeline infrastructure originally installed in the 1950s with new, modern pipeline facilities.

Any person wishing to comment on the EA may do so. To ensure consideration of your comments on the proposal prior to making a decision on the project, it is important that the Commission receive your comments on or before 5:00 p.m. Eastern Time on August 31, 2026. Instructions for filing comments are provided on page 4.

FERC is the lead federal agency for authorizing interstate natural gas transmission facilities under the Natural Gas Act of 1938 (NGA) and the lead federal agency for preparation of the EA. The EA assesses the potential environmental effects of the NKY Gate Enhancement Project in accordance with the requirements of the National Environmental Policy Act (NEPA)[2] and the Commission's implementing regulations.[3] The principal purposes of the EA are to: identify and assess the potential effects on the natural and human environment; describe and evaluate reasonable alternatives; identify and recommend mitigation measures; and facilitate public involvement in the environmental review process. The EA concludes that approval of the proposed project would not constitute a major federal action significantly affecting the quality of the human environment.

The EA addresses the potential environmental effects of the construction/installation, operation, and abandonment of the following project facilities:

- installing about 24.62 miles of new 36-inch-diameter natural gas transmission pipeline in northeastern Kentucky (Line AM36), primarily parallelling Columbia's existing Line AM04 and Line AM09 pipelines, crossing the Ohio River and terminating south of Interstate 275 in Ohio;
- installing about 0.10 mile of new 8-inch-diameter natural gas pipeline lateral, beginning at Line AM36 milepost (MP) 2.22, and terminating at the proposed Black River Meter Station in Bracken County, Kentucky;
- installing about 0.36 mile of new 24-inch diameter natural gas pipeline lateral, beginnings at Line AM36 MP 21.50 and terminating at the proposed Cold Spring Meter Station in Campbell County, Kentucky;
- installing about 0.06 mile of new 24-inch-diameter natural gas pipeline lateral, beginning at Line AM36 MP 24.60, and terminating a customer tie-in in Hamilton County, Ohio;
- installing about 5.02 miles of new 30-inch-diameter natural gas pipeline, beginning at Columbia's existing Moorefield Site, and primarily paralleling the existing Line EKY pipeline, and terminating at the existing Carlisle Meter Station in Nicholas County, Kentucky;
- abandoning in-place and by removal a total of about 22.48 miles of existing 24-inch-diameter, interstate, natural gas transmission pipeline (Line AM04), beginning at Columbia's existing Foster Launcher Receiver in Bracken County, KY and terminating before the Ohio River crossing east of Mary Ingles Highway (KY State Highway 445);
- abandoning in-place and by removal a total of about 20.50 miles of existing 26-inch-diamter, interstate, natural gas transmission pipeline (Line AM09), beginning at Columbia's existing Foster Regulator Station in Bracken County, Kentucky and terminating at Columbia's existing Cold Spring Meter Station;
- abandoning in-place and by removal a total of about 4.99 miles of existing 14-inch-diameter, interstate, natural gas transmission pipeline;
- abandoning by removal a total of about 0.57 mile of existing 20-inch-diameter interstate, natural gas transmission pipeline;
- constructing four new meter stations (Bracken Meter Station, Gubsur Mill Meter Station, Parkview Meter Station, UL47 Meter Station);
- modifying six existing stations (Foster Regulator Station; Black River Meter Station, Pendleton Meter Station, Alexandria Meter Station, Cold Spring Meter Station, Carlisle Meter Station); and
- installing tap facilities, launchers/receiver sites, mainline valves, and other associated pipeline facilities.

The Commission mailed a copy of the *Notice of Availability* of the EA to

[1] For tracking purposes under the National Environmental Policy Act, the unique identification number for documents relating to this environmental review is EAXX–019–20–000–1770220686.

[2] National Environmental Policy Act of 1969, as amended (Public Law [Pub. L.] 91–190. 42 U.S.C. 4321–4347, as amended by Pub. L. 94–52, July 3, 1975; Pub. L. 94–83, August 9, 1975; Pub. L. 97–258, 4(b), September 13, 1982; Pub. L. 118–5, June 3, 2023; Pub. L. 119–21, July 4, 2025).

[3] 18 Code of Federal Regulations (CFR) 380.

federal, state, and local government representatives and agencies; elected officials; Native American tribes; environmental and public interest groups; potentially affected landowners and other interested individuals and groups; and libraries and media outlets in the project area. The EA is only available in electronic format. It may be viewed and downloaded from the FERC's website (*www.ferc.gov*), on the natural gas environmental documents page (*https://www.ferc.gov/industries-data/natural-gas/environment/environmental-documents*). In addition, the EA may be accessed by using the eLibrary link on the FERC's website. Click on the eLibrary link (*https://elibrary.ferc.gov/eLibrary/search*), select ''General Search'' and enter the docket number in the ''Docket Number'' field, excluding the last three digits (*i.e.,* CP26–19). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

The EA is not a decision document. It presents Commission staff's independent analysis of the environmental issues for the Commission to consider when addressing the merits of all issues in this proceeding. Under section 7(c) of the NGA, the Commission determines whether interstate natural gas transportation facilities are in the public convenience and necessity and, if so, grants a Certificate of Public Convenience and Necessity to construct and operate them. Section 7(b) of the NGA specifies that no natural gas company shall abandon any portion of its facilities subject to the Commission's jurisdiction without the Commission first finding that the abandonment will not negatively affect the present or future public convenience and necessity. The Commission bases its decisions on both economic issues, including need, and environmental effects.

Your comments should focus on the EA's disclosure and discussion of potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental effects. The more specific your comments, the more useful they will be. For your convenience, there are three methods you can use to file your comments to the Commission. The Commission encourages electronic filing of comments and has staff available to assist you at (866) 208–3676 or *FercOnlineSupport@ferc.gov.* Please carefully follow these instructions so that your comments are properly recorded.

(1) You can file your comments electronically using the eComment feature on the Commission's website (*www.ferc.gov*) under the link to FERC Online. This is an easy method for submitting brief, text-only comments on a project;

(2) You can also file your comments electronically using the eFiling feature on the Commission's website (*www.ferc.gov*) under the link to FERC Online. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''eRegister.'' You must select the type of filing you are making. If you are filing a comment on a particular project, please select ''Comment on a Filing''; or

(3) You can file a paper copy of your comments by mailing them to the Commission. Be sure to reference the project docket number (CP26–19–000) on your letter. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Filing environmental comments will not give you intervenor status, but you do not need intervenor status to have your comments considered. Only intervenors have the right to seek rehearing or judicial review of the Commission's decision. At this point in this proceeding, the timeframe for filing timely intervention requests has expired. Any person seeking to become a party to the proceeding must file a motion to intervene out-of-time pursuant to Rule 214(b)(3) and (d) of the Commission's Rules of Practice and Procedures (18 CFR 385.214(b)(3) and (d)) and show good cause why the time limitation should be waived. Motions to intervene are more fully described at *https://www.ferc.gov/how-intervene.*

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502–6595 or *OPP@ferc.gov.* Additional information about the project is available from the FERC website (*www.ferc.gov*) using the eLibrary link. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *https://www.ferc.gov/ferc-online/overview* to register for eSubscription.

(Authority: 18 CFR 2.1)

Dated: July 31, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–15884 Filed 8–4–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER17–1821–016.

Applicants: Panda Stonewall LLC.

Description: Compliance filing: Potomac Energy Center, LLC submits tariff filing per 35: Compliance Filing in Docket ER17–1821 to be effective 8/5/2025.

Filed Date: 7/31/26.

Accession Number: 20260731–5128.

Comment Date: 5 p.m. ET 8/21/26.

Docket Numbers: ER26–3342–000.

Applicants: Public Service Company of Colorado.

Description: 205(d) Rate Filing: 2026–07–30 Concurrence to 93–SLC–0229—TSGT filing in ER26–2286–000 to be effective 9/30/2026.

Filed Date: 7/30/26.

Accession Number: 20260730–5145.

Comment Date: 5 p.m. ET 8/20/26.

Docket Numbers: ER26–3343–000.

Applicants: SR Quincy Valley, LLC.

Description: Initial Rate Filing: Market-Based Rate Application & Request for Confidential Treatment to be effective 9/29/2026.

Filed Date: 7/30/26.

Accession Number: 20260730–5170.

Comment Date: 5 p.m. ET 8/20/26.

Docket Numbers: ER26–3344–000.

Applicants: UGI Utilities, Inc., LONE STAR PIPELINE COMPANY.

Description: 205(d) Rate Filing: UGI Utilities Inc. submits tariff filing per 35.13(a)(2)(iii: UGIU submits revisions to OATT Attachment H–8C to be effective 10/1/2026.

Filed Date: 7/31/26.

Accession Number: 20260731–5016.
Comment Date: 5 p.m. ET 8/21/26.

Docket Numbers: ER26–3345–000.
Applicants: BIV Generation Company, L.L.C.
Description: 205(d) Rate Filing: Normal filing 2026 to be effective 8/1/2026.
Filed Date: 7/31/26.
Accession Number: 20260731–5072.
Comment Date: 5 p.m. ET 8/21/26.

Docket Numbers: ER26–3346–000.
Applicants: Colorado Power Partners.
Description: 205(d) Rate Filing: Normal filing 2026 to be effective 8/1/2026.
Filed Date: 7/31/26.
Accession Number: 20260731–5074.
Comment Date: 5 p.m. ET 8/21/26.

Docket Numbers: ER26–3347–000.
Applicants: Consolidated Edison Company of New York, Inc.
Description: 205(d) Rate Filing: Standby Service Customers Above 138 kV to be effective 8/1/2026.
Filed Date: 7/31/26.
Accession Number: 20260731–5079.
Comment Date: 5 p.m. ET 8/21/26.

Docket Numbers: ER26–3348–000.
Applicants: The Empire District Electric Company, Southwest Power Pool, Inc.
Description: 205(d) Rate Filing: The Empire District Electric Company submits tariff filing per 35.13(a)(2)(iii: Empire District Electric Company Forward-Looking Formula Rate to be effective 1/1/2027.
Filed Date: 7/31/26.
Accession Number: 20260731–5085.
Comment Date: 5 p.m. ET 8/21/26.

Docket Numbers: ER26–3349–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: 205(d) Rate Filing: 2026–07–31_SA 2680 NSP–NSP 2nd Rev GIA (J290) to be effective 7/23/2026.
Filed Date: 7/31/26.
Accession Number: 20260731–5087.
Comment Date: 5 p.m. ET 8/21/26.

Docket Numbers: ER26–3350–000.
Applicants: Southern California Edison Company.
Description: 205(d) Rate Filing: Amended Laguna Bell-Vernon Interconnection SA (EAK048/FERC RS No. 472) to be effective 10/1/2026.
Filed Date: 7/31/26.
Accession Number: 20260731–5090.
Comment Date: 5 p.m. ET 8/21/26.

Docket Numbers: ER26–3351–000.
Applicants: Antrim Wind Energy LLC.
Description: Compliance filing: Notice of Non-Material Change in Status of TransAlta MBR Sellers to be effective 9/30/2026.
Filed Date: 7/31/26.
Accession Number: 20260731–5094.
Comment Date: 5 p.m. ET 8/21/26.

Docket Numbers: ER26–3352–000.
Applicants: Big Level Wind LLC.
Description: Compliance filing: Notice of Non-Material Change in Status of TransAlta MBR Sellers to be effective 9/30/2026.
Filed Date: 7/31/26.
Accession Number: 20260731–5096.
Comment Date: 5 p.m. ET 8/21/26.

Docket Numbers: ER26–3353–000.
Applicants: HORIZON HILL WIND, LLC.
Description: Compliance filing: Notice of Non-Material Change in Status of TransAlta MBR Sellers to be effective 9/30/2026.
Filed Date: 7/31/26.
Accession Number: 20260731–5101.
Comment Date: 5 p.m. ET 8/21/26.

Docket Numbers: ER26–3354–000.
Applicants: Lakeswind Power Partners, LLC.
Description: Compliance filing: Notice of Non-Material Change in Status of TransAlta MBR Sellers to be effective 9/30/2026.
Filed Date: 7/31/26.
Accession Number: 20260731–5102.
Comment Date: 5 p.m. ET 8/21/26.

Docket Numbers: ER26–3355–000.
Applicants: TransAlta Centralia Generation LLC.
Description: Compliance filing: Notice of Non-Material Change in Status of TransAlta MBR Sellers to be effective 9/30/2026.
Filed Date: 7/31/26.
Accession Number: 20260731–5107.
Comment Date: 5 p.m. ET 8/21/26.

Docket Numbers: ER26–3356–000.
Applicants: TransAlta Energy Marketing Corp.
Description: Compliance filing: Notice of Non-Material Change in Status of TransAlta MBR Sellers to be effective 9/30/2026.
Filed Date: 7/31/26.
Accession Number: 20260731–5108.
Comment Date: 5 p.m. ET 8/21/26.

Docket Numbers: ER26–3357–000.
Applicants: Ranchland Solar, LLC.
Description: 205(d) Rate Filing: Revised Market-Based Rate Tariff to be effective 8/1/2026.
Filed Date: 7/31/26.
Accession Number: 20260731–5109.
Comment Date: 5 p.m. ET 8/21/26.

Docket Numbers: ER26–3358–000.
Applicants: TransAlta Energy Marketing (U.S.) Inc.
Description: Compliance filing: Notice of Non-Material Change in Status of TransAlta MBR Sellers to be effective 9/30/2026.
Filed Date: 7/31/26.
Accession Number: 20260731–5111.
Comment Date: 5 p.m. ET 8/21/26.

Docket Numbers: ER26–3359–000.
Applicants: Southern California Edison Company.
Description: Tariff Amendment: Cancel GIA DSA, Tulare 40, WDT1580, SA Nos. 1208–1209 to be effective 8/1/2026.
Filed Date: 7/31/26.
Accession Number: 20260731–5113.
Comment Date: 5 p.m. ET 8/21/26.

Docket Numbers: ER26–3360–000.
Applicants: TransAlta Wyoming Wind LLC.
Description: Compliance filing: Notice of Non-Material Change in Status of TransAlta MBR Sellers to be effective 9/30/2026.
Filed Date: 7/31/26.
Accession Number: 20260731–5114.
Comment Date: 5 p.m. ET 8/21/26.

Docket Numbers: ER26–3361–000.
Applicants: WHITE ROCK WIND EAST, LLC.
Description: Compliance filing: Notice of Non-Material Change in Status of TransAlta MBR Sellers to be effective 9/30/2026.
Filed Date: 7/31/26.
Accession Number: 20260731–5117.
Comment Date: 5 p.m. ET 8/21/26.

Docket Numbers: ER26–3362–000.
Applicants: WHITE ROCK WIND WEST, LLC.
Description: Compliance filing: Notice of Non-Material Change in Status of TransAlta MBR Sellers to be effective 9/30/2026.
Filed Date: 7/31/26.
Accession Number: 20260731–5120.
Comment Date: 5 p.m. ET 8/21/26.

Docket Numbers: ER26–3363–000.
Applicants: J.P. Morgan Ventures Energy Corporation.
Description: 205(d) Rate Filing: J.P. Morgan Ventures Energy Corp. Q2 2026 Change in Status to be effective 8/1/2026.
Filed Date: 7/31/26.
Accession Number: 20260731–5121.
Comment Date: 5 p.m. ET 8/21/26.

Docket Numbers: ER26–3364–000.
Applicants: Pierpont Energy Prepay 9, LLC.
Description: 205(d) Rate Filing: Pierpont Energy Prepay 9, LLC Q2 2026 Change in Status to be effective 8/1/2026.
Filed Date: 7/31/26.
Accession Number: 20260731–5122.
Comment Date: 5 p.m. ET 8/21/26.

Docket Numbers: ER26–3365–000.
Applicants: Pierpont Energy Prepay 10, LLC.
Description: 205(d) Rate Filing: Pierpont Energy Prepay 10, LLC Q2

2026 Change in Status to be effective 8/1/2026.

Filed Date: 7/31/26.

Accession Number: 20260731–5127.

Comment Date: 5 p.m. ET 8/21/26.

Docket Numbers: ER26–3366–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: 205(d) Rate Filing: 2026–07–31 Attachment GGG MHVDC Limited Operations to be effective 9/30/2026.

Filed Date: 7/31/26.

Accession Number: 20260731–5129.

Comment Date: 5 p.m. ET 8/21/26.

Docket Numbers: ER26–3367–000.

Applicants: Southwest Power Pool, Inc.

Description: 205(d) Rate Filing: 4927 The Energy Authority PTP Agreement to be effective 7/1/2026.

Filed Date: 7/31/26.

Accession Number: 20260731–5131.

Comment Date: 5 p.m. ET 8/21/26.

Docket Numbers: ER26–3368–000.

Applicants: Southwest Power Pool, Inc.

Description: 205(d) Rate Filing: 4930 The Energy Authority PTP Agreement to be effective 7/1/2026.

Filed Date: 7/31/26.

Accession Number: 20260731–5134.

Comment Date: 5 p.m. ET 8/21/26.

Docket Numbers: ER26–3369–000.

Applicants: Portland General Electric Company.

Description: 205(d) Rate Filing: OATT Attachment G Revision to be effective 9/29/2026.

Filed Date: 7/31/26.

Accession Number: 20260731–5136.

Comment Date: 5 p.m. ET 8/21/26.

Docket Numbers: ER26–3370–000.

Applicants: Southwest Power Pool, Inc.

Description: 205(d) Rate Filing: 4931 The Energy Authority PTP Agreement to be effective 7/1/2026.

Filed Date: 7/31/26.

Accession Number: 20260731–5137.

Comment Date: 5 p.m. ET 8/21/26.

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 31, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026–15885 Filed 8–4–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 175–032]

Pacific Gas and Electric Company; Notice of Availability of Environmental Assessment

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR part 380, the Office of Energy Projects has reviewed the application for a new license to continue to operate and maintain the Balch Hydroelectric Project No. 175. The existing 131.52-megawatt (MW) project is located on the North Fork Kings River in Fresno County, California, approximately 45 miles northeast of the City of Fresno. The project currently occupies 506.28 acres of federal land in the Sierra and Sequoia National Forests managed by the U.S. Forest Service. Commission staff has prepared an Environmental Assessment (EA) for the project.

The EA contains staff's analysis of the potential environmental impacts of the project and concludes that licensing the project, with appropriate environmental protective measures, would not constitute a major federal action that would significantly affect the quality of the human environment.

The Commission provides all interested persons with an opportunity to view and/or print the EA via the internet through the Commission's Home Page (*http://www.ferc.gov/*), using the ''eLibrary'' link. Enter the docket number, excluding the last three digits in the docket number field (*i.e.,* P–175), to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* or at (866) 208–3676 (toll-free), or (202) 502–8659 (TTY).

You may also register online at *https://ferconline.ferc.gov/FERCOnline.aspx* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

Any comments should be filed with the Commission by 5:00 p.m. Eastern Time on Monday, August 31, 2026.

The Commission strongly encourages electronic filing. Please file comments using the Commission's eFiling system at *https://ferconline.ferc.gov/FERCOnline.aspx.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *https://ferconline.ferc.gov/QuickComment.aspx.* For assistance, please contact FERC Online Support. In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number P–175–032.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502–6595 or *OPP@ferc.gov.*

For further information, contact Benjamin Mann at (202) 502–8027 or at *Benjamin.mann@ferc.gov.*

(Authority: 18 CFR 2.1)

Dated: July 31, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–15882 Filed 8–4–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. P- 597–025; Docket No. P–15372–000]

PacifiCorp; Notice of Intent To Prepare an Environmental Assessment

On August 23, 2024, and supplemented on September 17, 2024,

PacifiCorp filed an application seeking an exemption from the licensing requirements of Part 1 of the Federal Power Act (conduit exemption, Stairs Project No. 15372), and an administrative surrender of the license for the Stairs Project No. 597. The project is located along Big Cottonwood Creek, near the city of Cottonwood Heights, in Salt Lake County, Utah, and occupies federal lands within the Uinta-Wasatch-Cache National Forest managed by the U.S. Forest Service.

PacifiCorp's application seeks a conduit exemption for the hydropower project currently licensed as the Stairs Project No. 597, and an administrative surrender of the project's license. The proposal does not involve any construction, modification, deconstruction, or ground disturbance. PacifiCorp would continue operating the project as it currently does; however, certain currently licensed facilities would be administratively removed from the Commission's jurisdiction as part of the license surrender (*i.e.,* 150-foot-long and 35-foot-high diversion dam (Storm Mountain Dam); spillway; intake structure; 2,850-foot-long penstock; 7-foot-wide by 5.3-foot-deep tailrace; and other appurtenances). Other facilities would remain under the Commission's jurisdiction as part of the conduit exemption (*i.e.,* 100-foot-wide by 35-foot-long powerhouse containing one generating unit with an installed capacity of 1,200 kilowatts and appurtenances).

On May 15, 2025, Commission staff issued public notice of the application and established deadlines for filing comments, motions to intervene, and protests by July 14, 2025, and reply comments by August 28, 2025. On July 1, 2025, the Forest Service filed a notice of intervention.

This notice identifies Commission staff's intention to prepare an environmental assessment (EA) under the National Environmental Policy Act (42 U.S.C. 4321 *et seq)* for the project.[1] Commission staff plans to issue an EA by November 6, 2026. Revisions to the schedule may be made as appropriate. The EA will be issued for a 30-day comment period. All comments filed on the EA will be reviewed by staff and considered in the Commission's final decision on the proceeding.

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.*

Any questions regarding this notice may be directed to Christopher Chaney at (202) 502–6778 or *christopher.chaney@ferc.gov.*

(Authority: 18 CFR 2.1)

Dated: July 31, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–15881 Filed 8–4–26; 8:45 am]

BILLING CODE 6717–01–P

[1] The unique identification number for documents relating to this environmental review is EAXX–019–20–000–1784124301.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG26–281–000.
Applicants: Flint Grid, LLC.
Description: Flint Grid, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.
Filed Date: 7/28/26.
Accession Number: 20260728–5135.
Comment Date: 5 p.m. ET 8/18/26.

Docket Numbers: EG26–282–000.
Applicants: Duffy Energy Storage LLC.
Description: Duffy Energy Storage LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.
Filed Date: 7/30/26.
Accession Number: 20260730–5184.
Comment Date: 5 p.m. ET 8/20/26.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER22–1875–001.
Applicants: RE Gaskell West 2 LLC.
Description: Compliance filing: Notice of Change in Status and Revised Market-Based Rate Tariff to be effective 9/30/2026.
Filed Date: 7/31/26.
Accession Number: 20260731–5198.
Comment Date: 5 p.m. ET 8/21/26.

Docket Numbers: ER22–1876–001.
Applicants: RE Gaskell West 3 LLC.
Description: Compliance filing: Notice of Change in Status and Revised Market-Based Rate Tariff to be effective 9/30/2026.
Filed Date: 7/31/26.
Accession Number: 20260731–5201.
Comment Date: 5 p.m. ET 8/21/26.

Docket Numbers: ER25–758–001.
Applicants: Pleasant Valley Solar, LLC.
Description: Compliance filing: Notice of Change in Status and Revised Market-Based Rate Tariff to be effective 9/30/2026.
Filed Date: 7/31/26.
Accession Number: 20260731–5206.
Comment Date: 5 p.m. ET 8/21/26.

Docket Numbers: ER26–1654–001.
Applicants: Gaskell West Storage I LLC.
Description: Compliance filing: Notice of Change in Status and Revised Market-Based Rate Tariff to be effective 9/30/2026.
Filed Date: 7/31/26.
Accession Number: 20260731–5191.
Comment Date: 5 p.m. ET 8/21/26.

Docket Numbers: ER26–2540–001.
Applicants: Duke Energy Carolinas, LLC, Duke Energy Florida, LLC.
Description: Tariff Amendment: Duke Energy Carolinas, LLC submits tariff filing per 35.17(b): DEF—Deficiency Letter Response to be effective 6/1/2026.
Filed Date: 7/31/26.
Accession Number: 20260731–5203.
Comment Date: 5 p.m. ET 8/21/26.

Docket Numbers: ER26–3371–000.
Applicants: Southwest Power Pool, Inc.
Description: 205(d) Rate Filing: 4939 The Energy Authority PTP Agreement to be effective 7/1/2026.
Filed Date: 7/31/26.
Accession Number: 20260731–5139.
Comment Date: 5 p.m. ET 8/21/26.

Docket Numbers: ER26–3372–000.
Applicants: Southwest Power Pool, Inc.
Description: 205(d) Rate Filing: 4940 The Energy Authority PTP Agreement to be effective 7/1/2026.
Filed Date: 7/31/26.
Accession Number: 20260731–5142.
Comment Date: 5 p.m. ET 8/21/26.

Docket Numbers: ER26–3373–000.
Applicants: Pacific Gas and Electric Company.
Description: 205(d) Rate Filing: WDT SA 275: City and County of San Francisco Q2 2026 Filing to be effective 6/30/2026.
Filed Date: 7/31/26.
Accession Number: 20260731–5143.
Comment Date: 5 p.m. ET 8/21/26.

Docket Numbers: ER26–3374–000.
Applicants: Southwest Power Pool, Inc.
Description: 205(d) Rate Filing: 4941 The Energy Authority PTP Agreement to be effective 7/1/2026.
Filed Date: 7/31/26.
Accession Number: 20260731–5144.
Comment Date: 5 p.m. ET 8/21/26.

Docket Numbers: ER26–3375–000.
Applicants: Glover Creek Solar, LLC.
Description: 205(d) Rate Filing: Revised Market-Based Rate Tariff to be effective 8/1/2026.

Filed Date: 7/31/26.
Accession Number: 20260731–5178.
Comment Date: 5 p.m. ET 8/21/26.
Docket Numbers: ER26–3376–000.
Applicants: PGR 2022 Lessee 9, LLC.
Description: 205(d) Rate Filing: Revised Market-Based Rate Tariff to be effective 8/1/2026.
Filed Date: 7/31/26.
Accession Number: 20260731–5182.
Comment Date: 5 p.m. ET 8/21/26.
Docket Numbers: ER26–3377–000.
Applicants: Duke Energy Florida, LLC, Duke Energy Carolinas, LLC.
Description: 205(d) Rate Filing: Duke Energy Carolinas, LLC submits tariff filing per 35.13(a)(2)(iii: DEF—Surplus Interconnection Service Revisions to Attachment J to Joint OATT to be effective 10/1/2026.
Filed Date: 7/31/26.
Accession Number: 20260731–5184.
Comment Date: 5 p.m. ET 8/21/26.
Docket Numbers: ER26–3378–000.
Applicants: Duke Energy Progress, LLC, Duke Energy Carolinas, LLC.
Description: 205(d) Rate Filing: Duke Energy Carolinas, LLC submits tariff filing per 35.13(a)(2)(iii: DEC DEP Surplus Interconnection Service Revisions to Attachment K to Joint OATT to be effective 10/1/2026.
Filed Date: 7/31/26.
Accession Number: 20260731–5194.
Comment Date: 5 p.m. ET 8/21/26.
Docket Numbers: ER26–3379–000.
Applicants: ISO New England Inc., New England Power Pool Participants Committee.
Description: 205(d) Rate Filing: ISO New England Inc. submits tariff filing per 35.13(a)(2)(iii: ISO–NE/NEPOOL; Revisions to Charge System-Backed Exports to be effective 10/1/2026.
Filed Date: 7/31/26.
Accession Number: 20260731–5213.
Comment Date: 5 p.m. ET 8/21/26.

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 31, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026–15888 Filed 8–4–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2722–023; Project No. 15373–000]

PacifiCorp; Notice of Intent To Prepare an Environmental Assessment

On September 10, 2024, PacifiCorp filed an application seeking an exemption from the licensing requirements of Part 1 of the Federal Power Act (conduit exemption, Pioneer Project No. 15373), and an administrative surrender of the license for the Pioneer Project No. 2722. The project is located along the Ogden Canyon Conduit, near Ogden, in Weber County, Utah, and occupies federal lands within the Uinta-Wasatch-Cache National Forest managed by the U.S. Forest Service.

PacifiCorp's application seeks a conduit exemption for the hydropower project currently licensed as the Pioneer Project No. 597, and an administrative surrender of the project's license. The proposal does not involve any construction, modification, deconstruction, or ground disturbance. PacifiCorp would continue operating the project as it currently does; however, certain currently licensed facilities would be administratively removed from the Commission's jurisdiction as part of the license surrender (*i.e.,* an intake structure; a 75-inch-diameter, 5.5-mile-long flowline (Ogden Canyon Conduit); a 27-foot-high by 35-foot-diameter surge tank; a 6-foot-diameter, 4,564-foot-long steel penstock; a 3,000-foot-long tailrace canal; and other appurtenances). Other facilities would remain under the Commission's jurisdiction as part of the conduit exemption (*i.e.,* a powerhouse containing two generating units with an installed capacity of 5 megawatts and appurtenances).

On May 19, 2025, Commission staff issued public notice of the application and established deadlines for filing comments, motions to intervene, and protests by July 18, 2025, and reply comments by September 2, 2025. On July 1, 2025, the Forest Service filed a notice of intervention.

This notice identifies Commission staff's intention to prepare an environmental assessment (EA) under the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) for the project.[1] Commission staff plans to issue an EA by November 6, 2026. Revisions to the schedule may be made as appropriate. The EA will be issued for a 30-day comment period. All comments filed on the EA will be reviewed by staff and considered in the Commission's final decision on the proceeding.

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.*

Any questions regarding this notice may be directed to Christopher Chaney at (202) 502–6778 or *christopher.chaney@ferc.gov.*

(Authority: 18 CFR 2.1)

Dated: July 31, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–15880 Filed 8–4–26; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–13217–01–OAR]

Notice of August 3, 2026 Decisions on Petitions for Small Refinery Exemptions Under the Renewable Fuel Standard Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Decision on petitions.

SUMMARY: The Environmental Protection Agency (EPA) is providing notification of its final action entitled August 3, 2026 Decision on Petitions for RFS Small Refinery Exemptions (''August 3, 2026 SRE Decisions Action'') in which EPA issued decisions on 6 small refinery exemption (SRE) petitions under the Renewable Fuel Standard (RFS) program. EPA is providing this notification for public awareness of, and the basis for, EPA's decision announced on August 3, 2026.

[1] The unique identification number for documents relating to this environmental review is EAXX–019–20–000–1784124356.

DATES: August 5, 2026.

FOR FURTHER INFORMATION CONTACT: Campbell Martin, Office of Transportation and Air Quality, Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20004; telephone number: (202) 564–5209; email address: *SRE-Petitions@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background and Final Action

The Clean Air Act (CAA) provides that a small refinery [1] may at any time petition EPA for an extension of the exemption from the obligations of the RFS program for the reason of disproportionate economic hardship (DEH).[2] In evaluating such petitions, the EPA Administrator, in consultation with the Secretary of Energy, will consider the findings of a Department of Energy (DOE) study and other economic factors.[3]

In the August 3, 2026 SRE Decisions Action,[4] EPA is acting on 6 individual SRE petitions from 4 refineries seeking an exemption from their RFS obligations for the 2023 and 2024 compliance years. In consultation with DOE, EPA reviewed all the information submitted by each individual refinery in support of its petition. After careful consideration of all statutory factors and the information submitted by the refineries, EPA is granting full (100 percent) exemptions to 1 petition, granting partial (50 percent) exemptions to 2 petitions, denying 0 petitions, and determining 3 petitions to be ineligible.

The August 3, 2026 SRE Decisions Action articulates EPA's interpretation of section 211(o)(9) of the CAA and EPA's authority with respect to SRE petitions. As required by CAA section 211(o)(9), EPA's final actions on the pending SRE petitions are based on the legal and factual analysis presented herein, after consulting with DOE, and considering the DOE Small Refinery Study and ''other economic factors.''

The August 3, 2026 SRE Decisions Action also explains how EPA will implement SRE decisions when an exemption is granted.

II. Judicial Review

Section 307(b)(1) of the CAA governs judicial review of final actions by EPA. This section generally provides that petitions for judicial review of final actions that are nationally applicable must be filed in the United States Court of Appeals for the District of Columbia Circuit, and petitions for judicial review of actions that are locally or regionally applicable must be filed in the appropriate regional circuit.[5] However, petitions for judicial review of a final action that is locally or regionally applicable must be filed in the D.C. Circuit when ''such action is based on a determination of nationwide scope or effect and if in taking such action the Administrator finds and publishes that such action is based on such a determination.'' [6]

As the Supreme Court recently articulated in *Calumet,* the first step in determining the appropriate venue for judicial review of an EPA final action is to ascertain whether the action at issue is nationally applicable or locally or regionally applicable.[7] If the action is nationally applicable, judicial review belongs in the D.C. Circuit. If the action is locally or regionally applicable, then the second step is to determine whether EPA has appropriately invoked the ''nationwide scope or effect'' exception to ''override the default rule'' that judicial review of a locally or regionally applicable action belongs in the appropriate regional circuit.[8] The exception applies, and judicial review of EPA's action belongs in the D.C. Circuit, if EPA invokes the exception for a final action that is ''based on a determination of nationwide scope or effect'' and accompanied by an EPA finding of this basis.[9] A determination is ''the justification [EPA] gives for it[s] action, which can be found in its explanation of its action.'' [10] A determination has a nationwide scope when it applies throughout the country as a legal matter, and it has a nationwide effect when it applies throughout the country as a practical matter.[11] Finally, an action is ''based on'' a determination of nationwide scope or effect when the determination ''lie[s] at the core of the agency action,'' so as to form the most important part of the agency's reasoning.[12] Put another way, an EPA action is based on a determination of nationwide scope or effect ''only if a justification of nationwide breadth is the primary explanation for and driver of EPA's action.'' [13]

In the August 3, 2026 SRE Decisions Action, EPA is adjudicating SRE petitions pursuant to the authority granted to the Agency by CAA section 211(o)(9)(B). Each adjudication is a separate ''action'' for the purposes of determining venue under CAA section 307(b)(1), and because each adjudication only applies to a single refinery, each action is locally or regionally applicable.[14] However, EPA's adjudication of the relevant petitions is based on several determinations of nationwide scope or effect that formed the core basis for the Agency's decision.

First, these adjudications are based on EPA's determination that CAA section 211(o)(9) provides EPA with the authority to find that a small refinery would experience partial DEH if required to comply with its RFS obligations and to extend a partial exemption. As detailed in section III.H of the August 3, 2026 SRE Decisions Action, CAA section 211(o)(9)(B) grants EPA authority to temporarily extend the exemption from RFS obligations to a small refinery that demonstrates ''disproportionate economic hardship,'' but the statute does not define that phrase or its components, suggesting Congress left it to the Agency's discretion to ''fill up the details'' when determining how to implement this provision.[15] EPA interprets CAA section 211(o)(9)(B), based on the plain language, structure, and objective of the statute, to provide the Agency with the authority to find that a small refinery would experience partial DEH and to extend a partial exemption. This determination has nationwide scope because it is an interpretation of a federal statute and CAA section 211(o)(9)(B)(i) by its terms applies nationwide.[16] Additionally, this determination has nationwide effect because it applies generically to all refineries nationwide, regardless of their geographic location.[17]

Second, these adjudications are based on EPA's determination that the DOE matrix is a reasonable proxy for DEH, and EPA will defer to DOE's findings unless EPA's consideration of other economic factors compels a different result. As detailed in section III.E of the August 3, 2026 SRE Decisions Action, CAA section 211(o)(9)(B) permits a small refinery to petition for an

[1] The CAA defines a small refinery as ''a refinery for which the average aggregate daily crude oil throughput for a calendar year . . . does not exceed 75,000 barrels.'' CAA section 211(o)(1)(K).

[2] CAA section 211(o)(9)(B)(i).

[3] CAA section 211(o)(9)(B)(ii).

[4] EPA. (Aug. 2026). August 3, 2026 Decision on Petitions for RFS Small Refinery Exemptions. EPA–420–R–26–004.

[5] CAA section 307(b)(1).

[6] *Id.*

[7] *Calumet,* 145 S. Ct. at 1746.

[8] *Id.* at 1746.

[9] *Id.* at 1749–50.

[10] *Id.* at 1750 (internal quotations omitted).

[11] *Id.*

[12] *Id.* at 1751.

[13] *Id.*

[14] *Id.* at 1748.

[15] *Loper Bright Enters.* v. *Raimondo,* 603 U.S. 369, 394–95.

[16] *Calumet,* 145 S. Ct. at 1752.

[17] *Id.*

extension of the exemption from its RFS obligations for the reason of DEH. The statute directs EPA to ''consider the findings of the [2011 DOE study] and other economic factors'' in evaluating a petition but provides no further instruction as to how to effectuate these obligations.[18] As the author of the study and through its work assessing SRE petitions in conjunction with EPA, DOE has developed extensive expertise in evaluating economic conditions at U.S. refineries that is fundamental to the process both DOE and EPA use to identify whether DEH exists for each petitioner. With limited exceptions, EPA has consistently relied upon DOE's expertise in the Agency's adjudication of SRE petitions over the life of the RFS program. Thus, EPA has determined that the best way to fulfill its obligation to ''consider the findings of the [2011 DOE study]'' under CAA section 211(o)(9)(B) is to defer to DOE's application of its matrix and resulting findings in evaluating whether a small refinery would experience DEH. EPA has further determined that the best way to fulfill its obligation to consider ''other economic factors'' is to independently assess all available information and weigh whether this information compels EPA to depart from DOE's findings. This determination has nationwide scope because it is both an interpretation of a federal statute and CAA section 211(o)(9)(B)(i) by its terms applies nationwide, and it is a rebuttable presumption that DOE's finding as to whether a given small refinery would experience DEH, based on application of the DOE matrix, is correct, unless EPA's consideration of other economic factors compels it to depart from DOE's findings. Additionally, this determination has nationwide effect because it applies generically to all refineries nationwide, regardless of their geographic location.

Third, these adjudications are based on EPA's determination that, when extending the exemption, either wholly or partially, to a small refinery that has already retired RINs to comply with its RFS obligations, CAA section 211(o) restricts EPA to returning some or all of those retired RINs, commensurate with the degree of the exemption. As detailed in section IV.B of the August 3, 2026 SRE Decisions Action, returning RINs in this manner effectuates the best reading of the statute. CAA section 211(o)(5) requires that every instance of RIN generation be associated with the refining, blending, or importation of renewable fuel. Section 211(o)(5) also requires that RINs expire after a certain amount of time, while section 211(o)(9)(B) permits small refineries to petition for an extension of the exemption ''at any time.'' EPA interprets these provisions of CAA section 211(o) to limit EPA to returning RINs retired for compliance, if any, when it grants an extension of the exemption. This determination has nationwide scope because it is an interpretation of a federal statute and CAA sections 211(o)(5) and 211(o)(9)(B) by their terms apply nationwide. Additionally, this determination has nationwide effect because it applies generically to all refineries nationwide, regardless of their geographic location.

This third determination also minimizes disruptions to the RIN market and RFS program, akin to the Fifth Circuit's review of the April 2022 Alternative Compliance Action [19] in *Wynnewood Refining Co., LLC* v. *EPA,* 86 F.4th 1114 (5th Cir. 2023). In *Wynnewood,* the Fifth Circuit concluded that the ACA was based on a determination of nationwide scope or effect because the ACA was designed to mitigate the impact of the collective denials from the April 2022 SRE Denial Action [20] on the RIN market.[21] After denying 36 SRE petitions for the 2018 compliance year, EPA estimated that the small refineries would need to retire an additional 1.4 billion RINs to satisfy their 2018 compliance obligations.[22] Concerned that such a drastic spike in need for RINs would threaten the viability of the RIN market, EPA issued the ACA, which required that the small refineries file a revised compliance report but did not require them to retire additional RINs.[23] The Fifth Circuit reasoned that, because the purpose of the ACA was to address the continuing viability of the RFS program as a whole, it was based on a determination of nationwide scope or effect.[24] Similarly here, EPA's determination that the only permissible means of implementing the extension of the exemption is by returning retired RINs is based on concerns about the integrity of the RFS program as a whole. As explained in section IV.B of the August 3, 2026 SRE Decisions Action and in the August 2025 SRE Decisions Action, were the Agency to replace the retired RINs with current vintage RINs, the sudden mass influx of new RINs would result in decreased RIN prices, leading to decreased future investments in renewable fuel production and threatening the stability of the RIN market nationwide. EPA's approach of returning retired RINs is designed to avoid these negative impacts to the RFS program. Following the reasoning from the *Wynnewood* decision, because the purpose of this determination is to address the continuing viability of the RFS program as a whole, it is a determination of nationwide scope or effect.

The actions discussed within the August 3, 2026 SRE Decisions Action are based on the three determinations outlined above, as these determinations lie ''at the core of the agency action[s]'' so as to form the most important part of EPA's reasoning.[25] The first and second determinations together form the core basis for EPA's adjudications because the Agency has used both of them to create a rebuttable presumption that application of the DOE matrix produces the correct DEH finding, and EPA defers to that finding unless the Agency's consideration of other economic factors, including refinery-specific information, compels the Agency to depart from that rebuttable presumption. EPA's first determination is the first element of EPA's rebuttable presumption: because the DOE matrix can result in a finding of full DEH, partial DEH, or no DEH, EPA must first determine that the CAA provides the Agency with authority for finding partial DEH before the Agency can consider deferring to those findings. EPA's second determination is the second element of EPA's rebuttable presumption: the DOE matrix is a reasonable proxy for determining whether a small refinery would experience DEH, and deferring to that finding is the best way of fulfilling the Agency's statutory obligation to ''consider the [2011 DOE Study]'' and will result in the correct DEH finding for that small refinery. Taken together, these two determinations—that EPA has the authority to find that a small refinery is experiencing partial DEH and that the DOE matrix is a reasonable proxy for determining whether a small refinery would experience DEH—form the rebuttable presumption that is ''the primary explanation for and driver of EPA's action.'' [26] Under this rebuttable presumption, EPA will defer to DOE's findings unless the Agency's

[18] CAA section 211(o)(9)(B).

[19] EPA. (Apr. 2022). April 2022 Alternative RFS Compliance Demonstration Approach for Certain Small Refineries. EPA–420–R–22–006. (''ACA'').

[20] EPA. (Apr. 2022). April 2022 Denial of Petitions for RFS Small Refinery Exemptions. EPA–420–R–22–006.

[21] *Wynnewood Refining Co., LLC* v. *EPA,* 86 F.4th 1114, 1119 (5th Cir. 2023).

[22] *Id.* at 1119–20.

[23] *Id.* at 1117, 1120.

[24] *Id.* at 1120.

[25] *Calumet,* 145 S. Ct. at 1751.

[26] *Id.*

consideration of other economic factors compels a different result.

To fulfill its statutory obligation to consider ''other economic factors,'' EPA did consider refinery-specific information in its adjudications. However, these confirmatory reviews were not the primary drivers of EPA's actions on these petitions. EPA considered refinery-specific facts only to determine whether to depart from its rebuttable presumption that application of DOE's matrix results in the correct DEH finding, and these considerations, for each small refinery, confirmed that none of the refinery-specific facts rebutted the presumptive disposition. For example, EPA considered information presented by small refineries regarding their financial circumstances and found that the information was already considered in the DOE matrix or did not otherwise justify departing from the finding reached by application of the DOE matrix. Thus, EPA's consideration of refinery-specific facts was peripheral in comparison to EPA's rebuttable presumption that application of the DOE matrix is the best means of determining whether DEH exists.[27] Notably, EPA's confirmatory review of refinery-specific facts did not change the final decision for any of the SRE petitions.

Additionally, EPA's third determination—that the only permissible way to implement the extension of the exemption from RFS obligations when a small refinery has retired RINs for compliance is to return those retired RINs—is a core driver of EPA's actions because EPA's adjudication of SRE petitions necessarily includes extending the exemption to meritorious petitioners. But how EPA effectuates that extension of the exemption can look different depending on whether the relevant small refinery has already demonstrated compliance with its relevant RFS obligations by retiring RINs. Generally, the RFS statutory and regulatory provisions require all obligated parties to comply with their RFS obligations. However, CAA section 211(o)(9)(B) provides an exception when a small refinery demonstrates that it would experience DEH. In other words, when EPA grants an exemption to a small refinery, that small refinery is not required to retire any RINs to demonstrate compliance if it is a full exemption, and only the number of RINs necessary to meet half of its RFS obligation if it is a partial exemption. However, simply granting a petition does not necessarily effectuate the exemption in all cases. If the exemption is granted prior to a compliance demonstration by the small refinery, then the exemption is self-implementing. But if the small refinery has already demonstrated compliance by retiring RINs, EPA needs to take an additional step to effectuate the exemption. For the reasons outlined in sections IV.B and V of the August 3, 2026 SRE Decisions Action, EPA has determined, consistent with its interpretation of the Agency's authority under CAA section 211(o) and its policy interest in treating all refineries that receive an exemption equally, that returning the retired RINs is the only permissible way of implementing the exemption where a small refinery has previously demonstrated compliance with its RFS obligations by retiring RINs. EPA's adjudications are based on this determination because extending the exemption to meritorious petitioners is necessarily a part of EPA's action on the SRE petitions and EPA's statutory interpretation and policy considerations inform its implementation of the exemption for all petitioners.

For the reasons discussed above, EPA finds that the final actions discussed within the August 3, 2026 SRE Decisions Action are based on determinations of nationwide scope or effect for purposes of CAA section 307(b)(1) and is publishing that finding in the **Federal Register**. Under section 307(b)(1) of the CAA, petitions for judicial review of these actions must be filed in the D.C. Circuit by October 5, 2026.

Aaron Szabo,

Assistant Administrator, Office of Air and Radiation.

[FR Doc. 2026–15905 Filed 8–4–26; 8:45 am]

BILLING CODE 6560–50–P

[27] *Id.* at 1752.

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (Act) (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the applications are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on the standards enumerated in paragraph 7 of the Act.

Comments received are subject to public disclosure. In general, comments received will be made available without change and will not be modified to remove personal or business information including confidential, contact, or other identifying information. Comments should not include any information such as confidential information that would not be appropriate for public disclosure.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Benjamin W. McDonough, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than August 20, 2026.

A. Federal Reserve Bank of Minneapolis (Mark Nagle, Assistant Vice President) 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291. Comments can also be sent electronically to *MA@mpls.frb.org:*

1. *The Judy Harder Irrevocable QSST Trust and the Judy Harder Irrevocable QTIP Trust (together, the ''Harder Trusts''), both of Odin, Minnesota; John Fischer, as trustee, New Ulm, Minnesota;* to form the J. Fischer and Harder Trusts Shareholder Control Group, a group acting in concert, to acquire voting shares of Odin Bancshares, and thereby indirectly acquire voting shares of Odin State Bank, both of Odin, Minnesota.

Board of Governors of the Federal Reserve System.

Benjamin W. McDonough,

Secretary of the Board.

[FR Doc. 2026–15875 Filed 8–4–26; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL TRADE COMMISSION

[Docket No. 9437]

Caremark and Zinc Health Services; Analysis of Proposed Agreement Containing Consent Order To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement; request for comment.

SUMMARY: The consent agreement in this matter settles alleged violations of Federal law prohibiting unfair methods of competition. The attached Analysis of Proposed Agreement Containing Consent Orders to Aid Public Comment describes both the allegations in the complaint and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before September 4, 2026.

ADDRESSES: Interested parties may file comments online or on paper by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Please write ''Caremark; Docket No. 9437'' on your comment and file your comment online at *https://www.regulations.gov* by following the instructions on the web-based form. If you prefer to file your comment on paper, pleasemail your comment to: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Mail Stop H–144 (Annex I), Washington, DC 20580.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 15 U.S.C. 46(f), and FTC Rule 2.34, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of 30 days. The following Analysis to Aid Public Comment describes the terms of the consent agreement and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained at *https://www.ftc.gov/news-events/commission-actions.*

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before September 4, 2026. Write ''Caremark; Docket No. 9437'' on your comment. Your comment—including your name and your State—will be placed on the public record of this proceeding, including, to the extent practicable, on the *https://www.regulations.gov* website.

We encourage you to submit comments through the *https://www.regulations.gov* website. Postal mail addressed to the Commission will be subject to delay because of heightened security screening. If you prefer to file your comment on paper, write ''Caremark; Docket No. 9437'' on your comment and on the envelope, and send it via overnight service to: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Mail Stop H–144 (Annex I), Washington, DC 20580.

Because your comment will be placed on the publicly accessible website at *https://www.regulations.gov,* you are solely responsible for making sure your comment does not include any sensitive or confidential information. In particular, your comment should not include sensitive personal information, such as your or anyone else's Social Security number; date of birth; driver's license number or other State identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. You are also solely responsible for making sure your comment does not include sensitive health information, such as medical records or other individually identifiable health information. In addition, your comment should not include any ''trade secret or any commercial or financial information which . . . is privileged or confidential''—as provided by section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2)—including competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

Comments containing material for which confidential treatment is requested must be filed in paper form, must be clearly labeled ''Confidential,'' and must comply with FTC Rule 4.9(c). In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c). Your comment will be kept confidential only if the General Counsel grants your request in accordance with the law and the public interest. Once your comment has been posted on the *https://www.regulations.gov* website—as legally required by FTC Rule 4.9(b)—we cannot redact or remove your comment from that website, unless you submit a confidentiality request that meets the requirements for such treatment under FTC Rule 4.9(c), and the General Counsel grants that request.

Visit *https://www.ftc.gov* to read this document and the news release describing the proposed settlement. The FTC Act and other laws the Commission administers permit the collection of public comments to consider and use in this proceeding, as appropriate. The Commission will consider all responsive public comments it receives on or before September 4, 2026. For information on the Commission's privacy policy, including routine uses permitted by the Privacy Act, see *https://www.ftc.gov/site-information/privacy-policy.*

Analysis of Agreement Containing Consent Order To Aid Public Comment

I. Introduction

The Federal Trade Commission (''Commission'') has accepted, subject to final approval, an Agreement Containing Consent Order (''Consent Agreement'') from Caremark Rx, L.L.C. and Zinc Health Services, LLC (collectively, ''Caremark'' or ''Caremark Respondents''). If and when the Commission issues the Decision and Order as final, the Consent Agreement settles (1) charges in *In the Matter of Caremark Rx, Zinc Health Services, et al.* (''Insulin Litigation'') that Caremark violated section 5 of the Federal Trade Commission Act, 15 U.S.C. 45, by anticompetitively and unfairly creating a system of competition that artificially prioritizes inflated rebates, and (2) the separate Commission investigation (''PBM Investigation'') into Caremark's business practices seeking to determine whether Caremark unlawfully harmed pharmacy or PBM competition.[1]

Caremark is one of the nation's largest pharmacy benefit managers (''PBM''). Positioned at the center of the intricate and opaque pharmaceutical distribution chain, it wields significant influence over which drugs patients can access and at what price. Caremark administers PBM services on behalf of its plan sponsor clients, including employers that provide commercial insurance to their members. It creates drug formularies (lists of preferred drugs) as well as preferred pharmacy networks where members can go to fill their prescriptions. The Insulin Litigation alleges that Caremark Respondents created a competition system that prioritizes the size of rebates over drugs'

[1] Under the Consent Agreement, the Commission and Caremark agree that the Consent Agreement is a global settlement that resolves the current concerns of the Commission, to the extent reflected in the Decision and Order, about Caremark's business practices. The release in the order excludes certain types of claims from its scope. For example, the release does not bar the Commission from bringing claims regarding business practices that Caremark adopts after the Consent Agreement was signed or that were unknown to the Commission at the time, and it does not bar the Commission from bringing claims in the event it becomes aware of any agreement between Caremark and its competitors.

net price in winning clients, pushed insulin manufacturers to compete for preferred formulary coverage based on the size of rebates rather than net price, and shifted the cost of artificially inflated list prices to vulnerable patients. The PBM Investigation seeks to determine whether Caremark violated section 5 by requiring its clients' members to use its affiliated pharmacies or coercing unaffiliated pharmacies to accept unfavorable contractual terms.

The purpose of the Consent Agreement is to protect the public from Caremark's anticompetitive conduct and deter others from engaging in similar anticompetitive conduct. Under the terms of the Proposed Decision and Order (''Proposed Order''), Caremark will: (1) cease to discriminate against low-WAC [2] versions of a drug on its standard formularies; (2) provide a standard offering to its plan sponsors that ensures that members will get the benefits of their share of rebates at the point of sale; (3) in the event of certain legislative and regulatory changes, provide a standard offering to its plan sponsors that counts patient payments on TrumpRx toward patient deductibles and out-of-pocket maximums, for covered drugs and drugs with most favored nation pricing; (4) create a Copay Certainty Program that caps members' out-of-pocket costs on insulin, and provide full access to the Copay Certainty Program's insulin benefits to all members when a plan sponsor adopts a formulary that includes an insulin product covered by the program, unless the plan sponsor opts out in writing; (5) provide a standard offering to all plan sponsors that allows the plan sponsor to transition off rebate guarantees and spread pricing; (6) delink, for its standard offering, drug manufacturers' compensation to Caremark from list prices; (7) increase transparency for plan sponsors; (8) include certain terms in its standard offering to retail community pharmacies; (9) allow pharmacies in its networks to work with pharmacy hub service providers; (10) promote the standard offerings to plan sponsors and retail community pharmacies; and (11) maintain its group purchasing organization (''GPO'') Zinc's activities in the United States.

The Consent Agreement has been placed on the public record for 30 days for receipt of comments from interested persons. Comments received during this period will become part of the public record. After 30 days, the Commission will review the comments received and decide whether it should withdraw, modify, or finalize the Proposed Order. The purpose of this analysis is to facilitate public comment on the Consent Agreement and Proposed Order to aid the Commission in determining whether it should make the Proposed Order final. This analysis is not an official interpretation of the Proposed Order or the Agreement Containing Consent Order and does not modify its terms.

II. Insulin Litigation

In September 2024, the FTC sued the three largest PBMs—Express Scripts, Caremark, and Optum—and their affiliated GPOs. The Complaint alleges that Caremark Respondents have engaged in anticompetitive and unfair rebating practices that artificially inflated the list price of insulin drugs, impaired patients' access to lower list price products, and shifted the cost of high insulin list prices to vulnerable patients.

The Complaint alleges that Caremark created a system of competition that prioritizes rebates over patient affordability. Caremark has placed high-list price, high-rebate versions of insulin on its standard commercial formularies and excluded low-list price, low-rebate versions of the same drugs, even when the two versions had comparable net prices. This system benefits Caremark, which keeps a portion of the inflated rebates and uses the rest to attract plan sponsor clients, while withholding drug-level price information from clients that would have allowed them to make more informed decisions about patients' share of drug cost. According to the Complaint, the inflated list prices hurt patients whose out-of-pocket payments are tied to the list price of the drug, such as patients in their deductible phase and those with coinsurance. While patients pay inflated prices, Caremark is enriched by the rebates tied to each filled prescription.

The Complaint alleges unfair methods of competition and unfair acts or practices under section 5 of the FTC Act.

III. PBM Investigation

In fall 2023, the FTC opened an investigation to determine whether certain business practices of the three largest PBMs, including Caremark, violate the laws enforced by the FTC by unlawfully harming competition for pharmacy services. Prior to and since opening the investigation, Staff has received comments from pharmacies, patients, and other market participants about Caremark's business practices. The comments contend, among other allegations, that Caremark uses its dominance to impose oppressive terms on unaffiliated pharmacies who need to join the PBMs' pharmacy networks, including reimbursement rates that make it uneconomical for unaffiliated pharmacies to dispense medications. In December 2023, the FTC issued a civil investigative demand to Caremark's parent company, CVS Health Corporation (''CVS Health''), to investigate these concerns. That investigation has been ongoing.

IV. Proposed Order

The Proposed Order, which lasts ten years from the Implementation Date, contains the following provisions:

Section I generally requires Caremark to place low-WAC versions of high-WAC drugs on its four standard commercial formularies at no disadvantage to the high-WAC version. The provision includes exceptions to this requirement if (1) the low-WAC version is higher net cost than the high-WAC version, or (2) the drug is listed as ''Currently in Shortage'' in the U.S. Food & Drug Administration's Drug Shortage Database at the time the formulary takes effect or within the 18 months prior to the formulary decision.

This provision addresses allegations that Caremark placed high-WAC versions of drugs on its standard commercial formularies and excluded low-WAC versions of the same drug, despite both versions having comparable net prices. According to the Insulin Complaint, this practice increased out-of-pocket costs to patients whose payments are based on list price (*e.g.,* because the patient is in the deductible stage of their insurance or owes coinsurance calculated as a percentage of list price).

Section II contains several terms designed to protect patients from excessive out-of-pocket expenses. Specifically, Section II requires Caremark to develop a ''standard offering'' to all plan sponsors that:

- Ensures member out-of-pocket costs are no higher than the plan sponsor's contracted rate minus any rebates;
- Prohibits member out-of-pocket costs from being tied to list price or any other benchmark higher than the plan sponsor's contracted rate minus any rebates; and
- Provides full access to Caremark's programs that reduce out-of-pocket costs for members.

These provisions, collectively, would reduce out-of-pocket costs for members of those plans that adopt the standard offering, including by ensuring

[2] WAC, or wholesale acquisition cost, is the list price for a drug set by pharmaceutical manufacturers for wholesalers and direct purchasers.

consumers generally benefit from the proportional amount of any rebate in coinsurance and deductible policies. In addition to providing the above options in its standard offering to all plan sponsors, Section II also requires all fully insured health plans offered by Aetna (owned by CVS Health) to adopt the above protections on patient out-of-pocket expenses.

Under the ''meeting competition'' provision in Section XII, Caremark would retain the flexibility to respond to specific client requests by offering customized services that do not comply with the ''standard offering.'' The plan sponsors may ultimately adopt a customized plan after being served with a notice of the standard offering and acknowledging receipt in writing. This ''meeting competition'' exemption does not apply to the requirements that Aetna fully insured health plans adopt the patient protections in Section II.

Section III ensures that Caremark's standard offering, in the event of certain legislative or regulatory changes, will attribute patient payments made through the TrumpRx platform towards patient deductibles and out-of-pocket cost maximum amounts, so long as the drug product is covered under the plan sponsor's benefit design or certified as the most favored nation price. The terms of Section III are subject to the ''meeting competition'' exemption detailed in Section XII of the Proposed Order.

Section IV requires Caremark to create a Copay Certainty Program that caps members' out-of-pocket costs on insulin to $25 for a prescription claim with a 0–34 days' supply, $50 for a prescription claim with a 35–68 days' supply, and $75 for a prescription claim with a 69 or longer days' supply. Section IV requires that Caremark provide full access to this program to all members when a plan sponsor adopts a formulary that includes an insulin product covered by the program, unless the plan sponsor opts out in writing. This provision offers further protections to insulin patients against high out-of-pocket costs. The terms of Section IV are subject to the ''meeting competition'' exemption detailed in Section XII of the Proposed Order.

Section V addresses allegations that Caremark's use of rebates to compete for plan sponsor business—particularly where those rebates are not passed through to patients at the point of sale—can result in excessive patient out-of-pocket expenses. Specifically, Section V requires Caremark's ''standard offering'' to plan sponsors to:

- Enable members to receive the benefit of any rebate or discounts at the point of sale, without charging a fee other than its actual cost to pre-fund any rebate, if applicable;
- Not provide to plan sponsors rebate guarantees or other guarantees of pre-determined amounts of compensation; and
- Not employ spread pricing (the practice of a PBM charging a plan sponsor a different amount for the purchase of a drug than the PBM reimburses the pharmacy).

The terms of Section V are subject to the ''meeting competition'' exemption detailed in Section XII of the Proposed Order.

Section VI addresses allegations that Caremark benefits from placing higher list price products on its formularies by charging fees to manufacturers that are based on list price. Specifically, Section VI provides that compensation received by Caremark from drug manufacturers related to Caremark's ''standard offering'' to plan sponsors will not be based, directly or indirectly, on a drug's list price.

Section VII addresses allegations that Caremark obscures net price information from plan sponsors. Specifically, Section VII increases transparency for plan sponsors by requiring Caremark to provide as part of its standard offering an annual report disclosing each drug's costs and pharmacy claim-level reporting, as well as any compensation paid to consultants or brokers in connection with Caremark's provision of pharmacy benefit services.

Section VIII addresses Caremark's pharmacy reimbursement practices. Section VIII requires Caremark to develop a standard offering to retail community pharmacies (defined as a retail pharmacy business with three or fewer store locations) that will:

- Compensate retail community pharmacies based on the actual cost of acquiring prescription drugs plus a dispensing fee;
- Make additional payments for all non-dispensing services performed by a retail community pharmacy; and
- Not exclude any retail community pharmacy willing to agree to the terms and conditions for participation from its standard offering to retail community pharmacies.

The terms of Section VIII are subject to the ''meeting competition'' exemption detailed in Section XII of the Proposed Order.

Section IX addresses Caremark's practices relating to third party digital pharmacy service providers known as hubs. Section IX prohibits Caremark from imposing or enforcing, or threatening to impose or enforce, any rule, agreement, or policy that prohibits or restricts a pharmacy's engagement with a hub, so long as the pharmacy complies with law, regulation, and certain rules for transparency. Caremark also may not take any other action to interfere with the ability of a pharmacy to engage with a hub.

The provision includes exceptions for certain circumstances. Caremark may take action with documented evidence that: the pharmacy is on a Federal or State exclusion list, has been flagged by regulators, or is suspected of fraud, waste, or abuse; the action is required by law; or the action is taken pursuant to a client agreement or at a client's written request, provided Caremark does not require, coerce, or create a default option for such agreements or requests, nor materially misrepresent hubs to clients. Caremark must report all such actions to the Monitor quarterly, retain supporting documents, and post a notice of Section IX on its pharmacy portal.

In addition, Section IX provides that Caremark must apply its audit selection criteria equally to all pharmacies of the same type, including CVS affiliates.

Section X provides that Caremark will advertise its standard offerings; clearly and conspicuously disclose their existence and availability in material created to advertise, market, or otherwise promote its products to plan sponsors and retail community pharmacies; not disparage its standard offerings; and not require or coerce plan sponsors or retail community pharmacies to adopt terms that differ from its standard offerings.

Section XI provides that Caremark will maintain the operations of its GPO, Zinc, in the United States.

Section XII provides that nothing in Sections II, III, IV, V, and VIII shall prevent Caremark from responding to a written request for terms other than the standard offering from a plan sponsor or retail community pharmacy. If Caremark receives a written request from a plan sponsor for terms that differ from the standard offering, Caremark must include in its response the standard offering and a written acknowledgement (Exhibit A to the Decision and Order) that the plan sponsor has received, read, and understood the explanation of benefits of the standard offering. If Caremark and the plan sponsor ultimately agree on terms that differ from the standard offering, the plan sponsor must sign and return the acknowledgment. Aetna's fully-insured health plans are excluded from Section XII's ''meeting competition'' exception.

Section XIII appoints a monitor for a term beginning shortly after the Order issues and ending three years after the

Implementation Date (defined as no later than January 1, 2027). The monitor has the authority to monitor Caremark's compliance with the obligations set forth in the Proposed Order, to act in consultation with, and make inquiries on behalf of, the Commission or its Staff, and to make annual reports to the Commission.

Sections XIV, XV, and XVI contain provisions designed to ensure the effectiveness of the relief, including: obtaining information from Caremark that it is complying with the Order; requiring Caremark to submit compliance reports; and requiring Caremark to notify the Commission of certain changes in its corporate structure.

Section XVII provides that Caremark will cooperate with the ongoing Insulin Litigation, including by providing a certain number of witnesses for depositions and for trial.

By direction of the Commission.

April J. Tabor,

Secretary.

[FR Doc. 2026–15913 Filed 8–4–26; 8:45 am]

BILLING CODE 6750–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Notice of Award of a Single-Source Grant To Fund Universidad Peruana Cayetano Heredia

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

ACTION: Notice.

SUMMARY: The Centers for Disease Control and Prevention (CDC), located within the Department of Health and Human Services (HHS), announces one award to fund the Universidad Peruana Cayetano Heredia for approximately $600,000 in Federal Fiscal Year 2026, subject to the availability of funds. Funding amounts for years 2–5 will be set at continuation.

DATES: The period for this award will be September 30, 2026, through September 29, 2031.

FOR FURTHER INFORMATION CONTACT: CAPT. E. Azziz-Baumgartner, USPHS, Global Influenza Branch Chief, Influenza Division, National Center for Immunization and Respiratory Diseases, Centers for Disease Control and Prevention, 1600 Clifton Rd., Atlanta, GA, Global Influenza Branch, Phone: 404–639–2555.

SUPPLEMENTARY INFORMATION: The single source award will support the recipient to improve or maintain capacity to conduct seasonal influenza surveillance and detect and respond to pandemic and novel influenza. In addition, activities funded under this award enhance capacity to detect and respond to novel influenza viruses, such as highly pathogenic avian influenza, as well as identify outbreaks of severe respiratory illness syndrome and other infectious disease threats through both epidemiologic and virologic detection. These activities will strengthen connections between national institutions, especially National Influenza Centers, to fully participate in data sharing and maintain capacity to share specimens, as well as clinical and epidemiologic data related to influenza circulation.

Universidad Peruana Cayetano Heredia is in a unique position to conduct this work, as it is the designated entity responsible for leading influenza surveillance. It has the expertise to support health service delivery and oversee the national coordination of surveillance, preparedness, prevention, and response activities to all forms of health threats and public health emergencies.

Summary of the Award

Recipient: Universidad Peruana Cayetano Heredia.

Purpose of the award: The purpose of this award is to support surveillance and response for pandemic and novel influenza and other infectious disease threats in Peru.

Authority: This program is authorized under §§ 307 and 317(k) of the Public Health Service Act (42 U.S.C. *242l* and 247b(k)).

Period of performance: September 30, 2026, through September 29, 2031.

Jamie Legier,

Chief Grants Management Officer, Centers for Disease Control and Prevention.

[FR Doc. 2026–15904 Filed 8–4–26; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Notice of Award of a Single Source Cooperative Agreement To Fund Association Institut National Hygiene Publique, Cote d'Ivoire; Ministry of Health-Centers for Disease Control and Prevention, Egypt; Ethiopian Public Health Institute; Noguchi Memorial Institute for Medical Research, Ghana; Institut National d Hygiene, Morocco; Institut Pasteur de Dakar, Senegal; Institut Pasteur de Tunis, Tunisia; Uganda Virus Research Institute; University Teaching Hospital, Zambia

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

ACTION: Notice.

SUMMARY: The Centers for Disease Control and Prevention (CDC), located within the Department of Health and Human Services (HHS), announces nine separate awards to fund Institut National Hygiene Publique, Cote d'Ivoire; Ministry of Health-Centers for Disease Control and Prevention, Egypt; Ethiopian Public Health Institute; Noguchi Memorial Institute for Medical Research, Ghana; Institut National d Hygiene, Morocco; Institut Pasteur de Dakar, Senegal; Institut Pasteur de Tunis, Tunisia; Uganda Virus Research Institute; University Teaching Hospital, Zambia. For Institut National Hygiene Publique, Cote d'Ivoire, the award is for approximately $800,000 in Federal Fiscal Year (FFY) 2026, subject to the availability of funds. For Ministry of Health-Centers for Disease Control and Prevention, Egypt, the award is for approximately $800,000 in FFY 2026, subject to the availability of funds. For Ethiopian Public Health Institute, the award is for approximately $800,000 in FFY 2026, subject to the availability of funds. For Noguchi Memorial Institute for Medical Research, Ghana, the award is for approximately $800,000 in FFY 2026, subject to the availability of funds. For Institut National d Hygiene, Morocco, the award is for approximately $600,000 in FFY 2026, subject to the availability of funds. For Institut Pasteur de Dakar, Senegal, the award is for approximately $800,000 in FFY 2026, subject to the availability of funds. For Institut Pasteur de Tunis, Tunisia, the award is for approximately $600,000 in FFY2026, subject to the availability of funds. For Uganda Virus Research Institute, the award is for approximately $900,000 in FFY 2026, subject to the

availability of funds. For University Teaching Hospital, Zambia, the award is for approximately $600,000 in FFY 2026, subject to the availability of funds. The total FFY 2026 amount for the nine recipients is $6,7000,000. Funding amounts for years 2–5 for each recipient will be set at continuation The awards will enhance health security by strengthening global influenza and other priority pathogen surveillance networks to detect and respond to infectious disease threats.

DATES: The period for these awards will be September 30, 2026, through September 29, 2031.

FOR FURTHER INFORMATION CONTACT: CAPT. E. Azziz-Baumgartner, USPHS, Global Influenza Branch Chief, Influenza Division, National Center for Immunization and Respiratory Diseases, Centers for Disease Control and Prevention, 1600 Clifton Rd. Atlanta, GA, Global Influenza Branch, Phone: 404–639–2555.

SUPPLEMENTARY INFORMATION: The single source award will support the recipients to improve or maintain capacity to conduct seasonal influenza surveillance and detect and respond to pandemic and novel influenza. In addition, the activities funded under these awards will enhance capacity to detect and respond to novel influenza viruses, such as highly pathogenic avian influenza, as well as identify outbreaks of severe respiratory illness syndrome and other infectious disease threats through both epidemiologic and virologic detection. These activities will strengthen connections between national institutions, especially National Influenza Centers, to fully participate in data sharing and maintain capacity to share specimens, as well as clinical and epidemiologic data related to influenza circulation.

These entities are in a unique position to conduct this work, as they are either subsidiaries of the host government ministries of health or they are the designated entities responsible for leading influenza surveillance. They have the expertise to support health service delivery and oversee the national coordination of surveillance, preparedness, prevention, and response activities to all forms of health threats and public health emergencies.

Summary of the Awards

Recipients: Agreement to Fund Institut National Hygiene Publique, Cote d'Ivoire; Ministry of Health-Centers for Disease Control and Prevention, Egypt; Ethiopian Public Health Institute; Noguchi Memorial Institute for Medical Research, Ghana; Institut National d Hygiene, Morocco; Institut Pasteur de Dakar, Senegal; Institut Pasteur de Tunis, Tunisia; Uganda Virus Research Institute; University Teaching Hospital, Zambia.

Purpose of the awards: The purpose of these awards is to support surveillance and response for pandemic and novel influenza and other infectious disease threats in Cote d'Ivoire, Egypt, Ethiopia, Ghana, Morocco, Senegal, Tunisia, Uganda, Zambia.

Authority: This program is authorized under §§ 307 and 317(k) of the Public Health Service Act (42 U.S.C. *242l* and 247b(k)).

Period of performance: September 30, 2026, through September 29, 2031.

Jamie Legier,

Chief Grants Management Officer, Centers for Disease Control and Prevention.

[FR Doc. 2026–15899 Filed 8–4–26; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Notice of Award of a Single Source Cooperative Agreement To Fund Task Force for Global Health, Inc.

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

ACTION: Notice.

SUMMARY: The Centers for Disease Control and Prevention (CDC), located within the Department of Health and Human Services (HHS), announces one award to fund The Task Force for Global Health for approximately $4,000,000, in Federal Fiscal Year 2026, subject to the availability of funds. Funding amounts for years 2–5 will be set at continuation.

DATES: The period for this award will be September 30, 2026, through September 29, 2026.

FOR FURTHER INFORMATION CONTACT: CAPT. E. Azziz-Baumgartner, USPHS, Global Influenza Branch Chief, Influenza Division, National Center for Immunization and Respiratory Diseases, Centers for Disease Control and Prevention, 1600 Clifton Rd., Atlanta, GA, Global Influenza Branch, Phone: 404–639–2555.

SUPPLEMENTARY INFORMATION: The Task Force for Global Health (TFGH), a nonprofit organization, serves as a coordinating body to bring stakeholders together at the regional and global level to advance CDC's goals, supporting the Influenza Division's priorities for timely detection and reporting of influenza viruses. The single source award will provide an innovative public-private partnership with the CDC, Ministries of Health, corporate partners, and others to create sustainable prevention and control programs for seasonal influenza and other respiratory viruses worldwide. The award will provide funding to TFGH to (1) strengthen early detection, prevention, and response efforts for influenza and other respiratory pathogens; (2) gather strategic information on epidemic and pandemic readiness; and (3) implement effective and cost-efficient strategies to prevent and control these threats through evidence-based interventions resulting in better protection for Americans from seasonal and pandemic influenza as well as other respiratory viruses.

TFGH is uniquely qualified to conduct this work, as it is recognized for its strong, established relationships with many of CDC's priority partners. Initially, TFGH brought together partners to support the use of influenza vaccines among target groups in Southeast Asia and the Americas and in succeeding years has expanded its work to include coordination of large-scale pandemic response activities in support of CDC's mission, including pandemic vaccine deployment and respiratory virus prevention and control programs. Because of this experience TFGH is the uniquely qualified partner supporting National Center for Immunization and Respiratory Diseases (NCIRD)-priority work on influenza vaccine programs and respiratory virus prevention outside the United States. Its mission aligns with the global objectives of CDC and the Influenza Division.

Summary of Award

Recipient: Task Force for Global Health.

Purpose of the award: The purpose of this award is to support surveillance and response for pandemic and novel influenza and other infectious disease threats around the world.

Authority: This program is authorized under §§ 307 and 317(k) of the Public Health Service Act (42 U.S.C. 242l and 247b(k)).

Period of performance: September 30, 2026, through September 29, 2031.

Jamie Legier,

Chief Grants Management Officer, Centers for Disease Control and Prevention.

[FR Doc. 2026–15906 Filed 8–4–26; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Notice of Award of a Single-Source Grant To Fund HJF Medical Research International, Inc., Kenya

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

ACTION: Notice.

SUMMARY: The Centers for Disease Control and Prevention (CDC), located within the Department of Health and Human Services (HHS), announces one award to fund HJF Medical Research International, Inc., Kenya, for approximately $1,000,000 in Federal Fiscal Year 2026, subject to the availability of funds. Funding amounts for years 2–5 will be set at continuation.

DATES: The period for this award will be September 30, 2026, through September 29, 2031.

FOR FURTHER INFORMATION CONTACT: CAPT E Azziz-Baumgartner, USPHS, Global Influenza Branch Chief, Influenza Division, National Center for Immunization and Respiratory Diseases, Centers for Disease Control and Prevention, 1600 Clifton Rd., Atlanta, GA, Global Influenza Branch, Phone: 404–639–2555.

SUPPLEMENTARY INFORMATION: The single source award will support the recipient to improve or maintain capacity to conduct seasonal influenza surveillance and detect and respond to pandemic and novel influenza. In addition, the activities funded under this award enhance capacity to detect and respond to novel influenza viruses, such as highly pathogenic avian influenza, as well as identify outbreaks of severe respiratory illness syndrome and other infectious disease threats through both epidemiologic and virologic detection. These activities will strengthen connections between national institutions, especially National Influenza Centers, to fully participate in data sharing and maintain capacity to share specimens, as well as clinical and epidemiologic data related to influenza circulation.

HJF Medical Research International, Inc., Kenya is in a unique position to conduct this work, as it is the designated entity responsible for leading influenza surveillance. It has the expertise to support health service delivery and oversee the national coordination of surveillance, preparedness, prevention, and response activities to all forms of health threats and public health emergencies.

Summary of the Award

Recipient: HJF Medical Research International, Inc., Kenya.

Purpose of the award: The purpose of this award is to support surveillance and response for pandemic and novel influenza and other infectious disease threats in Kenya.

Authority: This program is authorized under §§ 307 and 317(k) of the Public Health Service Act (42 U.S.C. 242l and 247b(k)).

Period of performance: September 30, 2026, through September 29, 2031.

Jamie Legier,

Chief Grants Management Officer, Centers for Disease Control and Prevention.

[FR Doc. 2026–15907 Filed 8–4–26; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Notice of Award of a Single-Source Grant To Fund Fondacioni SECID, Balkan Region

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

ACTION: Notice.

SUMMARY: The Centers for Disease Control and Prevention (CDC), located within the Department of Health and Human Services (HHS), announces one award to fund Fondacioni SECID, Balkan Region, for approximately $800,000 in Federal Fiscal Year 2026, subject to the availability of funds. Funding amounts for years 2–5 will be set at continuation.

DATES: The period for this award will be September 30, 2026, through September 29, 2031.

FOR FURTHER INFORMATION CONTACT: CAPT E Azziz-Baumgartner, USPHS, Global Influenza Branch Chief, Influenza Division, National Center for Immunization and Respiratory Diseases, Centers for Disease Control and Prevention, 1600 Clifton Rd. Atlanta, GA, Global Influenza Branch, Phone: 404–639–2555.

SUPPLEMENTARY INFORMATION: The single source award will support the recipient to improve or maintain capacity to conduct seasonal influenza surveillance and detect and respond to pandemic and novel influenza. In addition, the activities funded under this award will enhance capacity to detect and respond to novel influenza viruses, such as highly pathogenic avian influenza, as well as identify outbreaks of severe respiratory illness syndrome and other infectious disease threats through both epidemiologic and virologic detection. These activities will strengthen connections between national institutions, especially National Influenza Centers, to fully participate in data sharing and maintain capacity to share specimens, as well as clinical and epidemiologic data related to influenza circulation.

Fondacioni SECID, Balkan Region, is in a unique position to conduct this work, as it is the designated entity responsible for leading influenza surveillance. It has the expertise to support health service delivery and oversee the national coordination of surveillance, preparedness, prevention, and response activities to all forms of health threats and public health emergencies.

Summary of the Award

Recipient: Fondacioni SECID, Balkan Region.

Purpose of the award: The purpose of this award is to support surveillance and response for pandemic and novel influenza and other infectious disease threats in the Balkans.

Authority: This program is authorized under §§ 307 and 317(k) of the Public Health Service Act (42 U.S.C. 242l and 247b(k)).

Period of performance: September 30, 2026, through September 29, 2031.

Jamie Legier,

Chief Grants Management Officer, Centers for Disease Control and Prevention.

[FR Doc. 2026–15908 Filed 8–4–26; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Notice of Award of a Sole Source Cooperative Agreement To Fund Association HEADA Cameroon; Instituto Nacional de Saude, Mozambique; Nigeria Centre for Disease Control and Prevention; National Institute of Health, Pakistan; Kinshasa School of Public Health, Democratic Republic of the Congo

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

ACTION: Notice.

SUMMARY: The Centers for Disease Control and Prevention (CDC), located within the Department of Health and Human Services (HHS), announces five separate awards to fund HEADA Cameroon; Instituto Nacional de Saude, Mozambique; Nigeria Centre for Disease Control and Prevention; National Institute of Health, Pakistan; Kinshasa School of Public Health, Democratic Republic of the Congo. For Association HEADA Cameroon, the award is for approximately $600,000 in Federal Fiscal Year (FFY) 2026, subject to the availability of funds. For Instituto Nacional de Saude, Mozambique, the award is for approximately $900,000 in FFY 2026, subject to the availability of funds. For Nigeria Centre for Disease Control and Prevention, the award is for approximately $800,000 in FFY 2026, subject to the availability of funds. For National Institute of Health, Pakistan, the award is for approximately $800,000 in FFY 2026, subject to the availability of funds. For Kinshasa School of Public Health, Democratic Republic of the Congo, the award is for approximately $600,000 in FFY 2026, subject to the availability of funds. The total FFY 2026 funding amount for the five recipients is $3,700,000. Funding amounts for years 2–5 for each recipient will be set at continuation. The awards will enhance health security by strengthening global influenza and other priority pathogen surveillance networks to detect and respond to infectious disease threats.

DATES: The period for these awards will be September 30, 2026, through September 29, 2031.

FOR FURTHER INFORMATION CONTACT: CAPT E Azziz-Baumgartner, USPHS, Global Influenza Branch Chief, Influenza Division, National Center for Immunization and Respiratory Diseases, Centers for Disease Control and Prevention, 1600 Clifton Rd., Atlanta, GA, Global Influenza Branch, Phone: 404–639–2555.

SUPPLEMENTARY INFORMATION: The sole source awards will support the recipients to improve or maintain capacity to conduct seasonal influenza surveillance and detect and respond to pandemic and novel influenza. In addition, the activities funded under these awards will enhance capacity to detect and respond to novel influenza viruses, such as highly pathogenic avian influenza, as well as identify outbreaks of severe respiratory illness syndrome and other infectious disease threats through both epidemiologic and virologic detection. These activities will strengthen connections between national institutions, especially National Influenza Centers, to fully participate in data sharing and maintain capacity to share specimens, as well as clinical and epidemiologic data related to influenza circulation.

These entities are in a unique position to conduct this work, as they are either subsidiaries of the host government ministries of health or they are the designated entities responsible for leading influenza surveillance. They have the expertise to support health service delivery and oversee the national coordination of surveillance, preparedness, prevention, and response activities to all forms of health threats and public health emergencies.

Summary of the Awards

Recipients: Agreement to Fund Association HEADA Cameroon; Instituto Nacional de Saude, Mozambique; Nigeria Centre for Disease Control and Prevention; National Institute of Health, Pakistan; Kinshasa School of Public Health, and Democratic Republic of the Congo.

Purpose of the awards: The purpose of these awards is to support surveillance and response for pandemic and novel influenza and other infectious disease threats in Cameroon, Mozambique, Nigeria, Pakistan, and Democratic Republic of the Congo.

Authority: This program is authorized under §§ 307 and 317(k) of the Public Health Service Act (42 U.S.C. *242l* and 247b(k))

Period of performance: September 30, 2026, through September 29, 2031.

Jamie Legier,

Chief Grants Management Officer, Centers for Disease Control and Prevention.

[FR Doc. 2026–15900 Filed 8–4–26; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Notice of Award of a Sole Source Cooperative Agreement To Fund Ministry of Health, Bhutan; National Influenza Center, Mongolia; Research Institute for Tropical Medicine, Philippines; Bangkok Metropolitan Administration, Thailand

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

ACTION: Notice.

SUMMARY: The Centers for Disease Control and Prevention (CDC), located within the Department of Health and Human Services (HHS), announces four separate awards to fund the Ministry of Health, Bhutan; National Influenza Center, Mongolia; Research Institute for Tropical Medicine, Philippines; Bangkok Metropolitan Administration, Thailand. For Ministry of Health, Bhutan, the award is for approximately $800,000 in Federal Fiscal Year (FFY) 2026, subject to the availability of funds. For National Influenza Center, Mongolia, the award is for approximately $600,000 in FFY 2026, subject to the availability of funds. For Research Institute for Tropical Medicine, Philippines, the award is for approximately $600,000 in FFY 2026, subject to the availability of funds. For Bangkok Metropolitan Administration, Thailand, the award is for approximately $900,000 in FFY 2026, subject to the availability of funds. The total FFY 2026 funding amount for the four recipients is $2,900,000. Funding amounts for years 2–5 for each recipient will be set at continuation. The awards will enhance health security by strengthening global influenza and other priority pathogen surveillance networks to detect and respond to infectious disease threats.

DATES: The period for these awards will be September 30, 2026, through September 29, 2031.

FOR FURTHER INFORMATION CONTACT: CAPT. E. Azziz-Baumgartner, USPHS, Global Influenza Branch Chief, Influenza Division, National Center for Immunization and Respiratory Diseases, Centers for Disease Control and Prevention, 1600 Clifton Rd. Atlanta, GA, Global Influenza Branch, Phone: 404–639–2555.

SUPPLEMENTARY INFORMATION: These sole source awards will support the recipients to improve or maintain capacity to conduct seasonal influenza surveillance and detect and respond to pandemic and novel influenza. In addition, these awards will enhance capacity to detect and respond to novel influenza viruses, such as highly pathogenic avian influenza, as well as identify outbreaks of severe respiratory illness syndrome and other infectious disease threats through both epidemiologic and virologic detection. These activities will strengthen connections between national institutions, especially National Influenza Centers, to fully participate in data sharing and maintain capacity to share specimens, as well as clinical and epidemiologic data related to influenza circulation.

These entities are in a unique position to conduct this work, as they are either subsidiaries of the host government ministries of health or they are the

designated entities responsible for leading influenza surveillance. They have the expertise to support health service delivery and oversee the national coordination of surveillance, preparedness, prevention, and response activities to all forms of health threats and public health emergencies.

Summary of the Awards

Recipients: Ministry of Health, Bhutan; National Influenza Center, Mongolia; Research Institute for Tropical Medicine, Philippines; Bangkok Metropolitan Administration, Thailand.

Purpose of the awards: The purpose of these awards is to support surveillance and response for pandemic and novel influenza and other infectious disease threats in Bhutan, Mongolia, Philippines, and Thailand.

Authority: This program is authorized under §§ 307 and 317(k) of the Public Health Service Act (42 U.S.C. *242l* and 247b(k)).

Period of performance: September 30, 2026, through September 29, 2031.

Jamie Legier,

Chief Grants Management Officer, Centers for Disease Control and Prevention.

[FR Doc. 2026–15903 Filed 8–4–26; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Notice of Award of a Sole Source Cooperative Agreement To Fund Administracion Nacional de Laboratorios e Institutos de Salud Dr. Carlos G. Malbran, Argentina; Instituto de Salud Publica de Chile, Chile; Ministerio de Salud Pública de Ecuador, Ecuador; Fondacioni Instituto Conmemorativo Gorgas de Estudios de la Salud, Panama; Alter Vida Centro De Estudios Y Formación Para Ecodesarrollo, Paraguay; Caribbean Public Health Agency, Caribbean Region

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

ACTION: Notice.

SUMMARY: The Centers for Disease Control and Prevention (CDC), located within the Department of Health and Human Services (HHS), announces six separate awards to fund the Administracion Nacional de Laboratorios e Institutos de Salud Dr. Carlos G. Malbran, Argentina; Instituto de Salud Publica de Chile, Chile; Ministerio de Salud Pública de Ecuador, Ecuador; Instituto Conmemorativo Gorgas de Estudios de la Salud, Panama; Alter Vida Centro De Estudios Y Formación Para Ecodesarrollo, Paraguay; Caribbean Public Health Agency, Caribbean Region. For Administracion Nacional de Laboratorios e Institutos de Salud Dr. Carlos G. Malbran, Argentina, the award is for approximately $600,000 in Federal Fiscal Year (FFY) 2026, subject to the availability of funds. For Instituto de Salud Publica de Chile, Chile, the award is for approximately $600,000 in FFY 2026, subject to the availability of funds. For Ministerio de Salud Pública de Ecuador, Ecuador, the award is for approximately $800,000 in FFY 2026, subject to the availability of funds. For Instituto Conmemorativo Gorgas de Estudios de la Salud, Panama, the award is for approximately $600,000 in FFY 2026, subject to the availability of funds. For Alter Vida Centro De Estudios Y Formación Para Ecodesarrollo, Paraguay, the award is for approximately $600,000 in FFY 2026, subject to the availability of funds. For Caribbean Public Health Agency, Caribbean Region, the award is for approximately $600,000 in FFY 2026, subject to the availability of funds. The approximate total FFY 2026 funding amount for the six recipients is $3,800,000. Funding amounts for years 2–5 for each recipient will be set at continuation. The awards will enhance health security by strengthening global influenza and other priority pathogen surveillance networks to detect and respond to infectious disease threats.

DATES: The period for these awards will be September 30, 2026, through September 29, 2031.

FOR FURTHER INFORMATION CONTACT: CAPT E Azziz-Baumgartner, USPHS, Global Influenza Branch Chief, Influenza Division, National Center for Immunization and Respiratory Diseases, Centers for Disease Control and Prevention, 1600 Clifton Rd., Atlanta, GA, Global Influenza Branch, Phone: 404–639–2555.

SUPPLEMENTARY INFORMATION: These sole source awards will support the recipients to improve or maintain capacity to conduct seasonal influenza surveillance and detect and respond to pandemic and novel influenza. In addition, the activities funded under these awards will enhance capacity to detect and respond to novel influenza viruses, such as highly pathogenic avian influenza, as well as identify outbreaks of severe respiratory illness syndrome and other infectious disease threats through both epidemiologic and virologic detection. These activities will strengthen connections between national institutions, especially National Influenza Centers, to fully participate in data sharing and maintain capacity to share specimens, as well as clinical and epidemiologic data related to influenza circulation.

These entities are in a unique position to conduct this work, as they are either subsidiaries of the host government ministries of health or they are the designated entities responsible for leading influenza surveillance. They have the expertise to support health service delivery and oversee the national coordination of surveillance, preparedness, prevention, and response activities to all forms of health threats and public health emergencies.

Summary of the Award

Recipients: Administracion Nacional de Laboratorios e Institutos de Salud Dr. Carlos G. Malbran, Argentina; Instituto de Salud Publica de Chile, Chile; Ministerio de Salud Pública de Ecuador, Ecuador; Instituto Conmemorativo Gorgas de Estudios de la Salud, Panama; Caribbean Public Health Agency, Caribbean Region.

Purpose of the awards: The purpose of these awards is to support surveillance and response for pandemic and novel influenza and other infectious disease threats in Argentina, Chile, Ecuador, Panama, Paraguay, and the Caribbean Region.

Authority: This program is authorized under §§ 307 and 317(k) of the Public Health Service Act (42 U.S.C. *242l* and 247b(k)).

Period of performance: September 30, 2026 through September 29, 2031.

Jamie Legier,

Chief Grants Management Officer, Centers for Disease Control and Prevention.

[FR Doc. 2026–15901 Filed 8–4–26; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Notice of Award of a Single Source Grant To Fund Fundacion Mexico-Estados Unidos Para La Ciencia, A.C.

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

ACTION: Notice.

SUMMARY: The Centers for Disease Control and Prevention (CDC), located

within the Department of Health and Human Services (HHS), announces one award to fund Fundacion Mexico-Estados Unidos Para La Ciencia, A.C. for approximately $800,000 in Federal Fiscal Year 2026, subject to the availability of funds. Funding amounts for years 2–5 will be set at continuation.

DATES: The period for this award will be September 30, 2026, through September 29, 2031.

FOR FURTHER INFORMATION CONTACT: CAPT. E. Azziz-Baumgartner, USPHS, Global Influenza Branch Chief, Influenza Division, National Center for Immunization and Respiratory Diseases, Centers for Disease Control and Prevention, 1600 Clifton Rd., Atlanta, GA, Global Influenza Branch, Phone: 404–639–2555.

SUPPLEMENTARY INFORMATION: The single source award will support the recipient to improve or maintain capacity to conduct seasonal influenza surveillance and detect and respond to pandemic and novel influenza. In addition, the activities under this award enhance capacity to detect and respond to novel influenza viruses, such as highly pathogenic avian influenza, as well as identify outbreaks of severe respiratory illness syndrome and other infectious disease threats through both epidemiologic and virologic detection. These activities will strengthen connections between national institutions, especially National Influenza Centers, to fully participate in data sharing and maintain capacity to share specimens, as well as clinical and epidemiologic data related to influenza circulation.

Fundacion Mexico-Estados Unidos Para La Ciencia, A.C. is in a unique position to conduct this work, as it is the designated entity responsible for leading influenza surveillance. It has the expertise to support health service delivery and oversee the national coordination of surveillance, preparedness, prevention, and response activities to all forms of health threats and public health emergencies.

Summary of the Award

Recipient: Fundacion Mexico-Estados Unidos Para La Ciencia, A.C.

Purpose of the award: The purpose of this award is to support surveillance and response for pandemic and novel influenza and other infectious disease threats in Mexico.

Authority: This program is authorized under §§ 307 and 317(k) of the Public Health Service Act (42 U.S.C. 242l and 247b(k)).

Period of performance: September 30, 2026, through September 29, 2031.

Jamie Legier,

Chief Grants Management Officer, Centers for Disease Control and Prevention.

[FR Doc. 2026–15909 Filed 8–4–26; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

Privacy Act of 1974; Matching Program

AGENCY: Centers for Medicare & Medicaid Services (CMS), Department of Health and Human Services (HHS).

ACTION: Notice of a new matching program.

SUMMARY: In accordance with the Privacy Act of 1974, as amended, the Department of Health and Human Services (HHS), Centers for Medicare & Medicaid Services (CMS) is providing notice of the re-establishment of a matching program between CMS and the Department of War for ''Verification of Eligibility for Minimum Essential Coverage Under the Patient Protection and Affordable Care Act through a Department of War Health Benefits Plan.''

DATES: The deadline for comments on this notice is September 4, 2026. The re-established matching program will commence not sooner than 30 days after publication of this notice, provided no comments are received that warrant a change to this notice. The matching program will be conducted for an initial term of 18 months and within 3 months of expiration may be renewed for up to one additional year if the parties make no change to the matching program and certify that the program has been conducted in compliance with the matching agreement.

ADDRESSES: Interested parties may submit comments on this notice to the CMS Privacy Act Officer by mail at: Division of Security, Privacy Policy & Governance, Information Security & Privacy Group, Office of Information Technology, Centers for Medicare & Medicaid Services, Location: N1–14–56, 7500 Security Blvd., Baltimore, MD 21244–1850 or by email at *Barbara.Demopulos@cms.hhs.gov.*

FOR FURTHER INFORMATION CONTACT: If you have questions about the matching program, you may contact Terence Kane, Director, Division of Automated Verifications and SEP Policy, Marketplace Eligibility and Enrollment Group, Center for Consumer Information and Insurance Oversight, Centers for Medicare & Medicaid Services, at (301) 492–4449, by email at *Terence.kane@cms.hhs.gov,* or by mail at 7501 Wisconsin Avenue, Bethesda, MD 20814.

SUPPLEMENTARY INFORMATION: The Privacy Act of 1974, as amended (5 U.S.C. 552a) provides certain protections for individuals applying for and receiving federal benefits. The law governs the use of computer matching by federal agencies when records in a system of records (meaning, federal agency records about individuals retrieved by name or other personal identifier) are matched with records of other federal or non-federal agencies. The Privacy Act requires agencies involved in a matching program to:

1. Enter into a written agreement, which must be prepared in accordance with the Privacy Act, approved by the Data Integrity Board of each source and recipient federal agency, provided to Congress and the Office of Management and Budget (OMB), and made available to the public, as required by 5 U.S.C. 552a(o), (u)(3)(A), and (u)(4).

2. Notify the individuals whose information will be used in the matching program that the information they provide is subject to verification through matching, as required by 5 U.S.C. 552a(o)(1)(D).

3. Verify match findings before suspending, terminating, reducing, or making a final denial of an individual's benefits or payments or taking other adverse action against the individual, as required by 5 U.S.C. 552a(p).

4. Report the matching program to Congress and the OMB, in advance and annually, as required by 5 U.S.C. 552a(o) (2)(A)(i), (r), and (u)(3)(D).

5. Publish advance notice of the matching program in the **Federal Register** as required by 5 U.S.C. 552a(e)(12).

This matching program meets these requirements.

Barbara Demopulos,

Privacy Act Officer, Division of Security, Privacy Policy and Governance, Office of Information Technology, Centers for Medicare & Medicaid Services.

Participating Agencies

The Department of Health and Human Services (HHS), Centers for Medicare & Medicaid Services (CMS) is the recipient agency, and the Department of War (identified in the applicable system of records notice as Department of Defense) is the source agency.

Authority for Conducting the Matching Program

The principal authority for the matching program is 42 U.S.C. 18001, *et seq.*

Purpose(s)

The purpose of the matching program is to assist CMS in determining individuals' eligibility for financial assistance in paying for private health insurance coverage. In this matching program, the Department of War provides CMS with daily files, indicating whether an individual who is seeking eligibility determination for financial assistance is enrolled in TRICARE. CMS makes this data available to state administering entities (AEs) through a data services hub, under a separate matching agreement. CMS and AEs use the Department of War data to verify whether an individual who is applying for or is enrolled in private health insurance coverage under a qualified health plan through a federally-facilitated or state-based health insurance exchange is eligible for coverage under a Department of War health benefit plan, for the purpose of determining the individual's eligibility for financial assistance (including an advance tax credit and cost sharing reduction, which are types of insurance affordability programs) in paying for private health insurance coverage. The Department of War health benefit plans provide minimum essential coverage, and eligibility for such plans precludes eligibility for financial assistance in paying for private coverage. The data provided by the Department of War under this matching program will be used by CMS and AEs to authenticate identity, determine eligibility for financial assistance, and determine the amount of any financial assistance.

Categories of Individuals

The categories of individuals whose information is involved in the matching program are: (1) individuals who are eligible for or enrolled in a TRICARE plan, identified in data CMS receives from the Department of War, and (2) consumers who apply for or are enrolled in private insurance coverage under a qualified health plan through a federally-facilitated or state-based health insurance exchange (and other relevant individuals, such as applicants' and enrollees' household members), whose records are matched against the data CMS receives from the Department of War.

Categories of Records

The categories of records which will be provided by the Department of War to CMS in this matching program are identity records and minimum essential coverage period records, consisting of these data elements: Social Security Numbers (SSNs), Coverage Begin Date(s) and Coverage End Date(s).

System(s) of Records

A. System of Records Maintained by CMS

The applicable CMS system of records is CMS Health Insurance Exchanges System (HIX), CMS System No. 09–70–0560, last published in full at 78 FR 63211 (Oct. 23, 2013), as amended at 83 FR 6591 (Feb. 14, 2018).

B. System of Records Maintained by the Department of War

The applicable Department of War system of records is DMDC 02 DoD, Defense Enrollment Eligibility Reporting System (DEERS), last published in full at 87 FR 32384 (May 31, 2022).

[FR Doc. 2026–15861 Filed 8–4–26; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[Office of Management and Budget #: 0970–0564]

Proposed Information Collection Activity; Monitoring and Compliance for Office of Refugee Resettlement Care Provider Facilities

AGENCY: Office of Refugee Resettlement, Administration for Children and Families, U.S. Department of Health and Human Services.

ACTION: Request for Public Comments.

SUMMARY: The Office of Refugee Resettlement (ORR), Administration for Children and Families (ACF), U.S. Department of Health and Human Services (HHS), is inviting public comments on the proposed revisions to an information collection. The Monitoring and Compliance for ORR Care Provider Facilities information collection consists of several forms that will allow the Monitoring and Compliance Bureau (MCB) and Unaccompanied Alien Children Bureau (UACB) to better monitor UACB-funded care provider facilities for compliance with federal and state laws and regulations, licensing and accreditation standards, ORR policies and procedures, and child welfare standards. This request includes the addition of nine new instruments, discontinuation of obsolete instruments, and revisions to remaining currently approved instruments.

DATES: *Comments due* October 5, 2026.

ADDRESSES: In compliance with the requirements of the Paperwork Reduction Act of 1995, ACF is soliciting public comment on the specific aspects of the information collection described above. You can obtain copies of the proposed collection of information and submit comments by emailing *infocollection@acf.hhs.gov.* Identify all requests by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: This request is to revise 5 existing forms in this collection, add 9 new forms, and discontinue 33 forms.

Proposed Form Revisions

Global Revisions (made where applicable)

- Changed ''unaccompanied child (UC)'' to ''unaccompanied alien child (UAC)''
- Changed the field label for ''Gender'' to ''Sex'' and limit options to Male or Female

Incident Review Forms (Forms M–5A to M–5B)

- Revised instructions at beginning of the forms for clarity
- Reworded several headings and questions for clarity
- Added several questions to ensure that the information the care provider submits to ORR provides a clear and complete picture of the incident

Home Study and Post-Release Services Site Visit Guide (Form M–7E)

- Revised the form for clarity, consistency, and alignment with current ORR monitoring expectations
- Reorganized and expanded key sections to collect more specific information about program operations, service delivery, safety practices, documentation, and compliance
- Added new content areas on program capacity, personnel onboarding and training, finance, language access, Notifications of Concern, sponsor/address flagging, subrecipient oversight, and background-check compliance
- Updated the pre-site visit materials request to include more detailed documentation on policies, staff background checks, training, post-release services tools, and subrecipient monitoring

ORR–Funded Program Leadership Interview Tool (Form M–13A) and *Home Study and Post-Release Services Caseworker Interview Tool (Form M–13B)*

- Updated the tool titles from ''Home Study and Post-Release Services Director Questionnaire'' to ''ORR-Funded Program Leadership Interview Tool'' and from ''Home Study and Post-Release Services Caseworker Questionnaire'' to ''Home Study and Post-Release Services Caseworker Interview Tool''
- Added more structured fields for program, monitoring visit, interview, interpreter, and timing information
- Added standardized interviewer guidance for preparation, virtual interviews, interpreter use, trauma-informed practices, mandated reporting, confidentiality, and close-out
- Reorganized and clarified the questions into consistent topic areas covering role responsibilities, training, child safety, service quality, role-specific duties, and conclusion questions
- Expanded child safety and incident-response questions, including abuse, maltreatment, sexual abuse/harassment, runaway incidents, trafficking, exploitation, unsafe environments, and other safety concerns
- Revised service delivery, documentation, and role-specific questions to better assess program oversight, subrecipient monitoring, case management, referrals, psychoeducation, documentation accuracy, and safeguarding information.
- Folded several older broad prompts into more targeted questions on program effectiveness, service delivery, safety, compliance, and improvement opportunities.

New Forms

- *Prevention of Sexual Abuse (PSA) Quarterly Report (Form M–18):* This instrument is used by care providers to share with ORR quarterly PSA data on incidents and allegations of sexual abuse and sexual harassment as required under 45 CFR 411.102(c).
- *Business Owner Site Visit Report (Form M–19):* This instrument is used by contract business owners to conduct quarterly site visits for care provider facilities funded under a contract and document their observations and child interview responses.
- *Home Study and Post-Release Services (HSPRS) Interview Tools:* These tools will allow ORR to conduct interviews that are tailored specifically for monitoring HSPRS providers.
  - HSPRS Supervisory Caseworker Interview Tool (Form M–13F)
  - HSPRS Discharged Child-Sponsor Interview Tool (Form M–13G)
  - HSPRS Quality Assurance Staff Interview Tool (Form M–13H)
  - HSPRS Subrecipient Staff Interview Tool (Form M–13I)

The MCB plans to move all their forms into a single web-based application (Monitoring & Compliance App). The forms will also be revised to use focused, compliance-based questions and document requests that will align with ORR's new monitoring standards.

Forms with multiple versions will be consolidated into a single tool, as outlined in the table below. Each tool will populate relevant fields based on program type, level of care, and interviewee role, as applicable.

Thus far, three tools have been developed for the web-based application for programs with the following levels of care: shelter, transitional foster care, long-term foster care, and group home. Word/Excel versions of these three tools will continue to be used for other levels of care until they can be incorporated into the web-based versions in the app. As more tools are developed, ORR will submit additional requests for approval.

- *Monitoring File Checklists (Form M–20):* This web-based tool is used by ORR federal and contractor monitors during monitoring visits to document review of required program files. The tool consolidates multiple Word and Excel file checklist instruments into one web-based tool. The tool includes three sub-tools: the Child File Checklist, Staff File Checklist, and Foster Parent File Checklist.
- *Monitoring Interviews (Form M–21):* This web-based tool is used by ORR federal and contractor monitors to conduct and document interviews during monitoring visits. The tool consolidates the previously approved program staff questionnaires, child questionnaires, foster parent questionnaire, and stakeholder/service provider questionnaires into one web-based interview tool. The tool includes four sub-tools: Child Interview, Staff Interview, Foster Parent Interview, and Stakeholder Interview. The staff interview sub-tool includes interview types such as case manager, clinician, educator, independent living skills coordinator, medical staff, ORR-funded leadership, PSA compliance manager, youth care worker, and interpreter; the stakeholder interview sub-tool includes case coordinator, child advocate, legal service provider, and state licensing representative.
- *Monitoring Site Assessment (Form M–22):* This web-based tool is used by ORR federal and contractor monitors during monitoring visits to document observations from the onsite portion of the review, including facility walk-throughs and assessment of whether observed conditions comply with ORR's monitoring measures. The site assessment supports standardized documentation of onsite monitoring findings and helps align monitoring observations with ORR's newly developed compliance-based monitoring measures.

Discontinued Forms

- *Out-of-Network Site Visit Report (Form M–3B):* ORR proposes discontinuing this instrument. Form M–3B was developed for the UAC Path system, which was never implemented, and Form M–3B was never used. ORR is in the process of developing a different tool for out-of-network site visits and will submit the tool for approval when ready.
- *Remote Site Visit Guides:* ORR proposes discontinuing two versions of the Site Visit Guide that were created for remote monitoring visits. These versions were created in response to the COVID–19 pandemic and are no longer used.
  - Remote Monitoring Site Visit Guide (Form M–7B)
  - Long Term Foster Care Remote Site Visit Guide (Form M–7D)
- *Foster Care Program Checklist and Questionnaires:* ORR proposes discontinuing the following monitoring tools that were used for foster care programs. These tools have been replaced by the new web-based Monitoring File Checklists (Form M–20) and Monitoring Interviews (Form M–21) tools.
  - Foster Parent Checklist (Form M–10D)
  - Foster Care Program Director Questionnaire (Form M–11B)
  - Foster Care Case Manager Questionnaire (Form M–11F)
  - Foster Care Clinician Questionnaire (Form M–11D)
  - Foster Care Education Questionnaire (Form M–11H)
  - Foster Care Home Finder Questionnaire (Form M–11M)
  - Foster Care Independent Living Life Skills Staff Questionnaire (Form M–11N)
  - Foster Care Foster Parent Questionnaire (Form M–11O)
  - Long Term Foster Care Client (Child) Questionnaire (Form M–12C)
  - Foster Care Legal Service Provider Questionnaire (Form M–13D)
- *Unlicensed Facility Tools:* ORR proposes discontinuing the following

monitoring tools developed for monitoring unlicensed (also known as delicensed) facilities. These tools will no longer be used. Instead, monitors will use the standard versions (Word, Excel, and web-based) of their tools to monitor delicensed facilities.

- Unlicensed Facility Monitoring Notes (Form M–6A–UF)
- Unlicensed Facility LTFC Monitoring Notes (Form M–6C–UF)
- Unlicensed Facility Site Visit Guide (Form M–7A–UF)
- Unlicensed Facility Unaccompanied Child Case File Checklist (Form M–8A–UF)
- Unlicensed Facility Foster Care Unaccompanied Child Case File Checklist (Form M–8B–UF)
- Unlicensed Facility Staff Secure Addendum to Case File Checklist (Form M–8D–UF)
- Unlicensed Facility Personnel File Checklist (Form M–10A–UF)
- Unlicensed Facility Program Director Questionnaire (Form M–11A–UF)
- Unlicensed Facility Clinician Questionnaire (Form M–11C–UF)
- Unlicensed Facility Case Manager (Form M–11E–UF)
- Unlicensed Facility Education Staff Questionnaire (Form M–11G–UF)
- Unlicensed Facility Medical Coordinator Questionnaire (Form M–11I–UF)
- Unlicensed Facility Youth Care Worker (Form M–11J–UF)
- Unlicensed Facility Prevention of Sexual Abuse Compliance Manager Staff Questionnaire (Form M–11K–UF)
- Unlicensed Facility Interpreter Questionnaire (Form M–11P–UF)
- Unaccompanied Child Questionnaire–Ages 6–12 Years Old–Unlicensed Facility Quarterly Health and Safety Visit (Form M–12A–UF and M–12As-UF)
- Unaccompanied Child Questionnaire–Ages 13 and Older–Unlicensed Facility Quarterly Health and Safety Visit (Form M–12B–UF and M–12Bs-UF)
- Unaccompanied Child Questionnaire–Ages 5 and Under–Unlicensed Facility Quarterly Health and Safety Visit (Form M–12E–UF and M–12Es-UF)
- Legal Service Provider Questionnaire—Unlicensed Facility Quarterly Health and Safety Visit (Form M–13C–UF)
- Case Coordinator Questionnaire–Unlicensed Facility Quarterly Health and Safety Visit (Form M–13E–UF)

Respondents: ORR-funded grantees and contractors, foster parents, and unaccompanied alien children.

Annual Burden Estimates: The proposed revisions result in a 49.80 percent decrease in burden compared to the currently approved information collection.

The revised burden estimate reflects the following changes:

- A decrease in the number of care provider facilities.
- A 4-hour reduction in the time it takes to complete Site Assessment (also known as Monitoring Notes).
- Removal of several forms, including:
  - Word/Excel monitoring tools that are no longer used or have been consolidated into the web-based monitoring and compliance app
  - Remote visits versions of the Site Visit Guide monitoring tool
  - An out-of-network site visit report that was developed for another system and never used
- Changes in site visit frequency, including:
  - Increasing the frequency of comprehensive site visits to licensed care providers from biennially to annually
  - Decreasing the frequency of comprehensive and follow-up site visits to delicensed care providers from biennially with quarterly follow-up visits to annually with a six-month follow-up visit
  - Introducing additional quarterly site visits for care provider facilities funded under a contract
- The addition of new forms, including:
  - HSPRS interview tools
  - PSA Quarterly Report
  - Business Owner Site Visit Report

Respondents

Respondents include unaccompanied alien children, ORR care provider affiliated foster parents, care provider facilities, HS and PRS providers, legal service providers, child advocates, case coordinators, and state licensing representatives.

Information collection title	Annual number of respondents	Annual number of responses per respondent	Average burden hours per response	Annual total burden hours
Corrective Action Report (Form M—1)—Licensed Facility and Ad Hoc Visits	120	1.00	5.00	600.00
Corrective Action Report (Form M—1)—Delicensed Facility Visits	90	2.00	5.00	900.00
Corrective Action Report (Form M—1)—Emergency Influx Facility (EIF) Visits	8	4.00	5.00	160.00
Federal Field Specialist (FFS) Compliance and Safety Site Visit Report (Form M—3)	1,860	1.00	1.00	1,860.00
Checklists for a Child-Friendly Environment (Forms M—4A to M–4B)	155	6.00	0.25	232.50
Incident Reviews (Forms M—5A to M–5B)	155	0.73	2.00	226.30
Site Visit Guide (Form M—7A)—Licensed Facility & Ad Hoc Visits	45	1.00	13.00	585.00
Site Visit Guide (Form M—7A)—Delicensed Facility Visits	37	2.00	13.00	962.00
Foster Care Site Visit Guide (Form M—7C)—Licensed Facility	75	1.00	6.00	450.00
Foster Care Site Visit Guide (Form M—7C)—Delicensed Facility Visits	8	2.00	6.00	96.00
Home Study and Post-Release Services Site Visit Guide (Form M—7E)	25	1.00	6.00	150.00
Voluntary Agency Site Visit Guide (Form M—7F)	10	1.00	6.00	60.00
Influx Care Facility Site Visit Guide (Form M—7G)	2	4.00	15.00	120.00
Program Staff Questionnaires (Forms M—11A to M—11K)—Licensed Facility	14	1.00	1.00	14.00
Program Staff Questionnaires (Forms M—11A to M—11K)—Delicensed Facility Visits	14	2.00	1.00	28.00
Program Staff Questionnaires (Forms M—11A to M—11K)—EIF Visits	14	4.00	1.00	56.00
Secure Detention Officer Questionnaire (Form M—11L)	1	1.00	1.00	1.00
Interpreter Questionnaire (Form M—11P)—Licensed Facility	2	1.00	0.50	1.00
Interpreter Questionnaire (Form M—11P)—Delicensed Facility Visits	2	2.00	0.50	2.00
Interpreter Questionnaire (Form M—11P)—EIF Visits	2	4.00	0.50	4.00
Unaccompanied Child Questionnaires (Forms M—12A to M—12B & M—12E)—Licensed Facility Visits	10	1.00	0.50	5.00

Information collection title	Annual number of respondents	Annual number of responses per respondent	Average burden hours per response	Annual total burden hours
Unaccompanied Child Questionnaires (Forms M—12A to M—12B & M—12E)—Delicensed Facility Visits	10	2.00	0.50	10.00
Unaccompanied Child Questionnaires (Forms M—12A to M—12B & M—12E)—EIF Visits	10	4.00	0.50	20.00
Secure Client Questionnaire (Form M—12D)	5	1.00	0.50	2.50
ORR-Funded Program Leadership Interview Tool (Form M—13A)	25	1.00	1.00	25.00
Home Study and Post-Release Services Caseworker Interview Tool (Form M—13B)	25	1.00	1.00	25.00
Home Study and Post-Release Services Supervisory Caseworker Interview (Form M—13F)	25	1.00	1.00	25.00
Home Study and Post-Release Services Discharged Child-Sponsor Interview (Form M—13G)	150	1.00	1.00	150.00
Home Study and Post-Release Services Quality Assurance Staff Interview (Form M—13H)	25	1.00	1.00	25.00
Home Study and Post-Release Services Subrecipient Staff Interview (Form M—13I)	75	1.00	1.00	75.00
Legal Service Provider Questionnaire (Form M—13C)—Licensed Facility	2	1.00	1.00	2.00
Legal Service Provider Questionnaire (Form M—13C)—Delicensed Facility Visits	2	2.00	1.00	4.00
Legal Service Provider Questionnaire (Form M—13C)—EIF Visits	2	4.00	1.00	8.00
Case Coordinator Questionnaire (Form M—13E)—Licensed Facility	2	1.00	1.00	2.00
Case Coordinator Questionnaire (Form M—13E)—Delicensed Facility Visits	2	2.00	1.00	4.00
Case Coordinator Questionnaire (Form M—13E)—EIF Visits	2	4.00	1.00	8.00
Preaudit Questionnaire and Audit Documentation Requested Checklist (Form M—17A)	60	1.00	4.00	240.00
Instructions for Site Visit and Facility Tour (Form M—17B)	60	1.00	2.00	120.00
Interview Guide: Random Sample of Staff Interview (Form M—17C)	240	1.00	1.00	240.00
Interview Guide: Program Director (Form M—17D)	60	1.00	1.00	60.00
Interview Guide: Prevention of Sexual Abuse (PSA) Compliance Manager (Form M—17E)	60	1.00	1.00	60.00
Interview Guide: Specialized Staff (Form M—17F)	120	1.00	1.00	120.00
Interview Guide: Unaccompanied Alien Child (Form M—17G)	600	1.00	0.50	300.00
PSA Audit Corrective Action Report (Form M—17H)	60	1.00	1.00	60.00
PSA Quarterly Report (Form M—18)	155	4.00	1.50	930.00
Business Owner Site Visit Report (Form M—19)	60	1.00	0.75	45.00
Monitoring Interview (Form M—21)—Child-Licensed Facility & Ad Hoc Visits	590	1.00	1.00	590.00
Monitoring Interview (Form M—21)—Child-Delicensed Facility Visits	265	2.00	1.00	530.00
Monitoring Interview (Form M—21)—Staff-Licensed Facility & Ad Hoc Visits	1,062	1.00	1.00	1,062.00
Monitoring Interview (Form M—21)—Staff-Delicensed Facility Visits	477	2.00	1.00	954.00
Monitoring Interview (Form M—21)—Foster Parent-Licensed Facility & Ad Hoc Visits	176	1.00	1.00	176.00
Monitoring Interview (Form M—21)—Foster Parent—Delicensed Facility Visits	38	2.00	1.00	76.00
Monitoring Interview (Form M—21)—Stakeholder-Licensed Facility & Ad Hoc Visits	472	1.00	0.75	354.00
Monitoring Interview (Form M—21)—Stakeholder-Delicensed Facility Visits	212	2.00	0.75	318.00
Estimated Annual Burden Hours Total				13,133.30

PREVENTION OF SEXUAL ABUSE AUDITOR CONTRACTORS

Information collection title	Annual number of respondents	Annual number of responses per respondent	Average burden hours per response	Annual total burden hours
Preaudit Questionnaire and Audit Documentation Requested Checklist (Form M—17A)	8	7.50	3.00	180.00
Instructions for Site Visit and Facility Tour (Form M—17B)	8	7.50	1.00	60.00
Interview Guide: Random Sample of Staff Interview (Form M—17C)	8	30.00	1.00	240.00
Interview Guide: Program Director (Form M—17D)	8	7.50	1.00	60.00
Interview Guide: Prevention of Sexual Abuse (PSA) Compliance Manager (Form M—17E)	8	7.50	1.00	60.00
Interview Guide: Specialized Staff (Form M—17F)	8	15.00	1.00	120.00
Interview Guide: Unaccompanied Alien Child (Form M—17G)	8	75.00	0.50	300.00
PSA Audit Corrective Action Report (Form M—17H)	8	7.50	2.00	120.00
Estimated Annual Burden Hours Total				1,140.00

DELICENSED FACILITY MONITOR CONTRACTORS

Information collection title	Annual number of respondents	Annual number of responses per respondent	Average burden hours per response	Annual total burden hours
Corrective Action Report (Form M–1)	19	9.47	5.00	899.65
Site Visit Guide Tool (Form M–7A)	19	3.89	29.00	2,143.39
Foster Care Site Visit Guide (Form M–7C)	19	0.84	21.00	335.16
Program Staff Questionnaires (Forms M–11A to M–11K)	19	1.47	1.00	27.93
Interpreter Questionnaire (Form M–11P)	19	0.21	0.50	2.00
Unaccompanied Child Questionnaires (Forms M–12A to M–12B & M–12E)	19	1.05	0.50	9.98
Legal Service Provider Questionnaire (Form M–13C)	19	0.21	1.00	3.99
Case Coordinator Questionnaire (Form M–13E)	19	0.21	1.00	3.99
Monitoring Site Assessment (Form M–22)	19	2.26	8.00	343.52
Monitoring Interview (Form M–21)—Child	19	27.89	1.00	529.91
Monitoring Interview (Form M–21)—Staff	19	50.21	1.00	953.99
Monitoring Interview (Form M–21)—Foster Parent	19	4.00	1.00	76.00
Monitoring Interview (Form M–21)—Stakeholder	19	22.32	0.75	318.06
Monitoring File Checklist (Form M–20)—Child	19	13.58	6.00	1,548.00
Monitoring File Checklist (Form M–20)—Staff	19	13.58	1.00	258.00
Monitoring File Checklist (Form M–20)—Foster Parent	19	2.84	1.00	54.00
Estimated Annual Burden Hours Total	.....	.....	.....	7,507.57

Comments: The Department specifically requests comments on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Authority: 6 U.S.C. 279; 8 U.S.C. 1232; 45 CFR part 410; 45 CFR part 411; *Flores* v. *Reno* Settlement Agreement, No. CV85–4544–RJK (C.D. Cal. 1996)

Mary C. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2026–15842 Filed 8–4–26; 8:45 am]

BILLING CODE 4184–45–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[Office of Management and Budget #: 0970–0466]

Proposed Information Collection Activity; Office of Refugee Resettlement (ORR) Unaccompanied Alien Child Health Forms

AGENCY: Office of Refugee Resettlement, Administration for Children and Families, U.S. Department of Health and Human Services.

ACTION: Request for public comments.

SUMMARY: The Administration for Children and Families (ACF) Office of Refugee Resettlement (ORR) is requesting to move the Serious Medical Procedure Request (SMR) Form (Office of Management and Budget (OMB) #: 0970–0561, expiration date December 31, 2026) under the Medical Assessment Form and Dental Assessment Form (OMB #: 0970–0466, expiration October 31, 2026) information collection and update the title of OMB # 0970–0466 to *Office of Refugee Resettlement (ORR) Unaccompanied Alien Child Health Forms.* Revisions are proposed to the forms. The proposed restructuring and revisions will improve transparency, lessen burden, improve data quality, and ensure alignment with ORR requirements. In addition, to ensure continuity of care, the request has been revised to include the sharing of health information with the Department of Homeland Security (DHS) in specific circumstances.

DATES: Comments due October 5, 2026.

ADDRESSES: In compliance with the requirements of the Paperwork Reduction Act of 1995, ACF is soliciting public comment on the specific aspects of the information collection described above. You can obtain copies of the proposed collection of information and submit comments by emailing *infocollection@acf.hhs.gov.* Identify all requests by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: Unaccompanied alien children in ORR custody are placed in care provider programs until unification with a qualified sponsor. Care providers ensure children receive a range of services including routine and emergency medical, dental, and mental health care. Children must also receive medical and dental baseline exams, routine well-child checks, preventive dental care, and counseling services. Care provider staff are expected to implement all recommended treatment plans (*e.g.,* referrals to specialists, procedures, accommodation for physical or mental impairments that impact daily living activities) as directed by the evaluating healthcare provider. All non-emergent procedures performed under anesthesia or IV sedation require ORR approval via the SMR form. Before a decision can be made by ORR, the SMR form must be completed by the treating healthcare provider (*e.g.,* surgeon) and submitted to ORR via the care provider program. ORR will waive the completion of the SMR form requirement if it is deemed to be in the best interest of the child (*e.g.,* during a hospitalization or emergency

department visit, related to a medical emergency). If a child with a health condition that requires daily management or accommodation (*e.g.,* medication, durable medical equipment) is identified for repatriation by DHS, relevant information from their established treatment plan must be shared with DHS to ensure continuity of care. See Proposed Changes for more information.

Data from medical and dental assessments is captured through the following forms that are currently under two ORR information collections (OMB #s: 0970–0466 and 0970–0561):

- Medical Assessment Form (MAF)
- Dental Assessment Form (DAF)
- SMR Form

Each Assessment form has a corresponding instructional Dear Colleague Letter that healthcare providers are expected to read at the initial visit with the child. The forms are used as worksheets by healthcare providers and care provider staff to compile information that would otherwise have been collected during the health assessment. Once completed, care provider staff transcribe the information from the form into ORR's secure, electronic system of record. Although the MAF is not completed during emergency or urgent care visits, hospitalizations, admission to an out-of-network facility (*e.g.,* medical rehab facility), or follow-up immunization visits in the absence of a healthcare provider evaluation, care providers are required to complete the respective form in ORR's electronic system of record by extracting relevant data from health records.

Data is used by ORR to monitor and support the health of unaccompanied alien children while in care, for case management of identified illnesses/conditions, and to ensure care provider compliance with ORR requirements.

Finally, ORR has updated the stated uses of data sharing to include providing relevant health information to DHS when a child with healthcare needs is identified by DHS for repatriation.

Summary of Proposed Changes

ORR is proposing the incorporation of the SMR Form currently approved under OMB #: 0970–0561 into the OMB #: 0970–0466 information collection and changing the title to *Office of Refugee Resettlement (ORR) Unaccompanied Alien Child Health Forms* to group forms with a similar purpose together. Other changes to the SMR form include the removal of the first page that was completed by care provider staff, clarifying the purpose of the form in the instructions, and revising fields to reduce redundancy and enhance data quality and healthcare provider response.

The MAF and DAF would also be revised to:

- *reduce duplicate documentation and encourage form completion* by only requiring completion of the History section on the DAF for the initial dental exam and allowing healthcare providers the option of summarizing critical health information in the first two pages of the MAF instead of completing a third page for all scheduled visits except the initial medical exam and routine well-child visits.
- *improve compliance and care tracking* by strengthening the disabilities and accommodations field and adding a field for all ordered or completed labs and imaging on the MAF, and
- *improve data quality* through clearer instructions by visit type, a healthcare provider acknowledgement and signature section authorizing record sharing with ORR, replacement of fixed diagnosis choices with free-text fields, and broader field reformatting.

The related Dear Colleague Letter would also be updated to reflect these Mental Health Assessment Form (MHAF) changes (see Tab I for a summary of updates).

In addition, language was updated to expand the purposes of data to include sharing relevant health data captured on the MHAF with DHS when a child in ORR custody has healthcare needs and is identified by DHS for repatriation. Shared information includes:

- Child's identifying information (name, alien number, date of birth)
- Active diagnoses or concerns that require management
- Allergies
- Current medications and dosages
- Isolation/Quarantine requirements
- Health-related accommodations (including durable medical equipment needs)
- Health-related ravel restrictions

The purpose of sharing this data is to ensure children receive healthcare services and accommodation as recommended by their treating healthcare providers.

Respondents: Healthcare providers (primary care providers, medical specialists, dentists, and surgeons).

Annual Burden Estimates

The overall annual burden of response and recordkeeping time decreased by 91.5 percent and 88 percent, respectively. The decrease is attributed to a significantly lower census of unaccompanied alien children in ORR care which reduced the number of respondents and responses per respondent. In addition, the average burden hours per response was decreased for each form by removing unnecessary fields and introducing skip patterns for fields that are only needed for specific types of visits.

ESTIMATED RESPONSE TIME FOR RESPONDENTS

Instrument	Respondent	Total number of respondents	Annual number of responses per respondent	Average burden hours per response	Annual burden hours
Medical Assessment Form	Pediatricians, General	150	130	0.134	2,613
	Medical Specialist, General	300	34.2	0.137	1,405.6
Dental Assessment Form	Dentists	150	155.5	0.05	1,166.3
SMR Form	Surgeons	150	0.67	0.17	17.1
Estimated Total Annual Burden Hours.					5,202

ESTIMATED RECORDKEEPING TIME FOR RESPONDENTS

Instrument	Respondent	Total number of respondents	Annual number of responses per respondent	Average burden hours per response	Annual burden hours
Medical Assessment Form completed by a medical provider.	Care Provider Staff	150	198.4	0.24	7,142.4
Medical Assessment Form not completed by a medical provider (information obtained via health records).		150	27.6	0.33	1,366.2
Dental Assessment Form		150	155.5	0.15	3,498.8
SMR Form		150	0.67	0.08	8
Estimated Total Annual Burden Hours.					12,015.4

Comments: The Department specifically requests comments on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Authority: These information collections are related to and funded by the ORR Unaccompanied Alien Children Bureau (UACB), are authorized by the statutes and regulations listed below, and are being conducted by ORR UACB.

- *Homeland Security Act, 6 U.S.C. 279*—Transferred responsibilities for the care and placement of unaccompanied alien children from the Commissioner of the former Immigration and Naturalization Service to the Director of ORR.
- *Unaccompanied Children Program Foundational Rule, 45 CFR part 410*—Establishes a uniform set of standards and procedures concerning the placement, care, and services provided to unaccompanied alien children in ORR care that is consistent with ORR's statutory duties. Sections 410.1306(g) and 410.1307 require care provider programs to ensure children are provided with routine and emergency healthcare services while in care.
- *Lucas R. et al.* v. *Becerra et al. (Case No. 2:18–CV–05741–DMG–PLA) Psychotropic Medication Settlement Agreement*—Establishes standards for monitoring the administration of psychotropic medication to children in ORR custody and care.

Mary C. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2026–15848 Filed 8–4–26; 8:45 am]

BILLING CODE 4184–45–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[Office of Management and Budget #: 0970–0034]

Proposed Information Collection Activity; Unaccompanied Refugee Minors Program ORR–3 Report and ORR–4 Report

AGENCY: Office of Refugee Resettlement, Administration for Children and Families, U.S. Department of Health and Human Services.

ACTION: Request for public comments.

SUMMARY: The Office of Refugee Resettlement (ORR) is requesting a 3-year extension with revisions of the Unaccompanied Refugee Minors (URM) Program ORR–3 Report and ORR–4 Report (Office of Management and Budget #: 0970–0034, expiration November 30, 2026). Revisions were made to reduce burden and streamline information collection.

DATES: Comments due October 5, 2026.

ADDRESSES: In compliance with the requirements of the Paperwork Reduction Act of 1995, ACF is soliciting public comment on the specific aspects of the information collection described above. You can obtain copies of the proposed collection of information and submit comments by emailing *infocollection@acf.hhs.gov.* Identify all requests by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: The ORR–3 Report is submitted to report a youth's initial placement in the URM Program, termination from the program, or re-entry into the program. The ORR–3 is also submitted to report changes to the youth's case (*e.g.,* change in legal responsibility, change in foster home placement, etc.). The ORR–4 Report is submitted annually and at termination to report on the youth's receipt of services and outcomes. Proposed revisions to the forms include replacing multiple follow-up outcome reports with a single termination outcome report, replacing self-reported outcome measures from youth with provider-reported measures, eliminating select sub-types of ORR–3 reports, replacing or streamlining unclear questions and response options, removing unnecessary questions, and streamlining supplemental report instructions to integrate more guidance directly into the forms.

Respondents: URM state/replacement designee agencies and URM provider agencies.

Annual Burden Estimates

The edits describe above will result in a reduction in annual burden estimates of approximately 41 percent once implemented. Additionally, youth have been removed as a respondent to the ORR–4 Report; youth outcome measures will no longer be self-reported, instead providers will report youth outcomes. Revisions will be implemented after a 12-month implementation timeframe; the following burden estimates are specific to the revised versions following the 12-month implementation period.

URM STATE/REPLACEMENT DESIGNEE AGENCIES

Instrument	Total number of respondents	Annual number of responses per respondent	Average burden hours per response	Annual burden hours
ORR–3 Report	16	117	.2	374
ORR–4 Report	16	96	.25	384
Estimated Total Annual Burden Hours				758

URM PROVIDER AGENCIES

Instrument	Total number of respondents	Annual number of responses per respondent	Average burden hours per response	Annual burden hours
ORR–3 Report	24	78	.4	749
ORR–4 Report	24	64	.6	922
Estimated Total Annual Burden Hours				1,670

Comments: The Department specifically requests comments on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Authority: 8 U.S.C. 1822(d).

Mary C. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2026–15843 Filed 8–4–26; 8:45 am]

BILLING CODE 4184–89–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[Office of Management and Budget #: 0970–0356]

Proposed Information Collection Activity; Formative Data Collections for ACF Research and Evaluation

AGENCY: Administration for Children and Families, U.S. Department of Health and Human Services.

ACTION: Request for public comments.

SUMMARY: The Administration for Children and Families (ACF) proposes to extend data collection under the existing overarching generic clearance for Formative Data Collections for ACF Research and Evaluation (Office of Management and Budget (OMB)#: 0970–0356). There are no changes proposed to the intended purpose or use of the potential data collections, but burden has been adjusted to reflect agency priorities.

DATES: Comments due October 5, 2026.

ADDRESSES: In compliance with the requirements of the Paperwork Reduction Act (PRA) of 1995, ACF is soliciting public comment on the specific aspects of the information collection described above. You can obtain copies of the proposed collection of information and submit comments by emailing *infocollection@acf.hhs.gov.* Identify all requests by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: ACF programs promote the economic and social well-being of families, children, individuals, and communities. ACF conducts research on the programs, and with the populations they serve, through rigorous research and evaluation projects. These include evaluations of existing programs, evaluations of innovative approaches to helping low-income children and families, research syntheses, and descriptive and exploratory studies. ACF's research offers further understanding of current programs and service populations, explores options for program improvement, and assesses alternative policy and program designs. ACF regularly undertakes a variety of new research projects related to welfare, employment and self-sufficiency, Head Start, child care, healthy marriage and responsible fatherhood, family and youth services, home visiting, child welfare, trafficking, community services, and other areas of interest to ACF.

Under this generic clearance, ACF engages in a variety of formative data collections with researchers, practitioners, technical assistance providers, service providers, and potential participants throughout the field to fulfill the following goals: (1) inform the development of ACF research, (2) maintain a research agenda that is rigorous and relevant, (3) ensure that research products are as current as possible, and (4) inform the provision of technical assistance and supports around research and evaluation. ACF envisions using a variety of techniques including semi-structured discussions, focus groups, surveys, and telephone or in-person interviews, in order to reach these goals.

Information collected under this overarching generic is meant to inform ACF research activities and may be incorporated into documents or presentations that are made public. The following are some examples of ways in which we may share information resulting from these data collections: research design documents or reports; research or technical assistance plans; background materials for technical workgroups; concept maps, process maps, or conceptual frameworks; contextualization of research findings from a follow-up data collection that has full PRA approval; informational reports to technical assistance providers; or project specific reports, or other documents relevant to the field, such as federal leadership and staff, grantees, local implementing agencies.

Following standard OMB requirements, ACF has and will continue to submit to OMB information about individual information collection activities proposed under the generic

clearance. ACF will provide OMB with a copy of the individual instruments or questionnaires, as well as other materials describing the project. ACF requests OMB's review within 10 days of submission of individual requests under this generic.

Find currently approved information collections here: *https://www.reginfo.gov/public/do/PRAICList?ref_nbr=202504-0970-028.*

Respondents: Respondents could include key groups involved in ACF projects and programs, state or local government officials, service providers, participants in ACF programs or similar comparison groups, experts in fields pertaining to ACF research and programs, or others involved in conducting ACF research or evaluation projects.

Annual Burden Estimates

Burden Estimates—Ongoing Requests

The request to OMB will include an extension request for approved information collections that are planned to continue beyond the submission of this request to OMB (estimated November 2026). At this time, the following are expected to be included for an extension. This will be updated, if needed, for the 30-day comment period to reflect new GenICs or changes in plans for the following information collections.

Study	Responses	Burden hours
Center for Indigenous Research Collaborations and Learning in Home Visiting (CIRCLE–HV)	285	162
National and State Survey of Child and Adolescent Well-Being (NSSCAW): Informing Site Selection and Recruitment Processes	78	97
Title IV–E Prevention Services Clearinghouse	71	88
Totals	434	347

Total Burden Estimates—New Requests

Burden for potential new requests has been adjusted to reflect agency priorities, resulting in a 30 percent decrease compared to the currently approved burden for new requests.

	Total number of respondents	Total number of responses per respondent	Average burden hours per response	Total burden hours
Semi-Structured Discussions and Focus Groups	2,800	1	1.5	4,200
Interviews	1,050	1	1	1,050
Questionnaires/Surveys	800	1	.5	400
Totals	4,650	.....	.....	5,650

Comments: The Department specifically requests comments on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Authority: Social Security Act, section 1110. [42 U.S.C. 1310].

Mary C. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2026–15851 Filed 8–4–26; 8:45 am]

BILLING CODE 4184–79–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2026–N–7605]

Establishment of a Quantitative Medicine Innovation Network: Scope, Feasibility, and Opportunities; Request for Information

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; request for information.

SUMMARY: The Center for Drug Evaluation and Research (CDER) within the Food and Drug Administration (FDA or Agency), through its Quantitative Medicine Center of Excellence (QM CoE), is announcing a request for information to inform the development of a Quantitative Medicine Innovation Network (QMIN). The vision for the QMIN is to create a cross-sector collaborative platform that accelerates the translation of quantitative medicine approaches to transform drug development, regulatory science, and clinical decision-making for patient benefit. The purpose of this request is to obtain feedback from industry, academia, healthcare providers, patient groups, and other interested parties on identifying critical community needs and establishing mechanisms for continuous engagement, supporting collaborative demonstration projects or research on innovative approaches aimed at addressing high priority areas through the application of QM approaches, and exploring mechanisms to leverage community expertise and capacity to promote QM innovation and adoption. Information submitted in response to this request will be considered in shaping the structure, priorities, and activities of the QMIN.

DATES: Either electronic or written comments on the notice must be submitted by November 3, 2026.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of November 3, 2026. Comments received

by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2026–N–7605 for ''Establishment of a Quantitative Medicine Innovation Network: Scope, Feasibility, and Opportunities; Request for Information.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

FOR FURTHER INFORMATION CONTACT: Daphne Guinn, Office of Clinical Pharmacology, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Silver Spring, MD 20993–0002, 301–837–7122, *Daphne.Guinn@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing a request for information titled ''Establishment of a Quantitative Medicine Innovation Network: Scope, Feasibility, and Opportunities.'' Information submitted in response to this notice will be used by CDER's Quantitative Medicine Center of Excellence (QM CoE) to inform the development and implementation of a cross-sector innovation network.

The proposed mission for the QMIN is to connect FDA scientists, academia, industry, healthcare providers, patient groups, and other regulatory partners in driving the development and application of quantitative medicine to tackle critical unmet needs of the community by fundamentally transforming drug development and clinical care.

Quantitative medicine approaches integrate mathematical and computational models with biological, clinical, and statistical data to inform drug development, regulatory, and clinical decisions. These approaches have the potential to improve the efficiency of drug development, optimize treatment strategies, and ultimately improve patient outcomes.

The QM CoE seeks to establish a collaborative ecosystem that brings together diverse stakeholders to advance the science and application of quantitative medicine toward transformative capabilities. The QMIN is envisioned as a multi-stakeholder network to accelerate the translation of quantitative approaches across the drug discovery, development, regulation, and utilization continuum, fundamentally transforming how safe and effective therapies reach patients. This request for information is designed to gather input on how best to structure and implement the QMIN to maximize its impact on public health.

II. Request for Information

FDA is interested in detailed comments on the topics listed in this section to inform the establishment of the QMIN. The topics identified in this section are not meant to be exhaustive. FDA is also interested in any other pertinent information that interested parties would like to share related to advancing quantitative medicine through collaborative networks. The Agency encourages interested parties to provide specific rationale and basis for their comments, including any available supporting data and information.

The QM CoE seeks to understand the current landscape of quantitative medicine capabilities, challenges, and opportunities across different stakeholder groups. We are interested in establishing mechanisms for problem-solving that leverage community expertise and collaborative capacity.

Specific areas of interest include the following:

A. Scope

1. Priority Domains

- What areas of quantitative medicine (*e.g.,* disease modeling, trial simulation, New Approach Methodologies (NAMs) integration) would most benefit from a coordinated, cross-sector network?

• Where currently are the greatest gaps in tools, standards, or infrastructure?

2. Depth vs. Breadth

• Should the QMIN prioritize a limited number of high-impact domains (*e.g.,* therapeutic area specific needs, methodology development) for deep investment, or a broader set of activities (*e.g.,* improved adoption and integration of QM approaches across therapeutic areas)?

3. Boundaries of Activity

• What activities are most appropriate for a precompetitive network versus those better addressed within individual development programs or regulatory submissions?

• How should the QMIN define its role relative to existing efforts, including those led by FDA and external stakeholders?

B. Operating Model

1. Structure and Governance

• What governance structures would best support a multi-stakeholder network involving FDA, industry, academia, and patient groups?

• What roles should different stakeholders play in setting priorities, developing outputs, and ensuring scientific rigor?

2. Modes of Collaboration

• What mechanisms (*e.g.,* working groups, pilot projects, public workshops, shared platforms) would most effectively support the QMIN's objectives?

• How should collaboration be structured to enable both innovation and broad participation?

3. Sustainability and Incentives

• What incentives would encourage sustained participation from stakeholders?

• What funding or resourcing models (*e.g.,* public-private partnerships) should be considered?

C. Priority Use Cases

1. Selection of Use Cases

• What types of use cases are most appropriate for initial QMIN focus?

• What criteria should be used to select and evaluate use cases?

2. Demonstration of Value

• How should the QMIN's use cases be designed to demonstrate clear impact?

• What metrics (*e.g.,* reduced development time, improved decision confidence, reduced animal use) are most appropriate?

(Authority: 21 U.S.C. 355)

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–15887 Filed 8–4–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2026–N–2364]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Food and Drug Administration Advisory Committees

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Submit written comments (including recommendations) on the collection of information by September 4, 2026.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be submitted to *https://www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function. The OMB control number for this information collection is 0910–0833. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Kelly Covington, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 240–402–5661, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

FDA Advisory Committees

OMB Control Number 0910–0833—Extension

This information collection supports certain Food and Drug Administration (FDA, the Agency, us or we) Advisory Committee administrative activities. FDA Advisory Committees are established to advise or make recommendations on matters of public health that come before the Agency. The Federal Advisory Committee Act (5 U.S.C. App. 2 § 3, Pub. L. 92–463) (''FACA'') defines what constitutes an ''advisory committee'' under the Act and provides general procedures to follow for the operation of advisory committees. In addition, FACA is designed to ensure that the Congress and the public are kept informed with respect to the purpose, membership, and activities of advisory committees. Public advisory committee regulations in part 14 set forth requirements governing the administrative procedures to follow for the operation of advisory committees. Agency regulations in part 14, subpart A (§§ 14.1 through 14.15) identify scope of coverage, applicable definitions, and establish general provisions. The regulations in part 14, subpart B (§§ 14.20 through 14.39) set forth content and format requirements along with required schedules for submission of information. The regulations in part 14 subparts C, D, and E (§§ 14.40 through 14.95) set forth requirements governing advisory committee establishment, recordkeeping, and maintenance, respectively.

FACA does not specify the manner in which advisory committee members and staff must be appointed. (*See generally* 5 U.S.C. App. 2. *See also,* 41 CFR 102–3.105, 102–3.130(a)). FDA's regulations, however, specify that the Commissioner ''will publish one or more notices in the **Federal Register** each year requesting nominations for voting members of all existing standing advisory committees.'' (21 CFR 14.82(a)). Nominations must specify the committee for which the nominee is recommended, include a complete curriculum vitae (CV), state that the nominee is aware of the nomination and willing to serve, and state that the nominee appears to have no conflict of interest that would preclude membership. (21 CFR 14.82(c)). In an effort to promote transparency, consistent with FDA and General Services Administration (''GSA'') policy (*See,* GSA regulations encouraging agencies to ''practice openness'' and suggesting that ''agencies may wish to explore the use of the internet to post advisory committee information . . .'' 41 CFR 102–3.95(b)), and pursuant to a settlement agreement in the case *Public Citizen Foundation, Inc.* v. *Food & Drug Administration, et al.,* No. 16–cv–781 (D.D.C.), FDA is also

seeking consent from nominees for FDA to publicly post their CVs in the event they are selected to serve on an FDA advisory committee.

In the **Federal Register** of March 23, 2026 (91 FR 13852), FDA published a 60-day notice requesting public comment on the proposed collection of information. We received one comment. The comment suggests our process could be easier if we were to have more on-line tools available. They also commented that FDA should be clearer on how the information is used in decision making.

FDA appreciates the comment. FDA has established an applicant portal on its website at: *https://www.accessdata.fda.gov/scripts/FACTRSPortal/FACTRS/index.cfm* through which submissions are made to the Agency. To facilitate reporting we have established a standardized electronic format for information data elements and a separate functionality for uploading necessary documentation, such as CVs and letters of recommendation.

This data and information are made available to Agency staff to allow them to conduct reviews of nominations and coordinate follow-up with the potential candidate to explain the advisory committee process and confirm their willingness to serve. If a candidate is deemed acceptable for participation on a committee, further action is taken to appoint them to a specific advisory committee that is appropriate to their expertise and the committee's function. FDA publishes the CV of new advisory committee members on our website. FDA believes this will increase public confidence that FDA's review of advisory committee membership nominations and the subsequent selection process has been conducted thoroughly and objectively, without regard to politics or relationships with third parties. Applying this policy across all FDA advisory committees further supports FDA's goal of maintaining science as the primary determinant in Agency decision making.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1] [2]

21 CFR part 14; subpart E—members of advisory committees	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Advisory Committee Membership Nominations	407	1	407	0.25 (15 mins.)	102
Member Submission of Updated Information	359	1	359	0.25 (15 mins.)	90
Total					192

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.
[2] Sums may not total due to rounding.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–15846 Filed 8–4–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA–HG–25–005: Enhancing Reuse of NHGRI Data Assets R03.

Date: August 25, 2026.

Time: 9:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Yoon-Young Jang, MD, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 201–9155, *yoon-young.jang@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA–NS–25–023: Pharmacological Treatments for Neuropathic Pain.

Date: September 9, 2026.

Time: 10:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Angela Monique Boutte, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594–0063, *boutteam@csr.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: July 31, 2026.

Margaret N. Vardanian,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2026–15838 Filed 8–4–26; 8:45 am]

BILLING CODE 4167–05–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Topics in Health Services Research.

Date: September 2, 2026.

Time: 1:30 p.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: June L. Gin, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 480–2589, *june.gin@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Neurobiology of Pain and Analgesia.

Date: September 11, 2026.

Time: 9:30 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Natalia Strunnikova, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 402–0288, *natalia.strunnikova@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Program Projects: Cancer Research.

Date: September 16–17, 2026.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: E. Tian, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594–5622, *tiane@mail.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA–DC–27–004: Theories, Models and Methods for Analysis of Complex Data from the Brain.

Date: September 17, 2026.

Time: 9:30 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Milene Lara Brownlow, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (984) 287–3209, *milene.brownlow@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: August 3, 2026.

Sterlyn H. Gibson,

Program Specialist, Office of Federal Advisory Committee Policy.

[FR Doc. 2026–15910 Filed 8–4–26; 8:45 am]

BILLING CODE 4167–05–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRSS–SSB–NPS0043076; PPWONRANDE2, OMB Control Number 1024–0224 PMP00E105.YP0000]

Agency Information Collection Activities; Programmatic Clearance for NPS Sponsored Public Surveys

AGENCY: National Park Service, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the National Park Service (NPS) are proposing an extension of a currently approved information collection.

DATES: Interested persons are invited to submit comments on or before September 4, 2026.

ADDRESSES: Written comments and suggestions on the information collection requirements should be submitted by the date specified above in **DATES** to *https://www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function. Please provide a copy of your comments to the NPS Information Collection Clearance Officer (ADIR–ICCO), 13461 Sunrise Valley Drive, (MS–263) Reston, VA 20191 (mail); or *pponds@ios.doi.gov* (email). Please reference 1024–0224 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: Bret Meldrum by email at *bret_meldrum@nps.gov* or by telephone at 970–267–7295. Please reference OMB Control Number 1024–0224 in the subject line of your comments. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point of contact in the United States. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995, (PRA, 44 U.S.C. 3501 *et seq.*) and 5 CFR 1320.8(d)(1), all information collections require approval under the PRA. We may not conduct, or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.

A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information was published on June 1, 2026, (91 FR 32430). No comments were received.

As part of our continuing effort to reduce paperwork and respondent burdens, we invite the public and other Federal agencies to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are especially interested in public comment addressing the following:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility.

(2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used.

(3) Ways to enhance the quality, utility, and clarity of the information to be collected.

(4) How might the agency minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: The NPS is authorized by the National Park Service Protection, Interpretation, and Research in System (54 U.S.C. 100701) statutes to collect information used to enhance the management and planning of parks and their resources. The NPS Social Science Program (SSP) relies heavily on this generic approval to submit survey requests to OMB in an expedited

manner. This process significantly streamlines the information collection process in a manner that allows the NPS to submit at least 25 requests per year, which is 5 times as many requests that can be processed annually using the regular submission route.

The Programmatic Clearance applies to all NPS social science collections (*e.g.,* questionnaires, focus groups, interviews, etc.) designed to furnish usable information to NPS managers and planners concerning visitor experiences, perceptions of services, programs, and planning efforts in areas managed by the NPS. To qualify for the NPS generic programmatic review process each information request must show clear ties to NPS management and planning needs in areas managed by the NPS or involve research that will directly benefit the NPS. The scope of the programmatic review process is limited to issues that are non-controversial or unlikely to attract significant public interest.

All 11 collections must be reviewed by NPS and approved by OMB before they are administered. At least 80% of the questions in each collection must come from the approved Pool of Known Questions (PKQ). Because the PKQ is not exhaustive, requestors may add park-specific or research-specific questions as long as they fall within approved topic areas. The Social Science Program will continue to ensure quality and submit each request to OMB for expedited review. Title of Collection: Programmatic Clearance for NPS-Sponsored Public Surveys.

OMB Control Number: 1024–0224.

Form Number: Form 10–201.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Individuals/Households.

Total Estimated Number of Annual Responses: 132,750.

Estimated Completion Time per Response: Varies from 15 minutes to 1 hour (times vary depending upon the activity).

Total Estimated Number of Annual Burden Hours: 35,376 hours.

Respondent's Obligation: Voluntary.

Frequency of Collection: On occasion.

Total Estimated Annual Nonhour Burden Cost: None.

An agency may not conduct, or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Phadrea Ponds,

Information Collection Clearance Officer, National Park Service.

[FR Doc. 2026–15854 Filed 8–4–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF JUSTICE

[OMB Number 1110–0052]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Revision of a Previously Approved Collection; Title—Identity History Summary Request Form (1–783)

AGENCY: Criminal Justice Information Services (CJIS) Division, Federal Bureau of Investigation (FBI), Department of Justice (DOJ).

ACTION: 60-Day notice.

SUMMARY: The CJIS Division, FBI, DOJ will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until October 5, 2026.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact: Brian A. Cain, 1000 Custer Hollow Road, Clarksburg, WV 26306, 304–625–CJIS, *bacain@fbi.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Bureau of Justice Statistics, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so, how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Abstract: Individuals interested in obtaining a copy of their identification record contained in the FBI's Next Generation Identification System. The U.S. Department of Justice Order 556–773 directs the FBI to publish rules for the dissemination of arrest and conviction records to the subjects of such records upon request. This order resulted in a determination that 28 United States Code 534 does not prohibit the subjects of arrest and convictions records from having access to those records.

Overview of This Information Collection

1. *Type of Information Collection:* Revision of a currently approved collection.

2. *The Title of the Form/Collection:* Identity History Summary Request Form (1–783).

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* 1110–0052, Form Identity History Summary Request (1–783); CJIS Division, FBI, DOJ.

4. *Affected public who will be asked or required to respond, as well as the obligation to respond:* Affected Public: Individuals. The obligation to respond is required to obtain/retain a benefit.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 74,438 respondents, 5 minutes.

6. *An estimate of the total annual burden (in hours) associated with the collection:* The total annual burden hours for this collection is 6,203 hours.

7. *An estimate of the total annual cost burden associated with the collection, if applicable:* $27.72 avg hourly wage × 6,203 hours = $171,947.00 cost burden.

Activity	Number of respondents	Frequency	Total annual responses	Time per response (min)	Total annual burden (hours)
1–783 Identity History Summary Request Form.	74,438	1 per respondent/annually	74,483	5	6,203
Unduplicated Totals	74,438	1 per respondent/annually	74,438	5	6,203

8. *If additional information is required contact:* Darwin Arceo, Department Clearance Officer, United States Department of Justice, Justice Management Division, Enterprise Portfolio Management, Two Constitution Square, 145 N Street NE, 4W–218, Washington, DC.

Dated August 3, 2026.

Darwin Arceo,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2026–15914 Filed 8–4–26; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF LABOR

Office of the Acting Secretary

All Items Consumer Price Index for All Urban Consumers; United States City Average

Pursuant to Section 315(c) of the Federal Election Campaign Act of 1971, as amended (Pub. L. 92–225), 52 U.S.C. 30116(c), the Secretary of Labor has certified to the Chair of the Federal Election Commission and publishes this notice in the **Federal Register** that the United States City Average All Items Consumer Price Index for All Urban Consumers (CPI–U) (1967=100) increased 552.9 percent from its 1974 annual average of 147.7 to its 2025 annual average of 964.398 and that it increased 81.8 percent from its 2001 annual average of 530.4 to its 2025 annual average of 964.398. Using 1974 as a base (1974=100), I certify that the CPI–U increased 552.9 percent from its 1974 annual average of 100 to its 2025 annual average of 652.944. Using 2001 as a base (2001=100), I certify that the CPI–U increased 81.8 percent from its 2001 annual average of 100 to its 2025 annual average of 181.825. Using 2006 as a base (2006=100), I certify that the CPI–U increased 59.7 percent from its 2006 annual average of 100 to its 2025 annual average of 159.695.

Signed at Washington, DC.

Keith Sonderling,

Acting Secretary of Labor.

[FR Doc. 2026–15806 Filed 8–4–26; 8:45 am]

BILLING CODE 4510–24–P

DEPARTMENT OF LABOR

Office of the Acting Secretary

All Items Consumer Price Index for All Urban Consumers; United States City Average

Pursuant to Section 33105(c) of Title 49, United States Code, and the delegation of the Secretary of Transportation's responsibilities under that Act to the Administrator of the Federal Highway Administration (49 CFR, Section 1.95 (a)), the Secretary of Labor has certified to the Administrator and published this notice in the **Federal Register** that the United States City Average All Items Consumer Price Index for All Urban Consumers (1967=100) increased 210.0 percent from its 1984 annual average of 311.1 to its 2025 annual average of 964.398.

Signed at Washington, DC.

Keith Sonderling,

Acting Secretary of Labor.

[FR Doc. 2026–15807 Filed 8–4–26; 8:45 am]

BILLING CODE 4510–24–P

LEGAL SERVICES CORPORATION

Revised List of Federal Laws Relating to Proper Use of Federal Funds

AGENCY: Legal Services Corporation.

ACTION: Notice.

SUMMARY: The Legal Services Corporation (LSC) is publishing this notice to announce modifications to the list of Federal laws applicable to LSC grant recipients. Following a public comment process and approval by LSC's Board of Directors, LSC is adding three Federal criminal statutes relating to fraud and misuse of Federal funds to the list maintained on LSC's website. These changes are intended to ensure that the list reflects Federal laws relating to the proper use of Federal funds.

DATES: The modifications described in this notice are effective September 4, 2026.

FOR FURTHER INFORMATION CONTACT: Iván Justiniano-Rivera, Assistant General Counsel, Legal Services Corporation, 1825 I St. NW, Ste. 800, Washington, DC 20006; (202) 295–1654 (phone), or *justiniano-riverai@lsc.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

Section 504(a)(19) of LSC's Fiscal Year 1996 appropriations act requires recipients of LSC funding to agree, by contract, to be subject to Federal laws relating to the proper use of Federal funds, the violation of which renders an LSC grant or contract null or void. Sec. 504(a)(19), Public Law 104–134, 110 Stat. 1321. LSC implemented this requirement through 45 CFR part 1640.

In 2015, LSC amended part 1640 to provide that the list of applicable Federal laws would be maintained on LSC's website rather than codified in the regulation itself. 80 FR 21654, 21655, Apr. 20, 2015. This approach allows LSC to update the list with approval of the Board of Directors without amending the regulation.

On May 4, 2026, LSC notified recipients and other stakeholders that it was considering modifications to the Part 1640 list and invited public comment. The notice explained that LSC had identified three Federal statutes relating to fraud and misuse of Federal funds that were not currently included on the list. LSC did not receive any comments on the proposed modifications. LSC subsequently presented the proposed modifications to its Board of Directors, which approved the modifications at its July 20, 2026, meeting.

II. Approved Modifications

LSC is adding the following statutes to the list of Federal laws applicable under 45 CFR part 1640:

- 18 U.S.C. 1030—Fraud and related activity in connection with computers;
- 18 U.S.C. 1341—Frauds and swindles; and
- 18 U.S.C. 1343—Fraud by wire, radio, or television.

LSC determined that these statutes address conduct closely related to the fraud, theft, false statement, and misuse-of-funds offenses already reflected in the part 1640 list.

III. Availability of Updated List

The updated list of Federal laws applicable under 45 CFR part 1640 is available on LSC's website at *https://www.lsc.gov/about-lsc/laws-regulations-and-guidance/lsc-regulations/45-cfr-part-1640-applicable-federal-laws.*

(Authority: 42 U.S.C. 2996g(e).)

Dated: July 31, 2026.

Stefanie K. Davis,

Deputy General Counsel and Ethics Officer Legal Services Corporation.

[FR Doc. 2026–15839 Filed 8–4–26; 8:45 am]

BILLING CODE 7050–01–P

NATIONAL SCIENCE FOUNDATION

Proposal Review; Notice of Meetings

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces its intent to hold proposal review meetings throughout the year. The purpose of these meetings is to provide advice and recommendations concerning proposals submitted to the NSF for financial support. The agenda for each of these meetings is to review and evaluate proposals as part of the selection process for awards. The review and evaluation may also include assessment of the progress of awarded proposals. These meetings will primarily take place at NSF's headquarters, 401 Dulany Street, Alexandria, VA 22314.

These meetings will be closed to the public. The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act. NSF will continue to review the agenda and merits of each meeting for overall compliance of the Federal Advisory Committee Act.

These closed proposal review meetings will not be announced on an individual basis in the **Federal Register**. NSF intends to publish a notice similar to this on a quarterly basis. For an advance listing of the closed proposal review meetings that include the names of the proposal review panel and the time, date, place, and any information on changes, corrections, or cancellations, please visit the NSF website: *https://nsf.gov/events/proposal-review-panels.* This information may also be requested by telephoning, 703/292–8687.

(Authority: 42 U.S.C. 1861, *et seq.*)

Dated: August 3, 2026.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2026–15902 Filed 8–4–26; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 52–008; NRC–2008–0476]

Virginia Electric and Power Company, (Doing Business as Dominion Energy Virginia); North Anna Site; Early Site Permit Renewal Application

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice; receipt.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is providing public notice each week, for four consecutive weeks, of receipt and availability of an application for renewal of early site permit (ESP) ESP–003 for the North Anna ESP site from Virginia Electric and Power Company, doing business as (dba) Dominion Energy Virginia. Renewal of the ESP would allow the licensee to reference ESP–003 in a construction permit (CP) or combined license (COL) application for an additional 20-year period beyond the period specified in the ESP. The location for the North Anna ESP site is in Louisa County, Virginia, and the current ESP–003 expires on November 27, 2027.

DATES: The application for renewal of the North Anna ESP is available as of July 14, 2026.

ADDRESSES: Please refer to Docket ID NRC–2008–0476 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2008–0476. Address questions about Docket IDs in *Regulations.gov* to Bridget Curran; telephone: 301–415–1003; email: *Bridget.Curran@nrc.gov.* For technical questions, contact the individual(s) listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin ADAMS Public Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, at 301–415–4737, or by email to *PDR.Resource@nrc.gov.* The North Anna ESP renewal application is available in ADAMS under Accession No. ML26195A323.
- *NRC's PDR:* The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Billy Gleaves, Office of Advanced Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–5848; email: *Bill.Gleaves@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Discussion

On July 14, 2026, Virginia Electric and Power Company, dba Dominion Energy Virginia (Dominion), filed with the NRC, pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, and part 52 of title 10 of the *Code of Federal Regulations* (10 CFR), ''Licenses, Certifications, and Approvals for Nuclear Power Plants,'' an application to request that the NRC renew ESP–003 for an additional 20 years beyond the current November 27, 2027, expiration date or from the date of issuance, whichever is later.

In accordance with subpart A of 10 CFR part 52, an applicant may seek an ESP separate from the filing of an application for a CP or COL. The ESP process allows resolution of issues relating to siting. Renewal of ESP–003 would allow for the licensee to reference the ESP in a CP or COL application for an additional 20-year period beyond the period specified in ESP–003 or from the date of issuance, whichever is later. If an application for a CP or COL references an ESP, the Commission shall treat as resolved those matters resolved in the proceeding on the application for issuance or renewal of the ESP, except as provided for in paragraphs (b), (c), and (d) of 10 CFR 52.39.

In the case of the North Anna site, Dominion holds COL NPF–103 for a reactor designated as North Anna, Unit 3. In the renewal application for ESP–003, Dominion notified the NRC of its decision to place COL NPF–103 in deferred status. Dominion also included in its renewal application for ESP–003 a request for an exemption from the subsumption requirements of 10 CFR 52.26(d), ''Duration of permit,'' to provide for the renewal of the ESP in its entirety, rather than renewal of only the portions of ESP–003 not subsumed into NPF–103.

II. Further Information

The NRC will publish subsequent **Federal Register** notices addressing the acceptability of the tendered ESP renewal application for docketing and provisions for participation of the public in the ESP renewal process. These notices of the receipt of the application are being provided once each week for four consecutive weeks.

Authority: 42 U.S.C. 2011 *et seq.*

Dated: July 31, 2026.

For the Nuclear Regulatory Commission.

Christopher Cook,

Chief, Advanced Reactor Science Branch 4, Division of Advanced Reactor Science, Office of Advanced Reactors.

[FR Doc. 2026–15826 Filed 8–4–26; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2026–1519]

Information Collection: Access Authorization

AGENCY: Nuclear Regulatory Commission.

ACTION: Renewal of existing information collection; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) invites public comment on the renewal of Office of Management and Budget (OMB) approval for an existing collection of information. The information collection is entitled, ''Access Authorization.''

DATES: Submit comments by October 5, 2026. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: Submit your comments, identified by NRC–2026–1519, electronically through the Federal rulemaking website:

- *Federal rulemaking website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2026–1519. Address questions about Docket IDs in *Regulations.gov* to Bridget Curran; telephone: 301–415–1003; email: *Bridget.Curran@nrc.gov.* For technical questions, contact the individual(s) listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Kristen Benney, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–6355; email: *Infocollects.Resource@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2026–1519 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2026–1519. A copy of the collection of information and related instructions may be obtained without charge by accessing Docket ID NRC–2026–1519 on this website.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin ADAMS Public Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, at 301–415–4737, or by email to *PDR.Resource@nrc.gov.* A copy of the collection of information and related instructions may be obtained without charge by accessing ADAMS Accession Nos. ML23047A408 and ML22235A728. The supporting statement and burden tables are available by accessing ADAMS Accession Nos. ML26111A170 and ML26111A172.
- *NRC's PDR:* The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. Eastern Time (ET), Monday through Friday, except Federal holidays.
- *NRC's Clearance Officer:* A copy of the collection of information and related instructions may be obtained without charge by contacting the NRC's Clearance Officer, Kristen Benney, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–6355; email: *Infocollects.Resource@nrc.gov.*

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal rulemaking website (*https://www.regulations.gov*). Please include Docket ID NRC–2026–1519, in your comment submission.

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. All comment submissions are posted at *https://www.regulations.gov* and entered into ADAMS. Comment submissions are not routinely edited to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that comment submissions are not routinely edited to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Background

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the NRC is requesting public comment on its intention to request the OMB's approval for the information collection summarized as follows.

1. *The title of the information collection:* Part 25 of title 10 of the *Code of Federal Regulations,* ''Access Authorization.''
2. *OMB approval number:* 3150–0046.
3. *Type of submission:* Extension.
4. *The form number, if applicable:* Not applicable.
5. *How often the collection is required or requested:* On occasion.
6. *Who will be required or asked to respond:* NRC-regulated facilities and other organizations requiring access to NRC-classified information, and NRC contractors with access to classified information or who hold a sensitive position.
7. *The estimated number of annual responses:* 534 (456 reporting responses plus 78 recordkeepers).
8. *The estimated number of annual respondents:* 300.
9. *The estimated number of hours needed annually to comply with the information collection requirement or request:* 226 hours (160 hours reporting + 66 hours recordkeeping).
10. *Abstract:* NRC collects information on individuals in order to determine their eligibility for an NRC access authorization for access to classified information. NRC-regulated facilities and other organizations are

required to provide information to the NRC when requested on the cleared individual and maintain records to ensure that only individuals with the adequate level of protection are provided access to NRC classified information and material.

III. Specific Requests for Comments

The NRC is seeking comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility? Please explain your answer.
2. Is the estimate of the burden of the information collection accurate? Please explain your answer.
3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?
4. How can the burden of the information collection on respondents be minimized, including the use of automated collection techniques or other forms of information technology?

Authority: 42 U.S.C. 2011 *et seq.*

Dated: August 3, 2026.

For the Nuclear Regulatory Commission.

Kristen Benney,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2026–15858 Filed 8–4–26; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket No. PI2020–1; Order No. 9670]

Public Inquiry

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is acknowledging the granting of a Postal Service motion and the extension of both comment deadlines in this proceeding.

DATES: *Comments are due:* September 30, 2026. *Reply comments are due:* October 14, 2026.

ADDRESSES: Submit responses electronically via the Commission's Filing Online system at *https://www.prc.gov.* Those who cannot submit responses electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

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I. Discussion of Motion
II. Rule 124(c) Violation
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I. Discussion of Motion

On June 26, 2026, in Order No. 9625, the Commission set the scope of further proceedings in the instant public inquiry docket and provided an opportunity for interested persons to submit comments within the scope of these further proceedings.[1] In doing so, the Commission established deadlines for the submission of comments and reply comments. *See* Order No. 9625 at 13. On July 30, 2026, the Postal Service filed a motion requesting that each of these deadlines be extended by 30 days.[2] According to the Postal Service, ''[t]he additional time is being requested due to the magnitude of data requiring review . . . and to afford the Postal Service the opportunity to adequately evaluate that information and present its comments in a manner most helpful to all parties involved.'' Postal Service Motion for Extension at 1.

The Rural Carrier Protection & Accountability Alliance (RCPAA) filed an objection to the extension and requests that the extension be denied or, if extraordinary circumstances are found to exist, that any extension be limited to 7 days.[3] RCPAA asserts that the Postal Service had not affirmatively shown good cause and instead made a generalized assertion regarding the magnitude of data to review. RCPAA Objection to Extension at 1. RCPAA asserts that reviewing Postal Service data and non-public materials does not warrant an additional 30 days. *Id.* at 2. RCPAA asserts that granting the requested extension would compress the reply opportunity for other participants and negatively affect their ability to meaningfully review and respond to the Postal Service's filing. *Id.* at 3. RCPAA asserts that stakeholders have relied on the established schedule and some have submitted early comments. *Id.*

Rule 162 permits any person to seek an extension by motion filed before the applicable deadline expires. 39 CFR 3010.162(a)–(b). ''The motion shall only be granted upon consideration of the potential adverse impact, if any, on other participants and the overall impact on the procedural schedule.'' 39 CFR 3010.162(c).

The Postal Service's motion is timely. Therefore, the Commission evaluates potential adverse impacts on other participants and on the procedural schedule, including participants' ability to provide meaningful comment.

RCPAA's primary objection focuses on the sufficiency of the Postal Service's justification. The Commission's library references accompanying Order No. 9625 contain the Commission's analysis of the FY 2024 Value of the Postal and Mailbox Monopolies as well as files used in the application of the Estimation Methodology. These library references are voluminous and complex. As Order No. 9625 explains, the goal of this proceeding is to determine whether and how to enhance the Estimation Methodology; broader RRECS concerns are relevant only insofar as they directly bear on that goal. *See* Order No. 9625 at 9. The Postal Service represents that, given the magnitude of the data requiring review, an extension is necessary to allow adequate evaluation and to provide helpful comments. *See* Motion for Extension at 1. That justification aligns with the proceeding's stated goal and Rule 162(c).[4]

Given the volume of materials and the technical focus, a modest, time-limited extension will improve the quality and completeness of the record and aid Commission decision-making without materially disrupting the schedule. Reviewing the Commission's library references requires not only re-reading Postal Service information but correctly applying it to the topics within the established scope to prepare written comments. This is the first request to extend the deadlines established by Order No. 9625, and a 30-day extension for both initial and reply comments is reasonable. Granting the requested extension affords all participants additional time to prepare both initial and reply comments.

[1] Order on the Scope of Further Proceedings, Notice of Filing of Library References PRC–LR–PI2020–1–NP3 and PRC–LR–PI2020–1–1, and Request for Comments, June 26, 2026 (Order No. 9625). The issues for consideration in the further proceedings in the instant docket are: (1) the use of Rural Route Evaluated Compensation System (RRECS) data in the methodology for estimating the value of the postal monopoly and mailbox monopoly (Estimation Methodology); and (2) the Estimation Methodology workpapers issued together with Order No. 9625 in non-public Library Reference PRC–LR–PI2020–1–NP3 and in public Library Reference PRC–LR–PI2020–1–1. Order No. 9625 at 8. The ''postal monopoly'' refers to the Postal Service's combined letter and mailbox monopolies. *See id.* at 1.

[2] Motion for Extension of Time to File Comments Responsive to Order No. 9625, July 30, 2026 (Postal Service Motion for Extension).

[3] Rural Carrier Protection & Accountability Alliance Objection to USPS Motion for Extension of Time, July 31, 2026, at 4 (RCPAA Objection to Extension).

[4] RCPAA writes ''[u]nder 39 [CFR] 3010.162, an extension requires an affirmative showing of good cause.'' RCPAA Objection to Extension at 1. This language does not appear in the text of 39 CFR 3010.162.

RCPAA's reliance arguments are unpersuasive. Rule 162 contemplates that schedules may be adjusted before deadlines expire. 39 CFR 3010.162(b). Participants who have already filed will not be disadvantaged. Additional time for reply comments maintains equity among participants by preserving time for responsive analysis on the issues defined in Order No. 9625. *See* Order No. 9625 at 8–13. Any reliance interests are minimal and are outweighed by the benefits to the record's completeness and usefulness. Although some participants filed significantly before the established deadline, doing so is not required. ''Filers are encouraged to consolidate their arguments into concise, well-supported documents that directly address the issues within the scope of the further proceedings in this docket.'' Order No. 9625 at 14.

RCPAA also asserts that a 30-day extension would compress reply opportunities and impair meaningful response. The Postal Service, however, seeks to extend both deadlines by 30 days. Extending both deadlines proportionally preserves the reply interval. The reply period remains 14 days under both Order No. 9625's established schedule and the Postal Service's proposed schedule. Accordingly, the asserted prejudice does not arise under the requested relief.

Because extending the comment deadlines as requested is unlikely to have any adverse impact on other participants and on the procedural schedule of this docket, the Postal Service Motion for Extension is granted. *See* 39 CFR 3010.162(c).

II. Rule 124(c) Violation

Rule 124(c) of the rules of practice provides that the title of a document filed with the Commission ''shall identify each participant on whose behalf the filing is made . . . .'' 39 CFR 3010.124(c). In Order No. 9625, the Commission found that the Postal Service had violated Rule 124(c) in the instant docket because the title of Postal Service's May 26, 2026 Notice of Errata did not identify the Postal Service.[5] The Commission reminded all participants that they must comply with Rule 124(c). Order No. 9625 at 16.

The title of the Postal Service Motion for Extension, Motion for Extension of Time to File Comments Responsive to Order No. 9625, also does not identify the Postal Service. Consequently, the Commission finds that the Postal Service violated Rule 124(c) by improperly titling the Postal Service Motion for Extension. The Commission reiterates that the Postal Service, and all participants, must comply with Rule 124(c).

III. Ordering Paragraphs

It is ordered:

1. The Motion for Extension of Time to File Comments Responsive to Order No. 9625, filed July 30, 2026, is granted.
2. Comments within the scope of the further proceedings established in Order No. 9625 are due September 30, 2026.
3. Reply comments within the scope of the further proceedings established in Order No. 9625 are due October 14, 2026.
4. This order, or an abstract thereof, shall be published in the **Federal Register**.

By the Commission.

Ashley Demchak,

Alternate Federal Register Liaison.

[FR Doc. 2026–15872 Filed 8–4–26; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL SERVICE

International Product Change—Priority Mail Express International, Priority Mail International & First-Class Package International Service Agreement

AGENCY: Postal Service.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a Priority Mail Express International, Priority Mail International & First-Class Package International Service contract to the list of Negotiated Service Agreements in the Competitive Product List in the Mail Classification Schedule.

DATES: Date of notice: August 5, 2026.

FOR FURTHER INFORMATION CONTACT: Christopher C. Meyerson, (202) 268–7820.

SUPPLEMENTARY INFORMATION: The United States Postal Service hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on July 27, 2026, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express International, Priority Mail International & First-Class Package International Service Contract 119 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2026–322 and K2026–317.

Colleen Hibbert-Kapler,

Attorney, Ethics and Legal Compliance.

[FR Doc. 2026–15834 Filed 8–4–26; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage Negotiated Service Agreements; Priority Mail, and USPS Ground Advantage Negotiated Service Agreements

AGENCY: Postal Service.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* August 5, 2026.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), it filed with the Postal Regulatory Commission the following requests:

Date filed with Postal Regulatory Commission	Negotiated service agreement product category and No.	MC docket No.	K docket No.
07/27/26	PM–GA 1053	MC2026–323	K2026–318
07/28/26	PME–PM–GA 1504	MC2026–324	K2026–319
07/29/26	PM–GA 1054	MC2026–325	K2026–320
07/29/26	PM–GA 1055	MC2026–326	K2026–321
07/29/26	PM–GA 1056	MC2026–329	K2026–324
07/30/26	PM–GA 1057	MC2026–330	K2026–325

[5] Order No. 9625 at 15; *see* Notice of Errata, May 26, 2026.

Documents are available at *www.prc.gov*.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2026–15836 Filed 8–4–26; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106021; File No. SR–CBOE–2026–065]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fees Schedule

July 31, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 20, 2026, Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') proposes to amend certain standard transaction fees, amend Floor Broker permit fees, amend the SPX and VIX Floor Broker trading surcharges, amend the Floor Broker ADV discount, adopt two floor jacket stipends, and adopt SPXW excessive complex instrument creation charges. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Commission's website (*https://www.sec.gov/rules/sro.shtml*), the Exchange's website (*https://www.cboe.com/us/options/regulation/rule_filings/cone/*), and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Fees Schedule.[3]

Standard Transaction Fee Changes

XSP, MRUT, and DJX

The Exchange proposes to apply certain fee codes currently applicable to transactions in Mini-SPX Index options (''XSP'') to transactions in each of Mini-Russell 2000 Index options (''MRUT'') and options on the Dow Jones Industrial Average (''DJX''). Specifically, the proposed rule change amends certain fees for XSP in the Rate Table for All Products Excluding Underlying Symbol List A, as follows: [4]

- Amends fee code XC, appended to all Customer (capacity ''C'') orders in XSP that are for less than 10 contracts and provides a rebate of $0.30 per contract, to apply to all Customer (capacity ''C'') orders in XSP, MRUT, or DJX that are for less than 10 contracts.
- Amends fee code CC, appended to all Customer (capacity ''C'') orders in XSP that are for greater than or equal to 10 contracts and assesses a fee of $0.07 per contract, to apply to all Customer (capacity ''C'') orders in XSP, MRUT, or DJX that are for greater than or equal to 10 contracts.
- Amends fee code XN, appended to all Clearing Trading Permit Holders (''TPHs'') (capacity ''F''), Non-Clearing TPH Affiliates (capacity ''L''), Broker-Dealer (capacity ''B''), Joint Back-Office (capacity ''J''), Non-TPH Market-Maker (capacity ''N''), and Professional (capacity ''U'') (collectively, ''Non-Market Maker, Non-Customer'') orders in XSP that are executed manually (*i.e.,* open outcry) and assesses a fee of $0.30 per contract, to apply to all Non-Market Maker, Non-Customer orders in XSP, MRUT, or DJX that are executed manually (*i.e.,* open outcry).
- Amends fee code XF, appended to all Non-Market Maker, Non-Customer orders in XSP contra to a customer or contra to a non-customer that add liquidity and that are executed electronically and assesses a fee of $0.30 per contract, to apply to all Non-Market Maker, Non-Customer orders in XSP, MRUT, or DJX contra to a customer or contra to a non-customer that add liquidity and that are executed electronically.
- Amends fee code XB, appended to all Non-Market Maker, Non-Customer orders in XSP contra to a non-customer that remove liquidity and assesses a fee of $0.50 per contract, to apply to all Non-Market Maker, Non-Customer orders in XSP, MRUT, or DJX contra to a non-customer that remove liquidity.
- Amends fee code MP, appended to all Market-Maker (capacity ''M'') orders in XSP that are executed manually (*i.e.,* open outcry) and assesses a fee of $0.15 per contract, to apply to all Market-Maker (capacity ''M'') orders in XSP, MRUT, or DJX that are executed manually (*i.e.,* open outcry).
- Amends fee code MC, appended to all Market-Maker (capacity ''M'') orders in XSP that are contra customer and that are executed electronically and assesses a fee of $0.15 per contract, to apply to all Market-Maker (capacity ''M'') orders in XSP, MRUT, or DJX that are contra customer and that are executed electronically.
- Amends fee code MX, appended to all Market-Maker (capacity ''M'') orders in XSP contra to non-customers that add liquidity and that are executed electronically and assesses a fee of $0.09 per contract, to apply to all Market-Maker (capacity ''M'') orders in XSP, MRUT, or DJX contra to non-customers that add liquidity and that are executed electronically.
- Amends fee code MY, appended to all Market-Maker (capacity ''M'') in XSP contra to non-customers that remove liquidity and assesses a fee of $0.50 per contract, to apply to all Market-Maker (capacity ''M'') in XSP, MRUT, or DJX contra to non-customers that remove liquidity.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The Exchange initially filed the proposed fee change, among other changes, on April 1, 2026 (SR–CBOE–2026–031). On May 29, 2026, the Exchange withdrew that filing and submitted SR–CBOE–2026–052. On July 20, 2026, the Exchange withdrew that filing and submitted this proposal. The Exchange notes that subsequent to SR–CBOE–2026–031 and SR–CBOE–2026–052, the Exchange amended its Fees Schedule to make changes in connection with the fees related to certain orders executed in Automated Improvement Mechanism (''AIM'') Auctions, to amend the Customer Volume Incentive Program and Affiliated Volume Plan, to amend the fee structure related to DJX and RUT FLEX Micro orders, to eliminate references to MSCI Index Products, to adopt certain standard transaction fees in connection with binary options that overlie the Mini-S&P 500 Index (''XSP binary options'') and exclude XSP binary options from certain fees programs; such changes are incorporated Exhibit 5 to this filing, as applicable.

[4] As part of the proposed changes, the Exchange proposes to amend Footnote 9 to reflect the changes to fee code XC and CC described herein.

As part of the proposed changes, the Exchange proposes to delete the following fee codes, which are currently appended to MRUT orders. Specifically, the Exchange proposes to delete:

- Fee code CQ, appended to Customer orders in MRUT and assesses a fee of $0.02 per contract.
- Fee code FM, appended to Clearing TPH (capacity ''F'') and Non-Clearing TPH Affiliates (capacity ''L'') orders in MRUT and assesses a fee of $0.02 per contract.
- Fee code MM, appended to Market-Maker (capacity ''M'') orders in MRUT and assesses a fee of $0.03 per contract.
- Fee code BM, appended to Broker-Dealer (capacity ''B''), Joint Back-Office (capacity ''J''), Non-TPH Market-Maker (capacity ''N''), and Professional (capacity ''U'') orders in MRUT and assesses a fee of $0.04 per contract.

As part of the proposed changes, the Exchange proposes to add DJX to Liquidity Provider Sliding Scale [5] and Liquidity Provider Sliding Scale Adjustment Program (as described within Footnote 44).

SPESG and SPEQX

The Exchange proposes to adopt certain fees related to transactions in S&P 500 Scored & Screened Index options (''SPESG'') and S&P 500 Equal Weight Index options (SPEQX''). Specifically, the proposed rule change adopts certain fees for SPESG and SPEQX in the Rate Table for All Products Excluding Underlying Symbol List A, as follows:

- Adopts fee code G1, appended to Customer (capacity ''C'') orders in SPESG and SPEQX options and assesses a fee of $0.10 per contract.
- Adopts fee code G2, appended to all Market-Maker (capacity ''M'') orders in SPESG and SPEQX that are executed manually (*i.e.,* open outcry) and assesses a fee of $0.15 per contract.
- Adopts fee code G3, appended to Market-Maker (capacity ''M'') orders in SPESG and SPEQX contra to non-customers that remove liquidity and that are executed electronically and assesses a fee of $0.50 per contract.
- Adopts fee code G4, appended to all Market-Maker (capacity ''M'') orders in SPESG and SPEQX contra to non-customers that add liquidity and that are executed electronically and provides a rebate of $0.25 per contract.
- Adopts fee code G5, appended to all Market-Maker (capacity ''M'') orders in SPESG and SPEQX contra to customers and that are executed electronically and assesses a fee of $0.15 per contract.
- Adopts fee code G6, appended to Non-Market Maker, Non-Customer orders in SPESG and SPEQX that are executed manually (*i.e.,* in open outcry) and assesses a fee of $0.20 per contract.
- Adopts fee code G7, appended to Non-Market Maker, Non-Customer orders in SPESG and SPEQX contra to a customer or contra to a non-customer that add liquidity, and that are executed electronically, and assesses a fee of $0.20 per contract.

As part of the proposed changes, the Exchange proposes to delete the below fee codes, which are currently appended to certain SPEQX orders. Specifically, the Exchange proposes to delete:

- Fee code E1, appended to Customer orders in SPEQX and assesses a fee of $0.05 per contract.
- Fee code E2, appended to Non-Customer orders in SPEQX and assesses a fee of $0.25.

As part of the proposed changes, the Exchange also proposes to amend the below fee codes, which are currently appended to certain SPESG orders. Specifically, the Exchange proposes to amend:

- Fee code CS, appended to Customer (capacity ''C'') premium orders for less than $1.00 in SPW (including SPXW) and SPESG and assesses a fee of $0.36 per contract, to apply to Customer (capacity ''C'') premium orders for less than $1.00 in SPW (including SPXW).
- Fee code CT, appended to Customer (capacity ''C'') premium orders for greater than or equal to $1.00 in SPX (including SPXW) and SPESG and assesses a fee of $0.40 per contract, to apply to Customer (capacity ''C'') premium orders for greater than or equal to $1.00 in SPX (including SPXW).
- Fee code BT, appended to Broker-Dealer (capacity ''B''), Joint Back-Office (capacity ''J''), Non-TPH Market-Maker (capacity ''N''), and Professional (capacity ''U'') orders in SPX (including SPXW) and SPESG and assesses a fee of $0.42 per contract, to apply only to Broker-Dealer (capacity ''B''), Joint Back-Office (capacity ''J''), Non-TPH Market-Maker (capacity ''N''), and Professional (capacity ''U'') orders in SPX (including SPXW).
- Fee code MS, appended to Market-Maker (capacity ''M'') orders in SPX (including SPXW) and SPESG and assesses a fee of $0.28 per contract, to apply only to Market-Maker (capacity ''M'') orders in SPX (including SPXW).
- Fee code FH, assesses a fee of $0.26 per contract and is appended to Broker-Dealer (capacity ''B''), Joint Back-Office (capacity ''J''), Non-TPH Market-Maker (capacity ''N''), and Professional (capacity ''U'') orders in Underlying Symbol List A, under which SPESG is currently listed and to which the Exchange proposes to remove SPESG.[6]

The Exchange also proposes to exclude SPESG from certain surcharges applicable to certain Non-Market-Maker orders. Specifically, the Exchange proposes to exclude SPESG from the Execution Surcharge ($0.21 per contract), AIM Response Surcharge ($0.05 per contract), AIM Contra Surcharge ($0.10 per contract), and the AIM Agency/Primary Surcharge ($0.10 per contract).[7] The Exchange proposes to list SPESG to the FLEX Surcharge Fee under ''Rate Table—All Products Excluding Underlying Symbol List A'', which assesses a charge of $0.10 per contract (capped at $250 per trade).[8]

As a result of the removal of SPESG from Underlying Symbol List A, the Exchange also proposes to update certain fee program descriptions set forth within the Fees Schedule to specifically reference SPESG. Specifically, the Exchange proposes to amend the SPX/SPXW Liquidity Provider Sliding Scale,[9] Liquidity Provider Sliding Scale, Liquidity Provider Sliding Scale Adjustment Table, Volume Incentive Program, Break-up Credits, Marketing Fees, Floor Broker Sliding Scale Rebate Program, Floor Broker Slide Scale Supplemental Rebate Program, Order Router Subsidy Program (''ORS''), Complex Order Router Subsidy Program (''CORS''), Floor Brokerage Fees, and the Floor Brokerage Fees Discount Scale to list SPESG as program exclusions.[10] These are not substantive changes, as SPESG was previously excluded via its inclusion in Underlying Symbol List A.

[5] The Exchange also proposes to amend Footnote 10 to reflect inclusion of DJX in the Liquidity Provider Sliding Scale program.

[6] As part of the proposed change, the Exchange also proposes to amend Footnote 34 to remove SPESG from Underlying Symbol List A.

[7] The Exchange also proposes to amend Footnote 12 appended to the Execution Surcharge, AIM Response Surcharge, AIM Contra Surcharge, and the AIM Agency/Primary Surcharge, to remove reference to SPESG, and to amend Footnote 21 appended to the Execution Surcharge to remove reference to SPESG.

[8] Currently, SPESG falls under the FLEX Surcharge Fee under Rate Table—Underlying Symbol List A, which assesses the same charge of $0.10 per contract (capped at $250 per trade); thus there is no substantive change to the fee assessed as a result of this change.

[9] As part of the proposed change, the Exchange proposes to amend Footnote 33 to reflect the changes to the SPX/SPXW Liquidity Provider Sliding Scale.

[10] As part of the proposed changes, the Exchange proposes to amend Footnotes 6, 10, 11, 22, 29, 30, 35, 36, and 44, to include SPESG. The Exchange notes that SPESG was previously included in such footnotes via inclusion in Underlying Symbol List A; as a result of the change to remove SPESG from Underlying Symbol List A, the Exchange now proposes to separately list SPESG within these footnotes.

LMM Program Updates

The Exchange propose to eliminate the MRUT, RTH SPESG, RTH MBTX/MBTXW, RTH CBTX/CBTXW, and RTH SPEQX LMM Incentive Programs (the ''LMM Incentive Programs''), set forth in the Fees Schedule. By way of background, each LMM Incentive Program provides a rebate to TPHs with LMM appointments to the respective incentive program that meet certain quoting standards in the applicable series in a month. Meeting or exceeding the quoting standards in each of the LMM Incentive Program products to receive the applicable rebate is optional for an LMM appointed to a program. Rather, an LMM appointed to an incentive program is eligible to receive the corresponding rebate if it satisfies the applicable quoting standards.

The Exchange is not required to offer these LMM Incentive Programs and no longer desires to do so, as of April 1, 2026. As such, the Exchange proposes deleting each of the LMM Incentive Program details set forth in the Fees Schedule.

Floor Fee Changes

Floor Broker Permit Fee Change

By way of background, a Floor Broker Permit (''FB Permit'') entitles the holder to act as a Floor Broker on the floor of the exchange. The Exchange currently maintains a Floor Trading Permit Sliding Scale, which allows Floor Brokers to pay reduced rates for a higher quantity of FB Permits. Particularly, Floor Brokers pay $7,500 for the first FB Permit, $5,700 per permit for the 2nd and 3rd FB Permits, $4,500 per permit for the 4th and 5th FB permits and $3,200 for each additional FB Permit thereafter. The Exchange now proposes to eliminate the current fee structure and introduce a flat per-permit FB Permit fee structure. Specifically, the Exchange proposes to assess a fee of $750 per FB Permit.[11] The Exchange believes the proposed change may incentivize new market participants to become Floor Brokers on the Exchange and help offset initial costs of operation as Floor Brokers. The Exchange also notes the proposed structure is consistent with the flat per-permit rates charged by another Exchange to Floor Broker participants.[12]

Floor Broker Trading Surcharge

The Exchange proposes to amend its Floor Broker Trading Surcharge Program for SPX and VIX. Currently, the Exchange assesses a monthly fee of $3,000 per month for any Floor Broker TPH that executes more than 20,000 SPX (including SPXW) contracts during the month (''FB SPX Surcharge'') and a monthly fee of $3,000 per month for any Floor Broker TPH that executes more than 20,000 VIX contracts during the month (''FB VIX Surcharge''). First, the Exchange proposes to amend the Floor Broker Trading Surcharge Program to assess a monthly fee for any Floor Broker TPH that executes more than 1,000 SPX (including SPXW) or 1,000 VIX contracts during the month. Further, the Exchange proposes to amend its Floor Broker Trading Surcharge Program to establish a tiered structure, wherein Floor Broker TPHs will be assessed applicable FB SPX and VIX Surcharges based on their quantity of FB Permits. The proposed structure is as follows for SPX/SPXW:

Criteria	Floor trading permit quantity	Monthly fee
FB Trading Permit Holder executes ≥1,000 contracts in SPX/SPXW	1	$7,500
	2 to 3	6,750
	4 to 5	4,000
	6 to 10	2,500
	>10	2,000

The proposed structure is as follows for VIX:

Criteria	Floor trading permit quantity	Monthly fee
FB Trading Permit Holder executes ≥1,000 contracts in VIX	1	$3,000
	2 to 5	2,500
	>5	2,000

For each of the FB SPX Surcharge and the FB VIX Surcharge, the volume executed by all Floor Brokers associated with a particular Floor Broker Trading Permit in a given month, will be aggregated for purposes of determining if the Floor Broker Trading Surcharge will be charged.

Floor Broker ADV Discount Change

Next, the Exchange proposes to modify [13] its discount for Floor Broker Trading Permit fees. Currently, as set forth in the Floor Broker ADV Discount table, any Floor Broker that executes a certain average of Customer (capacity ''C'') open-outcry contracts per day over the course of a calendar month in all underlying symbols, will receive a rebate on that TPH's Floor Broker Trading Permit Fees.[14] Such rebate amount is a percentage of the TPH's FB Permit total costs; the criteria and corresponding percentage rebates are noted below.

[11] As part of the proposed changes, the Exchange proposes to remove language regarding reduced Floor Broker Permit fees for any new TPH or existing TPH that has not held an active Floor Broker Permit in at least 12 months, as such discount will no longer be available.

[12] *See* NYSE American Options Fees Schedule, Section III (Monthly Trading Permit, Rights, Floor Access and Premium Product Fees).

[13] As part of the proposed change, the Exchange proposes to remove outdated language referring to discounts applicable in June 2020.

[14] The Floor Broker ADV Discount will be available for all Floor Broker Trading Permits held by affiliated TPHs and TPH organizations.

Floor broker ADV discount tier	ADV	Floor broker permit rebate (%)
1	0 to 99,999	0
2	100,000 to 174,999	15
3	>174,999	25

The Exchange proposes to modify the discount so TPHs will also receive the applicable discount on their Floor Broker Trading Surcharge fees (both SPX and VIX).

Floor Jacket Stipends

The Exchange proposes to adopt two stipends to assist with the cost of floor jackets. Specifically, the Exchange proposes to adopt a $275 stipend for new trading floor jackets, to be issued every three years, and a $100 stipend for the cleaning of trading jackets, to be issued annually. The Exchange will provide the initial stipends to all active floor badge holders as of April 1, 2026, with subsequent stipends issued according to the established issuance schedule, based on applicable frequency. Floor participants who receive their badge after a scheduled issuance date will receive both stipends upon badge activation and will then follow the established issuance schedule for subsequent stipends.

SPXW Excessive Complex Instrument Creation Charges

Next, the Exchange proposes to amend its Fees Schedule to adopt SPXW Excessive Complex Instrument Creation Charges (the ''Excessive CIC Fee'').

The proposed Excessive CIC Fee is calculated as follows: (i) a TPH's (and its Affiliate's, if applicable) daily number of complex instrument [15] creations [16] are added together to determine the Daily Charge based on the below Table 1 and (ii) the Daily Charge is then multiplied by the Daily Multiplier, based on the ratio of the TPH's SPXW Complex Instruments Traded to SPXW Complex Instruments Created in SPXW, shown in the below Table 2.

TABLE 1

Tier	SPXW complex instrument creations	Daily charge
Tier 1	<20,000	$0
Tier 2	≥20,000 ≤ 29,999	500
Tier 3	≥30,000 ≤ 34,999	2,000
Tier 4	≥35,000	4,000

TABLE 2

Tier	SPXW complex instruments traded/SPXW complex instruments created	Daily multiplier
Tier 1	≥0% < 15%	2.00
Tier 2	≥15% < 30%	1.50
Tier 3	≥30% < 50%	1.00
Tier 4	≥50% < 70%	0.50
Tier 5	≥70%	0.00

The proposed Excessive CIC Fee will apply during all Exchange trading sessions.[17] A TPH's volume in its complex instrument creation activity as well as its complex executed volume will be combined with any of its Affiliates.[18] The Excessive CIC Fee will be calculated on a daily basis and will be assessed to TPHs at the end of the month.

The Exchange notes that market participants with incrementally higher numbers of complex instrument creations have the potential residual effect of exhausting System resources, bandwidth, and capacity. Higher numbers of complex instrument creations may therefore, in turn, create latency and impact other market participants' ability to receive timely executions.

In fact, the Exchange has recently seen an unprecedented increase in complex instruments creations in SPXW, specifically. The potential for significant price improvement through Legging has created incentives for market participants, particularly Professional and Public Customers, to routinely rest complex orders across thousands of instrument combinations in the Complex Order Book (''COB'') with minimal genuine trading intent. Rather, these participants seek to trade in an opportunistic manner with a Customer order that is received inside the best bid or offer (''BBO''), exploiting the Legging process with speculative behavior. For example, year-to-date, there have been an average of 570 predatory (*i.e.,* sell orders executed above intrinsic value) legged-in contracts in SPXW per day, 91% of which are box spreads. This behavior does not contribute meaningfully to

[15] For purposes of the SPXW Excessive Complex Instrument Creation Charges, a ''complex instrument'' shall have the same meaning as ''complex strategy'' as defined in Cboe Options Rule 5.33. *See* proposed Footnote 54, which the Exchange proposes to append to the Excessive CIC Fee table.

[16] Complex instruments created through the daily reloading of Good-til-Cancel (''GTC'') orders are included in a TPH's complex instrument creation total for that trading day. *See* proposed Footnote 54. For example, if a TPH's GTC reload produces 13,000 complex instrument creations and the TPH creates an additional 19,000 complex instruments during the same session, the TPH's total for that day would be 32,000 complex instrument creations.

[17] The Exchange proposes to append reference to Footnotes 37 and 42 to the Excessive CIC Fee table, to denote that, in addition to Regular Trading Hours, the fee applies during Global Trading Hours (''GTH'') and Curb, respectively.

[18] *See* proposed Footnote 54, which provides in relevant part, that the Exchange will aggregate the complex instrument creations and executed SPXW complex volume of affiliated TPHs for purposes of the determining SPXW Excessive Complex Instrument Creation Charges if there is at least 75% common ownership between the firms as reflected on each firm's Form BD, Schedule A.

price discovery or liquidity provision, but instead creates operational burdens, reduces system latency, and degrades market quality. As a result, the Exchange has noticed increased strain on its System, particularly, as it relates to activity in SPXW. With this in mind, the Exchange has proposed this fee specifically for activity in SPXW in order to encourage more efficient behavior among its TPHs as it relates to their complex instrument creation activity.

The proposed fee structure has multiple thresholds, and the proposed fees are incrementally greater at complex instrument creation amounts because the potential impact on Exchange Systems, bandwidth and capacity becomes greater with increased complex instrument creations. The proposal contemplates that a TPH would have to exceed 20,000 complex instrument creations before that market participant would be charged a fee under the proposed respective tiers. The Exchange believes that it is in the interests of all market participants who access the Exchange to not allow other market participants to exhaust System resources, but to encourage efficient usage of network and System capacity. The Exchange also believes this proposal (and in particular the proposed fee amounts associated with higher complex instrument creation amounts without adequate executed volume) will reduce the incentive for market participants to engage in excessive complex instrument creation activity that will encourage such activity to be submitted in good faith for legitimate purposes.

The Exchange also represents that the proposed fees are not intended to raise revenue; rather, as noted above, it is intended to encourage efficient behavior so that market participants do not exhaust System resources. This is demonstrated by the Exchange (i) targeting the offending behavior and (ii) limiting this to only be for SPXW (where the Exchange is noticing inefficient use of the System).

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[19] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[20] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[21] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The Exchange also believes the proposed rule change is consistent with Section 6(b)(4) of the Act,[22] which requires that Exchange rules provide for the equitable allocation of reasonable dues, fees, and other charges among its TPHs and other persons using its facilities.

Standard Transaction Fee Changes

XSP, MRUT, and DJX

The Exchange believes that the proposal to apply certain XSP transaction fee codes to transactions in MRUT and DJX is reasonable, equitable and not unfairly discriminatory. Similar to XSP, MRUT and DJX are index options traded on the Exchange, based on a broad-market index, and they attract a similar mix of market participants and order types. Applying a unified fee structure across these products aligns the fee structure for similar products and simplifies the Fees Schedule. The proposal will result in slightly different fees for MRUT and DJX orders. For example, the current MRUT codes assess fees ranging from $0.02 to $0.04 per contract and current DJX codes (assessed under ''All Other Index Products'') assess fees ranging from $0.07 to $1.05, whereas the corresponding XSP codes assess fees generally ranging from $0.07 to $0.50 per contract, and include a customer rebate of $0.30 per contract for orders under 10 contracts. However, aligning MRUT and DJX with XSP fees creates a fee structure in which the fees assessed for MRUT and DJX transactions are consistent with the rates applicable to a comparable, similarly situated product, and better reflect the value of the Exchange's services and the costs associated with facilitating such transactions.

The Exchange believes that the proposed fees for orders in MRUT and DJX are equitable and not unfairly discriminatory because the proposed fees will apply automatically and uniformly to all orders in MRUT and DJX, as applicable by capacity. All fee amounts applicable to Customers will be applied equally to all Customers, *i.e.,* all Customer orders will be assessed the same amount. All fee amounts applicable to Market-Makers will be applied equally to all Market-Makers, *i.e.,* all Market Maker orders will be assessed the same amount. Similarly, the Exchange notes that the fee amounts for each separate type of other market participant will be assessed equally to all such market participants, *i.e.,* all Non-Customer and Non-Market-Maker orders will be assessed the same amount.

The Exchange further believes it is reasonable to delete fee codes which currently apply to MRUT orders, as such codes are inapplicable as a result of the proposed fee change. Additionally, the addition of DJX to the Liquidity Provider Sliding Scale and Liquidity Provider Sliding Scale Adjustment tables extends to DJX the same incentive structure already available to MRUT and XSP, further aligning the fee structure for the three index products and providing Market-Makers in DJX the opportunity to benefit from the same tiered pricing framework as those in MRUT and XSP.

SPESG and SPEQX

The Exchange believes that the proposal to amend fee codes for transactions in SPEQX and SPESG is reasonable, equitable and not unfairly discriminatory. The proposed fees, in general, have minor distinctions based on execution method, capacity of the contra-party, and orders that add liquidity and those that remove liquidity, similar to other fees with the Fees Schedule.[23] Further, other exchanges offer varying fees based on whether an order adds or removes liquidity.[24]

The Exchange believes it is reasonable to provide a rebate for Market-Maker orders in SPESG and SPEQX that are contra to a non-customer and add liquidity, and are executed electronically, as such changes are designed to incentivize an increase in non-customer liquidity-adding volume in SPESG and SPEQX on the Exchange. The Exchange believes that

[19] 15 U.S.C. 78f(b).

[20] 15 U.S.C. 78f(b)(5).

[21] *Id.*

[22] 15 U.S.C. 78f(b)(4).

[23] *See* Cboe Fees Schedule, ''Rate Table—All Products Excluding Underlying Symbol List A.''

[24] *See* EDGX Options Fees Schedule and BZX Options Fees Schedule.

incentivizing more non-customer orders in SPESG and SPEQX will create more trading opportunities, which, in turn attracts Market-Makers. A resulting increase in Market-Maker activity facilitates tighter spreads, which may lead to additional increase of order flow in SPESG and SPEQX from other market participants, further contributing to a deeper, more liquid market to the benefit of all market participants by creating a more robust and well-balanced market ecosystem.

Additionally, the Exchange believes that it is equitable and not unfairly discriminatory to assess lower fees to Market-Makers (*i.e.,* for all manual Market-Maker orders in SPESG and SPEQX and for all Market-Maker orders in SPESG and SPEQX contra to customers and that are executed electronically) as compared to other market participants other than Customers because Market-Makers, unlike other market participants, take on a number of obligations, including quoting obligations, that other market participants do not have. Further, these lower fees offered to Market-Makers are intended to incent Market-Makers to quote and trade more on the Exchange, thereby providing more trading opportunities for all market participants.

The Exchange believes assessing a higher fee for SPESG and SPEQX orders contra a non-customer that remove liquidity and are executed electronically is reasonable because it provides an incentive to maintain non-customer liquidity at the Exchange, thereby promoting price discovery and enhancing order execution opportunities for all TPHs.

The Exchange also believes the proposed changes to the fee structure for Non-Customer, Non-Market Maker orders in SPESG and SPEQX are reasonable. As noted above, it is not novel to charge different fees based on capacity of contra-party, and other exchanges offer varying fees based on whether an order adds or removes liquidity.[25] The Exchange believes assessing higher fees in general for Non-Customer, Non-Market Maker orders is reasonable, equitable, and non-discriminatory because, as noted above, the obligations and circumstances between market participants differ. The Exchange believes assessing a lower fee for Non-Customer, Non-Market Maker SPESG and SPEQX orders contra to a customer or contra to a non-customer that add liquidity and are executed electronically is reasonable because it provides an incentive to add liquidity at the Exchange, including in customer volume, thereby promoting price discovery and enhancing order execution opportunities for all TPHs.

The Exchange believes the proposed fee for Customer SPESG and SPEQX orders is reasonable, as it is slightly higher than the fee currently assessed for SPEQX orders yet lower than the proposed Non-Customer, Non-Market Maker SPESG and SPEQX orders. Further, the fee is within the range of similar market participant fees associated with other index products.[26]

The Exchange believes that the proposed fees for Customer, Market-Maker, and Non-Customer, Non-Market Maker orders in SPESG and SPEQX are equitable and not unfairly discriminatory because the proposed fees will apply automatically and uniformly to all Customer, Market-Maker, and Non-Customer, Non-Market Maker orders in SPESG and SPEQX, as applicable, based on capacity.

The Exchange further believes it is reasonable to delete fee codes which currently apply to SPEQX orders, as such codes are inapplicable as a result of the proposed fee change. Additionally, the Exchange believes it is reasonable to amend the fee codes that are currently appended to certain SPESG orders, to remove SPESG from such fee codes, as such fee codes will no longer be applicable to SPESG orders as a result of the proposed fee change.

The Exchange believes it is reasonable to exclude SPESG from the Execution Surcharge, AIM Response Surcharge, AIM Contra Surcharge, and AIM Agency/Primary Surcharge applicable to certain Non-Market-Maker orders. As part of the proposed changes. These changes are designed to further align the fee structure of SPESG with the fee structure of SPEQX. The Exchange also believes it is reasonable to exclude volume in SPESG from the SPX/SPXW Liquidity Provider Sliding Scale, Liquidity Provider Sliding Scale, Liquidity Provider Sliding Scale Adjustment Table, Volume Incentive Program, Break-up Credits, Marketing Fees, Floor Broker Sliding Scale Rebate Program, Floor Broker Slide Scale Supplemental Rebate Program, ORS/CORS, Floor Brokerage Fees, and the Floor Brokerage Fees Discount Scale. As noted above, these are not substantive changes, as SPESG was previously excluded via its inclusion in Underlying Symbol List A. Further, the Exchange believes it is reasonable to list SPESG in the FLEX Surcharge fee under Rate Table—Excluding Symbol List A, as SPESG is no longer listed within Underlying Symbol List A.

LMM Program Updates

Finally, the Exchange believes the proposed change to eliminate the LMM Incentive Programs is reasonable, equitable and not unfairly discriminatory. As noted above, the Exchange is not required to offer these LMM Incentive Programs and no longer desires to do so. The proposed change is reasonable, as the Exchange wishes to reallocate resources to its other pricing programs, as well as to developing other pricing programs that may benefit market participants.

The Exchange believes the proposed change is equitable and is not unfairly discriminatory, as the proposed change applies to all Market-Makers equally. While no Market-Maker will be or continue to be eligible for the eliminated LMM Incentive Programs, all Market-Makers remain eligible to participate in the Exchange's other pricing programs, including other LMM Incentive Programs offered by the Exchange.

Floor Fee Changes

Floor Broker Permit Fee Change

The Exchange believes that the proposed fee change related to FB Permits is reasonable, equitable and not unfairly discriminatory. As noted above, the proposed structure is consistent with the flat per-permit rates charged by another Exchange to Floor Broker participants.[27] The Exchange believes the proposed change is reasonable as it may incentivize new market participants to become Floor Brokers on the Exchange and help offset initial costs associated with becoming a Floor Broker. The Exchange believes the proposed discount is equitable and not unfairly discriminatory because the change will apply to all Floor Brokers who currently hold a FB Permit or any new Floor Brokers who will hold a FB Permit. The Exchange further believes the lower rate is reasonable, as Floor Brokers serve an important function in facilitating the execution of orders via open outcry, which as a price-improvement mechanism, the Exchange wishes to encourage and support. Further, the proposed change is designed to further encourage the execution of orders via open outcry, which should increase volume, which would benefit all market participants.

[25] *See* EDGX Options Fees Schedule and BZX Options Fees Schedule.

[26] *See* Cboe Fees Schedule, ''Rate Table—All Products Excluding Underlying Symbol List A.''

[27] *See* NYSE American Options Fees Schedule, Section III (Monthly Trading Permit, Rights, Floor Access and Premium Product Fees).

Floor Broker Trading Surcharge

The Exchange believes its proposed change to amend its Floor Broker Trading Surcharge Program for SPX and VIX is reasonable, equitable and not unfairly discriminatory. First, the Exchange believes it is reasonable to lower the volume threshold at which the FB SPX Surcharge and FB VIX Surcharge are triggered, from 20,000 contracts per month to 1,000 contracts per month for each surcharge, as the Exchange believes the revised threshold better aligns the surcharge with the Exchange's costs of supporting floor-based trading activity across a broader range of active Floor Broker TPHs.

The Exchange further believes it is reasonable to establish a tiered fee structure for the FB SPX Surcharge and FB VIX Surcharge based on the number of Floor Broker Trading Permits held by a TPH. Under the proposed structure, Floor Broker TPHs holding a greater number of permits are assessed a lower per-permit monthly surcharge, while those holding fewer permits are assessed a higher surcharge. The Exchange believes this tiered approach is reasonable because Floor Broker TPHs that hold more permits have a larger presence and potential related costs in the floor-based trading operations on the Exchange. Further, the changes may incentivize expanded participation in the Exchange's floor trading environment, which promotes liquidity to the benefit of all participants. The Exchange believes the proposed tiered structure is equitable and not unfairly discriminatory. All Floor Broker TPHs are subject to the same tiered schedule and are assessed fees based on the number of permits they hold and their trading volume in VIX or SPX. The Exchange also notes that the proposed rates for SPX and VIX reflect the trading characteristics of each product, with SPX and SPXW generally having greater volumes and therefore utilizing greater floor resources.

Floor Broker ADV Discount Change

The Exchange believes its proposal to modify its discount for Floor Broker Trading Permit fees is reasonable, equitable, and not unfairly discriminatory. The Exchange believes it is reasonable to extend the Floor Broker ADV Discount to apply to the FB SPX Surcharge and the FB VIX Surcharge as well as Floor Broker Trading Permit fees. The ADV Discount is designed to encourage the execution of Customer orders in all classes via open outcry, which may increase volume, which would benefit all market participants (including Floor Brokers who do not hit the ADV thresholds) trading via open outcry. TPHs that meet the applicable ADV thresholds and thus qualify for the 15% or 25% rebate are among the most active participants on the Exchange's trading floor. The Exchange believes it is equitable and consistent with the purpose of the discount program to extend its benefits to the FB SPX Surcharge and FB VIX Surcharge, as these surcharges represent part of the overall fees assessed to Floor Broker TPHs in connection with their floor-based trading activity.

The Exchange believes the proposed changes are equitable and not unfairly discriminatory. The ADV Discount tiers and applicable rebate percentages remain unchanged; the proposed modification simply broadens the scope of fees to which the existing discount applies. All Floor Broker TPHs are eligible to receive the Floor Broker Trading Permit and FB SPX and VIX Trading Surcharges fees rebates under Program.

Moreover, the Exchange expects the overall impact of the proposed Floor Broker fee changes to result in no more than relatively small increases in overall Floor Broker fees for any affected firms. When comparing average monthly Floor Broker fees paid by Floor Brokers in the first quarter of 2026 (pre-implementation) to the second quarter of 2026 (post-implementation), the average monthly Floor Broker fees of only one Floor Broker increased (approximately 14%), with all other Floor Brokers seeing a decrease in average monthly Floor Broker fees.

Floor Jacket Stipends

The Exchange believes the proposed change to adopt two stipends to assist with the cost of floor jackets is reasonable, equitable, and not unfairly discriminatory.

The Exchange believes such change is reasonable, as trading floor jackets are now required to be worn by floor participants at all times when on the Exchange's floor trading. The Exchange believes that providing financial assistance for the purchase and maintenance of these required jackets is a reasonable way of off-setting costs incurred by its floor trading community.

The Exchange believes the proposed stipends are equitable and not unfairly discriminatory. Both stipends will be provided to all active floor badge holders on a uniform basis. Further, floor participants who receive their badge after a scheduled issuance date will receive both stipends upon badge activation and will thereafter follow the established issuance schedule for subsequent stipends, ensuring that all floor participants, whether existing or new, are treated similarly. Further, the Exchange believes the proposed stipend amounts are reasonable. The $275 jacket stipend and $100 cleaning stipend are modest in amount and designed to provide meaningful assistance with the actual costs floor participants incur in connection with these required items.

Excessive CIC Fee Change

The Exchange believes the proposed Excessive CIC Fee will remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. The Exchange notes that the proposed fee structure is designed to protect the Exchange's matching engines from being adversely impacted from excessive complex instrument creations. The Exchange believes it is reasonable, equitable and not unfairly discriminatory to assess higher fees when a TPH has higher complex instrument creation activity relative to the ratio of the TPH's SPXW Complex Instruments Traded to SPXW Complex Instruments Created in SPXW because the potential impact on Exchange Systems, bandwidth and capacity becomes greater with increased complex instrument creations. The Exchange believes the proposed fee amounts are reasonable as the Exchange believes them to be commensurate with the proposed thresholds. Particularly, the proposed fee amounts that correspond to higher complex instrument creation amounts are designed to incentivize TPHs to reduce excessive complex instrument creation activity that the Exchange believes can be detrimental to all market participants at the levels outlined and encourage such activity to be made in good faith and for legitimate purposes.

The Exchange believes the proposed fees are reasonable as TPHs that do not exceed the high SPXW complex instrument creation amount of 20,000 will not be charged any fee under the proposed tiers. As noted above, the Exchange believes that it is in the interests of all TPHs and market participants who access the Exchange to not allow TPHs to exhaust System resources, but to encourage efficient usage of network and System capacity. The Exchange therefore also believes that the proposed fees appropriately reflect the benefits to different firms of being able to engage in complex instrument creation and also believes the proposed fee is one method of facilitating the Commission's goal of ensuring that critical market infrastructure has ''levels of capacity,

integrity, resiliency, availability, and security adequate to maintain their operational capability and promote the maintenance of fair and orderly markets.'' [28]

The Exchange believes adopting the proposed Excessive CIC Fee is reasonable as unfettered usage of System capacity and network resource consumption can have a detrimental effect on all market participants who access and use the Exchange. As discussed above, high complex instrument creations may adversely impact System resources, bandwidth, and capacity which may, in turn, create latency and impact other market participants' ability to receive timely executions. The Exchange believes the proposed fee is therefore reasonable as they are designed to focus on activity that is truly disproportionate while fairly allocating fees to disincentivize the adverse behavior.

Further, the Exchange believes that the proposed Excessive CIC Fee is equitable and not unfairly discriminatory because it will be assessed uniformly to similarly situated users in that all TPHs that exceed the thresholds in connection with the Excessive CIC Fee will be assessed the proposed rates. As noted above, the Exchange believes the proposed thresholds are appropriately high rates and have been set out given market behaviors recently observed. The Exchange also believes it is equitable and not unfairly discriminatory to aggregate a TPH's order flow with its Affiliate to prevent TPHs from shifting their order flow and trading activity to their Affiliate in order to circumvent the proposed fees.

The Exchange believes it is equitable and not unfairly discriminatory to assess incrementally higher fees to TPHs that have higher complex instrument creation activity relative to the ratio of the TPH's SPXW Complex Instruments Traded to SPXW Complex Instruments Created in SPXW because the potential impact on Exchange Systems, bandwidth and capacity becomes greater higher complex instrument creation activity.

The Exchange lastly believes that its proposal is reasonable, equitably allocated and not unfairly discriminatory because it is not intended to raise revenue for the Exchange; rather, it is intended to encourage efficient behavior so that TPHs do not exhaust System resources. Specifically, the Exchange is limiting this to the offending behavior and to the specific asset class effected.

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.

Standard Transaction Fee Changes

The Exchange does not believe that the proposed rule changes related to standard transaction fees for XSP, MRUT, DJX, SPESG, or SPEQX will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the fee amounts for each separate type of market participants will be assessed equally to all such market participants. While different fees are assessed to different market participants in some circumstances, the obligations and circumstances between these market participants differ, as discussed above. For example, Market-Makers have quoting obligations that are not applicable to other market participants. Further, the proposed fees structures are intended to encourage more trading of XSP, MRUT, DJX, SPESG, and SPEQX, which bring liquidity to the Exchange and benefits all market participants.

The Exchange does not believe that the proposed rule changes will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed fees assessed apply to Exchange proprietary products, which are traded exclusively on the Exchange.

LMM Program Updates

The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed change to eliminate the LMM Incentive Programs applies to all Market-Makers equally. While no Market-Maker will be or continue to be eligible for the eliminated LMM Incentive Programs, all Market-Makers remain eligible to participate in the Exchange's other pricing programs, including other LMM Incentive Programs offered by the Exchange.

The Exchange also does not believe that the proposed changes will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the Act. Further, in regard to the proposed changes to the LMM Incentive Programs, the Exchange does not believe the proposed rule change will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act, as the proposed changes apply only to programs applicable to transactions in products that are currently exclusively listed on the Exchange.

Floor Fee Changes

The Exchange does not believe that the proposed rule change related to Floor Broker Permit fees will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because, while it is limited to Floor Brokers, Floor Brokers serve an important function in facilitating the execution of orders via open outcry, which as a price-improvement mechanism, the Exchange wishes to encourage and support. Further, the proposed change is designed to encourage more Floor Brokers which may further encourage more execution of orders via open outcry, which should increase volume, which would benefit all market participants trading via open outcry.

Further, the Exchange does not believe the proposed changes related to the Floor Broker Trading Surcharge will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed amendments apply uniformly to all Floor Broker TPHs that meet the applicable criteria. Further, while the tiered structure provides lower per-permit surcharge rates to TPHs holding a greater number of permits, the Exchange believes this tiered approach is reasonable because Floor Broker TPHs that hold more permits have a larger presence and potential related costs in the floor-based trading operations on the Exchange. Further, the changes may incentivize expanded participation in the Exchange's floor trading environment, which promotes liquidity to the benefit of all participants.

The Exchange does not believe the proposed changes related to the Floor Broker ADV Discount will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. All Floor Broker TPHs are eligible to receive the Floor Broker Trading Permit and FB SPX and VIX Trading Surcharges fees rebates under Program As noted above, the ADV Discount is designed to encourage the execution of Customer orders in all classes via open outcry, which may increase volume,

[28] *See* Securities Exchange Act Release No. 73639 (November 19, 2014), 79 FR 72251 (December 5, 2014) (File No. S7–01–13) (Regulation SCI Adopting Release).

which would benefit all market participants (including Floor Brokers who do not hit the ADV thresholds) trading via open outcry, and TPHs that meet the applicable ADV thresholds and thus qualify for the 15% or 25% rebate are active participants on the Exchange's trading floor. Thus, the Exchange believes that it is consistent with the purpose of the discount program to extend its benefits to the FB SPX Surcharge and FB VIX Surcharge, as these surcharges represent part of the overall fees assessed to Floor Broker TPHs in connection with their floor-based trading activity.

The Exchange does not believe the proposed changes to adopt two stipends to assist with the cost of floor jackets will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. Both stipends will be provided to all active floor badge holders on a uniform basis. Further, floor participants who receive their badge after a scheduled issuance date will receive both stipends upon badge activation and will thereafter follow the established issuance schedule for subsequent stipends, ensuring that all floor participants are treated similarly.

The Exchange does not believe that the proposed floor fee changes will impose an unnecessary or inappropriate burden on intermarket competition because they only apply to Cboe Options. To the extent that the changes prove attractive to market participants on other options exchanges, or its results prove attractive to market participants on other exchanges, such market participants may elect to become Floor Brokers or market participants at the Exchange.

Excessive CIC Fee Change

The Exchange does not believe that the proposed rule change to adopt the Excessive CIC Fee will impose any burden on intramarket competition that is not necessary in furtherance of the purposes of the Act because such fees will apply equally to all similarly situated TPHs. Particularly, the proposed Excessive CIC Fee applies uniformly to all TPH, in that any TPH who exceeds the thresholds will be subject to a fee under the proposed corresponding tiers. The Exchange believes that the proposed change neither favors nor penalizes one or more categories of market participants in a manner that would impose an undue burden on competition. Rather, the proposal seeks to reduce incentives for market participants to rest speculative SPXW complex orders in the COB. The Exchange expects such a reduction in non-bona fide order activity would decrease the total number of complex instruments the Exchange's matching engines must track and process, enhancing overall system performance. Such improved system efficiency benefits all market participants through more efficient order handling and reduced latency. Accordingly, the Exchange believes that the proposed Excessive CIC Fee does not favor certain categories of market participants in a manner that would impose a burden on competition.

Finally, the Exchange believes the proposed rule change to adopt the Excessive CIC Fee does not impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed rule change applies only to a product exclusively listed on the Exchange. As noted above, the Exchange is limiting this to the offending behavior and to the specific asset class effected. The fee is not intended to raise revenue for the Exchange; rather, it is intended to encourage efficient behavior so that TPHs do not exhaust System resources. The Exchange, along with other exchanges, have adopted various fee programs intended to disincentivize trading behaviors that may exhaust system resources, bandwidth, and capacity.[29]

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.

[29] *See, e.g.,* Exchange Fees Schedule, ''SPXW Excessive Mass Cancels and Purge Charges.'' *See also* Securities Exchange Act Release No. 60102 (June 11, 2009), 74 FR 29251 (June 19, 2009) (SR–NYSEArca–2009–50) (adopting fees applicable to Members based on the number of orders entered compared to the number of executions received in a calendar month). It appears that Nasdaq assesses a penalty charge to its members that exceed certain ''weighted order-to-trade ratios''. *See Price List—Trading Connectivity,* NASDAQ, *available at https://www.nasdaqtrader.com/trader.aspx?id=pricelisttrading2;* and Securities Exchange Act Release No. 91406 (March 25, 2021), 86 FR 16795 (March 31, 2023) (SR–EMERALD–2021–10) (adopting an ''Excessive Quoting Fee'' to ensure that Market Makers do not over utilize the exchange's System by sending messages to the MIAX Emerald, to the detriment of all other Members of the exchange); and Securities Exchange Act Release No. 97262 (March 29, 2023), 88 FR 22509 (April 13, 2023) (SR–CboeEDGX–2023–023) (adopting fees applicable to Market Makers based on the number of orders (including modification messages) entered compared to the number of orders traded in a calendar month).

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [30] and paragraph (f) of Rule 19b–4 [31] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–CBOE–2026–065 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–CBOE–2026–065. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–CBOE–2026–065 and should be submitted on or before August 26, 2026.

[30] 15 U.S.C. 78s(b)(3)(A).

[31] 17 CFR 240.19b–4(f).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[32]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–15830 Filed 8–4–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–105549A; File No. SR–PhlX–2025–50]

Self-Regulatory Organizations; Nasdaq PHLX LLC; Notice of Filing of Amendment No. 1 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 1, To List and Trade Nasdaq Bitcoin Index Options; Correction

AGENCY: Securities and Exchange Commission.

ACTION: Notice; correction.

SUMMARY: The Securities and Exchange Commission published a document in the **Federal Register** on May 28, 2026, concerning Notice of Filing of Amendment No. 1 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 1, to List and Trade Nasdaq Bitcoin Index Options. The document contained an error.

FOR FURTHER INFORMATION CONTACT: Lloyd Ellis, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, (202) 551–5400.

SUPPLEMENTARY INFORMATION:

Correction

In the **Federal Register** of May 28, 2026, in FR Doc. 2026–10537, at 91 FR 31769 on page 31794, in the third column under the heading ''Conclusion,'' add a paragraph following the ordering paragraph that states ''For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.'' [179]

[179] 17 CFR 200.30–3(a)(12).

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–15837 Filed 8–4–26; 8:45 am]

BILLING CODE 8011–01–P

[32] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106022; File No. SR–CBOE–2026–066]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Market-Maker Tier Appointment Fees

July 31, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 20, 2026, Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') proposes to amend Market-Maker tier appointment fees. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Commission's website (*https://www.sec.gov/rules/sro.shtml*), the Exchange's website (*https://www.cboe.com/us/options/regulation/rule_filings/cone/*), and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Fees Schedule.[3]

By way of background, Exchange Rule 5.50(g)(2) provides that the Exchange may establish one or more types of tier appointments and Exchange Rule 5.50(g)(2)(B) provides such tier appointments are subject to such fees and charges the Exchange may establish. In 2011, the Exchange established the VIX Floor Tier Appointment and adopted an initial fee of $1,000 per Market-Maker trading permit, per month,[4] and later increased this fee to from $1,000 to $2,000 per month.[5] In 2016, the Exchange established the RUT Floor Tier Appointment and adopted an initial fee of $1,000 per Market-Maker trading permit, per month.[6] In 2020, the Exchange established the separate VIX and RUT Electronic Access Permit (''EAP'') Tier Appointment fees, which align with the respective Floor Tier Appointment fees.[7]

Currently, these fees are assessed to any Market-Maker TPH that has the respective VIX or RUT appointment at any time during a calendar month and trades a specified number of contracts. The Exchange assesses separate Tier Appointment Fees for each type of Market-Maker Trading Permit (*i.e.,* Market-Maker Floor Permit and Market-Maker Electronic Access Permit (''EAP'')). Specifically, as it relates to Market-Maker Floor Permits, the $2,000 per month VIX Tier Appointment is assessed to any Market-Maker TPH that executes at least 1,000 contracts in VIX, and the $1,000 per month RUT Tier Appointment is assessed to any Market-Maker TPH that executes at least 1,000 contracts in RUT; both are applied per Market-Maker Floor Permit. As it relates to Market-Maker EAP, the $2,000 per month VIX Tier Appointment is assessed to any Market-Maker TPH that

[3] The Exchange initially filed the proposed fee change, among other changes, on April 1, 2026 (SR–CBOE–2026–031). On May 29, 2026, the Exchange withdrew that filing and submitted SR–CBOE–2026–050. On July 20, 2026, the Exchange withdrew that filing and submitted this proposal.

[4] *See* Securities Exchange Act Release No. 63706 (January 12, 2011), 76 FR 3184 (January 19, 2011) (SR–CBOE–2011–004).

[5] *See* Securities Exchange Act Release No. 66277 (January 30, 2012), 77 FR 5595 (February 3, 2012) (SR–CBOE–2012–008).

[6] *See* Securities Exchange Act Release No. 76923 (January 15, 2016), 81 FR 3841 (January 22, 2016) (SR–CBOE–2016–002).

[7] *See* Securities Exchange Act Release No. 90333 (November 4, 2020), 85 FR 71666 (November 10, 2020) (SR–CBOE–2020–105).

executes at least 1,000 contracts in VIX and the $1,000 per month RUT Tier Appointment is assessed to any Market-Maker TPH that executes at least 1,000 contracts in RUT; both are applied per TPH.

The Exchange proposes to amend the Tier Appointment Fee amounts. Specifically, the Exchange proposes to increase the VIX Tier Appointment fee to $2,500 (for both Market-Maker Floor Permits and Market-Maker EAP) and to increase the RUT Tier Appointment Fee to $1,500 (for both Market-Maker Floor Permits and Market-Maker EAP).

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[8] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[9] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[10] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The Exchange also believes the proposed rule change is consistent with Section 6(b)(4) of the Act,[11] which requires that Exchange rules provide for the equitable allocation of reasonable dues, fees, and other charges among its TPHs and other persons using its facilities.

The Exchange believes its proposal to amend its Market-Maker Tier Appointment Fees for VIX and RUT is reasonable, equitable, and not unfairly discriminatory.

The Exchange also believes its proposal to increase the VIX and RUT Market-Maker Tier Appointment fees is reasonable as each respective fee amount has not been increased since the VIX fee was last changed in 2012 and the RUT fee was adopted in 2016. Particularly, since the time that the VIX Market-Maker Tier Appointment fee was last changed in 2012 and the RUT Market-Maker Tier Appointment fee was adopted in 2016, respectively, there has been notable inflation. This inflation is reflected in the Consumer Price Index (''CPI''), which measures the average change over time in prices paid by consumers for goods and services.

Indeed, the dollar has had an average inflation rate of 2.7% per year between 2012 and today, thus producing a cumulative price increase of approximately 46% inflation since 2012, when the VIX Market-Maker Tier Appointment was last changed.[12] For nearly fourteen years with respect to the VIX Market-Maker Tier Appointment fee, Market-Makers were only subject to the rate that was adopted in 2012 (*i.e.,* $2,000) notwithstanding an average inflation rate of 2.7% per year. The Exchange acknowledges its proposed fee is an increase of 25%. However, the Exchange believes such increase is reasonable given many Market-Makers for nearly 14 years did not have to pay increased fees notwithstanding yearly inflation.

The dollar has had an average inflation rate of 3.38% per year between 2016 and today, thus producing a cumulative price increase of approximately 40% inflation since 2016 when the RUT Market-Maker Tier Appointment was first adopted.[13] For nearly ten years with respect to the RUT Market-Maker Tier Appointment fee, Market-Makers were only subject to the rate that was adopted in 2016 (*i.e.,* $1,000) notwithstanding an average inflation rate of 3.38% per year. The Exchange acknowledges its proposed fee is an increase of 50%. However, the Exchange believes such increase is reasonable given many Market-Makers for nearly 10 years did not have to pay increased fees notwithstanding yearly inflation. Moreover, the Exchange historically does not increase fees every year, notwithstanding inflation. The Exchange therefore believes that proposing a fee in excess of the cumulative 40% inflation rate is still reasonable, especially when considered in conjunction with all of the additional and further rationale discussed above. The Exchange is also unaware of any standard that suggests any fee proposal that exceeds a yearly or cumulative inflation rate is unreasonable.

Moreover, PPI-based inflation over the same period reflects a similar or greater cumulative increase. As a general matter, the Producer Price Index (''PPI'') is a family of indexes that measures the average change over time in selling prices received by domestic producers of goods and services. The PPI measures price change from the perspective of the seller. This contrasts with other metrics, such as the CPI, that measure price change from the purchaser's perspective.[14] About 10,000 PPIs for individual products and groups of products are tracked and released each month.[15] PPIs are available for the output of nearly all industries in the goods-producing sectors of the U.S. economy—mining, manufacturing, agriculture, fishing, and forestry—as well as natural gas, electricity, and construction, among others. The PPI program covers approximately 69 percent of the service sector's output, as measured by revenue reported in the 2017 Economic Census.

For purposes of this proposal, the relevant industry-specific PPI is the Producer Price Index for NAICS 5231—Securities and Commodity Contracts Intermediation and Brokerage (''Securities Brokerage PPI'').[16] This index measures changes in the revenue received by security and commodity contract intermediaries and brokerage companies, including dealers and market makers, and specifically captures pricing associated with, among other things, market making in over-the-counter equities and other dealer and brokerage transactions. The Exchange believes this measure is particularly appropriate for purposes of this proposal, as the fees at issue are charged specifically to Market-Makers for the ability to transact in a market-making capacity (the exact economic activity captured by the NAICS 5231 index) and because the Exchange itself provides the marketplace infrastructure through which Market-Makers generate the type of revenue this index tracks.

Based on this index, the Securities Brokerage PPI was 95.7 in January 2012 and 113.4 in January 2016, and was at 236.359 as of May 2026 (the most recent data available). This reflects a cumulative producer price increase of approximately 147% between January 2012 and today, and approximately 108% between January 2016 and today,

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

[10] *Id.*

[11] 15 U.S.C. 78f(b)(4).

[12] *See https://www.bls.gov/data/inflation_calculator.htm.*

[13] *See https://www.bls.gov/data/inflation_calculator.htm.*

[14] *See https://www.bls.gov/ppi/overview.htm.*

[15] *Id.*

[16] *See https://www.bls.gov/ppi/factsheets/producer-price-indexes-for-security-and-commodity-contracts-intermediaries-and-brokerages-naics-5231.htm.*

both of which substantially exceed the CPI-based cumulative inflation figures (46% and 40%, respectively) discussed above. The Exchange believes this PPI-based data provides strong, independent corroboration for the reasonableness of the proposed fee increases, particularly given that even the proposed 25% and 50% increases remain far below the cumulative producer-side inflation experienced in the securities and commodity brokerage industry over the same periods.[17]

Further, the Exchange believes the proposed changes are equitable and not unfairly discriminatory. The increased Market-Maker Tier Appointment Fees apply uniformly to all Market-Maker TPHs with a VIX or RUT appointment who meet the 1,000-contract execution threshold.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

The Exchange does not believe the proposed changes related to the Market-Maker Tier Appointment Fees for VIX and RUT will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. The increased Market-Maker Tier Appointment Fees apply uniformly to all Market-Maker TPHs with a VIX or RUT appointment who meet the 1,000-contract execution threshold. The Exchange believes the fee increases are modest and proportionate relative to the current rates and notes that it operates in a competitive environment in which Market-Maker TPHs may evaluate the costs and benefits of maintaining appointments in particular products.

The Exchange does not believe that the proposed floor fee changes will impose an unnecessary or inappropriate burden on intermarket competition because they only apply to Cboe Options. To the extent that the changes prove attractive to market participants on other options exchanges, or its results prove attractive to market participants on other exchanges, such market participants may elect to become Floor Brokers or market participants at the Exchange.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [18] and paragraph (f) of Rule 19b–4 [19] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–CBOE–2026–066 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–CBOE–2026–066. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–CBOE–2026–066 and should be submitted on or before August 26, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–15831 Filed 8–4–26; 8:45 am]

BILLING CODE 8011–01–P

[17] *See https://data.bls.gov/timeseries/PCU5231--5231--* (as of July 10, 2026).

[18] 15 U.S.C. 78s(b)(3)(A).

[19] 17 CFR 240.19b–4(f).

[20] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 36277]

Deregistration Under Section 8(f) of the Investment Company Act of 1940

July 31, 2026.

AGENCY: Securities and Exchange Commission (''Commission'' or ''SEC'').

ACTION: Notice of applications for deregistration under Section 8(f) of the Investment Company Act of 1940.

The following is a notice of applications for deregistration under section 8(f) of the Investment Company Act of 1940 for the month of July 2026. A copy of each application may be obtained via the Commission's website by searching for the applicable file number listed below, or for an applicant using the Company name search field, on the SEC's EDGAR system. The SEC's EDGAR system may be searched at *https://www.sec.gov/search-filings.* You may also call the SEC's Office of Investor Education and Assistance at (202) 551–8090. An order granting each application will be issued unless the SEC orders a hearing. Interested persons may request a hearing on any application by emailing the SEC's Secretary at *Secretarys-Office@sec.gov* and serving the relevant applicant with a copy of the request by email, if an email address is listed for the relevant applicant below, or personally or by mail, if a physical address is listed for the relevant applicant below. The email should include the relevant file number. Hearing requests should be received by the SEC by 5:30 p.m. on August 25, 2026, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to Rule 0–5 under the Act, hearing requests should state the nature of the writer's

interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary at *Secretarys-Office@sec.gov.*

ADDRESSES: The Commission: *Secretarys-Office@sec.gov.*

FOR FURTHER INFORMATION CONTACT: Shane Duggan, Assistant Director, at (202) 551–6367 or Chief Counsel's Office at (202) 551–6821; SEC, Division of Investment Management, Chief Counsel's Office, 100 F Street NE, Washington, DC 20549–8010.

MFS Special Value Trust [File Number 811–05912]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. On April 29, 2024, applicant made liquidating distributions to its shareholders based on net asset value. Expenses of $86,337 incurred in connection with the liquidation were paid by the applicant.

Filing Date: The application was filed on July 13, 2026.

Applicant's Address: c/o Massachusetts Financial Services Company, 111 Huntington Avenue, Boston, MA 02199–7618

Popular Income Plus Fund, Inc. [File No. 811–23696]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On March 31, 2026, applicant made liquidating distributions to its shareholders based on net asset value. Expenses of approximately $73,250 incurred in connection with the liquidation were paid by the applicant.

Filing Date: The application was filed on April 20, 2026, and amended on July 9, 2026.

Applicant's Address: Popular Center North Building, Second Level (Fine Arts), 209 Muñoz Rivera Avenue, San Juan, Puerto Rico 00918.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–15841 Filed 8–4–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 36278; File No. 812–15989]

Macquarie Infrastructure Income Opportunities Fund, et al.

July 31, 2026.

AGENCY: Securities and Exchange Commission (''Commission'' or ''SEC'').

ACTION: Notice.

Notice of application for an order under sections 17(d) and 57(i) of the Investment Company Act of 1940 (the ''Act'') and rule 17d–1 under the Act to permit certain joint transactions otherwise prohibited by sections 17(d) and 57(a)(4) of the Act and rule 17d–1 under the Act.

SUMMARY OF APPLICATION: Applicants request an order to permit certain business development companies (''BDCs''), closed-end management investment companies, and open-end management investment companies to co-invest in portfolio companies with each other and with certain affiliated investment entities.

APPLICANTS: Macquarie Infrastructure Income Opportunities Fund, Macquarie Wealth Advisers, LLC, Macquarie Asset Management Credit Advisers US, LLC, Macquarie Asset Management Europe S.à r.l, Macquarie Investment Management Europe Limited, MPC Americas, LLC and certain of their affiliated entities as described in Schedule A to the Application.

FILING DATES: The application was filed on February 11, 2026, and amended on June 16, 2026 and July 31, 2026.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing on any application by emailing the SEC's Secretary at *Secretarys-Office@sec.gov* and serving the Applicants with a copy of the request by email, if an email address is listed for the relevant Applicant below, or personally or by mail, if a physical address is listed for the relevant Applicant below. The email should include file number referenced above. Hearing requests should be received by the Commission by 5:30 p.m. Eastern Time on August 25, 2026, and should be accompanied by proof of service on the Applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by emailing the Commission's Secretary at *Secretarys-Office@sec.gov.*

ADDRESSES: The Commission: *Secretarys-Office@sec.gov.* Applicants: Amrita Agarwal, Esq., *amrita.agarwal@macquarie.com;* Nicole M. Runyan, P.C., Brad A. Green, P.C., and Lisa Nosal, Esq., Kirkland & Ellis LLP, *nicole.runyan@kirkland.com, brad.green@kirkland.com,* and *lisa.nosal@kirkland.com.*

FOR FURTHER INFORMATION CONTACT: Adam Large, Senior Special Counsel, or Deepak T. Pai, Senior Counsel at (202) 551–6825 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: For Applicants' representations, legal analysis, and conditions, please refer to Applicants' second amended application, filed July 31, 2026, which may be obtained via the Commission's website by searching for the file number at the top of this document, or for an Applicant using the Company name search field, on the SEC's EDGAR system. The SEC's EDGAR system may be searched at *https://www.sec.gov/search-filings.* You may also call the SEC's Office of Investor Education and Assistance at (202) 551–8090.

For the Commission, by the Division of Investment Management, under delegated authority.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–15840 Filed 8–4–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106020; File No. SR–CBOE–2026–064]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Cboe Bitcoin U.S. ETF Index Options (''CBTX'') and Cboe Mini Bitcoin U.S. ETF Index Options (''MBTX'') Standard Transaction Fees

July 31, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 20, 2026, Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') filed with the Securities and Exchange

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') proposes to amend Cboe Bitcoin U.S. ETF Index options (''CBTX'') and Cboe Mini Bitcoin U.S. ETF Index options (''MBTX'') standard transaction fees. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Commission's website (*https://www.sec.gov/rules/sro.shtml*), the Exchange's website (*https://www.cboe.com/us/options/regulation/rule_filings/cone/*), and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Fees Schedule.[3]

CBTX

The Exchange proposes to amend and adopt certain fees related to transactions in CBTX. Specifically, the proposed rule change amends and adopts certain fees for CBTX in the Rate Table for All Products Excluding Underlying Symbol List A, as follows:

- Amends fee code B2, currently appended to all Market-Maker (capacity ''M''), Clearing TPHs (capacity ''F''), Non-Clearing TPH Affiliates (capacity ''L''), Broker-Dealer (capacity ''B''), Joint Back-Office (capacity ''J''), Non-TPH Market-Maker (capacity ''N''), and Professional (capacity ''U'') (collectively, ''Non-Customer'') orders in CBTX and assesses a fee of $1.00 per contract, to apply to all Non-Customer orders in CBTX that are executed manually (*i.e.,* open outcry).[4]
- Adopts fee code B3, appended to all Non-Customer orders in CBTX contra to non-customers that remove liquidity and that are executed electronically and assesses a fee of $1.50 per contract.
- Adopts fee code B4, appended to all Market-Maker (capacity ''M'') orders in CBTX contra to non-customers that add liquidity and that are executed electronically and provides a rebate of $0.75 per contract.
- Adopts fee code B5, appended to all electronically executed Non-Customer orders in CBTX contra to customers and all electronically executed Non-Customer, Non-Market Maker orders in CBTX contra to non-customers that add liquidity, and assesses a fee of $1.00 per contract.[5]

MBTX

The Exchange proposes to amend and adopt certain fees related to transactions in MBTX. Specifically, the proposed rule change amends and adopts certain fees for MBTX in the Rate Table for All Products Excluding Underlying Symbol List A, as follows:

- Amends fee code M2, currently appended to all Non-Customer orders in CBTX and assesses a fee of $0.50 per contract, to apply to all Non-Customer orders in MBTX that are executed manually (*i.e.,* open outcry).[6]
- Adopts fee code M3, appended to all Non-Customer orders in MBTX contra to non-customers that remove liquidity and that are executed electronically and assesses a fee of $1.00 per contract.
- Adopts fee code M4, appended to all Market-Maker (capacity ''M'') orders in MBTX contra to non-customers that add liquidity and that are executed electronically and provides a rebate of $0.50 per contract.
- Adopts fee code M5, appended to all electronically executed Non-Customer orders in MBTX contra to customers and all electronically executed Non-Customer, Non-Market Maker orders in MBTX contra to non-customers that add liquidity, and assesses a fee of $0.50 per contract.[7]

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[8] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[9] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[10] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The Exchange also believes the proposed rule change is consistent with Section 6(b)(4) of the Act,[11] which requires that Exchange rules provide for the equitable allocation of reasonable dues, fees, and other charges among its

[3] The Exchange initially filed the proposed fee change, among other changes, on April 1, 2026 (SR–CBOE–2026–031). On May 29, 2026, the Exchange withdrew that filing and submitted SR–CBOE–2026–051. On July 20, 2026, the Exchange withdrew that filing and submitted this proposal. The Exchange notes that subsequent to SR–CBOE–2026–031 and SR–CBOE–2026–051, the Exchange amended its Fees Schedule to make changes in connection with the fees related to certain orders executed in Automated Improvement Mechanism (''AIM'') Auctions, to amend the Customer Volume Incentive Program and Affiliated Volume Plan, to amend the fee structure related to DJX and RUT FLEX Micro orders, to eliminate references to MSCI Index Products, to adopt certain standard transaction fees in connection with binary options that overlie the Mini-S&P 500 Index (''XSP binary options'') and exclude XSP binary options from certain fees programs; such changes are incorporated into Exhibit 5 to this filing, as applicable.

[4] For avoidance of doubt, there are no practical changes to fee rates assessed for Non-Customer orders in CBTX that are executed manually as a result of the proposed rule change.

[5] For avoidance of doubt, there are no practical changes to fee rates assessed for electronically executed Non-Customer orders in CBTX contra to customers and electronically executed Non-Customer, Non-Market Maker orders in CBTX contra to non-customers that add liquidity as a result of the proposed rule change.

[6] For avoidance of doubt, there are no practical changes to fee rates assessed for Non-Customer orders in MBTX that are executed manually as a result of the proposed rule change.

[7] For avoidance of doubt, there are no practical changes to fee rates assessed for electronically executed Non-Customer orders in MBTX contra to customers and electronically executed Non-Customer, Non-Market Maker orders in MBTX contra to non-customers that add liquidity as a result of the proposed rule change.

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

[10] *Id.*

[11] 15 U.S.C. 78f(b)(4).

TPHs and other persons using its facilities.

The Exchange believes that the proposal to amend fee codes for transactions in CBTX and MBTX is reasonable, equitable and not unfairly discriminatory. The proposed changes differentiate rates based on capacity, execution method, capacity of contra-party, and whether the order adds or removes liquidity. The Exchange notes that it is not novel to charge different fees for different market participants based such on these differences and notes that options exchanges have routinely recognized such differences in their fee schedules.[12] Moreover, the Exchange believes that it is reasonable to assess lower fees for MBTX options orders (as compared to CBTX options orders), because of the relation between CBTX options and MBTX options, wherein MBTX options overlie an index with 1/10th the value of the index that underlies CBTX options.

The Exchange believes the proposed rebate for Market-Maker orders in CBTX and MBTX that add liquidity contra a non-customer, and the corresponding fee assessed on non-customer orders that remove liquidity contra a non-customer in those products are reasonable, equitably allocated, and not unfairly discriminatory. Market-Makers on the Exchange are obligated to post continuous two-sided quotes, which represent standing commitments to trade at stated prices. In some instances identified by the Exchange, these resting quotes are accessed by non-bona fide non-customer order activity, which seek to put that passive Market-Maker at a disadvantage (via an identified price discrepancy or informational advantage, for example). The Exchange has observed that this activity has, over time, led to these Market-Makers widening quotes to avoid repeatedly being ''picked off.'' Wider quotes result in less competitive markets for all market participants.

The proposed fee structure addresses this problem in two ways. By assessing a fee on non-customer orders that remove liquidity contra a non-customer, the Exchange makes the opportunistic behavior described above less attractive, as any perceived advantage being obtained is offset by higher transaction fees. Further, by providing a rebate to Market-Makers whose resting quotes are accessed by a non-customer, the Exchange seeks to offset a portion of the adverse selection risk that these passive Market-Makers may bear, thereby reducing the incentive to widen quotes defensively. Overall, Market-Makers are encouraged to maintain tight quotes, and potential aggressors face a pricing disincentive that is calibrated to the market quality harm their behavior produces.

The Exchange believes the proposed fee structure reasonably addresses a recognized pattern of trading that impairs market quality, namely opportunistic non-customer aggression against passive Market-Maker quotes. The Exchange believes the proposed fee structure is reasonable because the removal fee is a targeted and proportionate response to a recognized form of market quality degradation, set at a level designed to discourage opportunistic aggression without penalizing legitimate trading activity. Further, the rebate is calibrated to compensate passive Market-Makers for the adverse selection risk which may lead to wider spreads and reduced market depth to the detriment of all market participants.

The Exchange believes the proposed fee structure is equitably allocated and not unfairly discriminatory. The rebate is available to all CBTX and MBTX Market-Maker orders that meet the applicable criteria. The removal fee applies uniformly to all non-customer orders removing liquidity contra a non-customer in those products. The differential treatment between these categories reflects meaningful and well-recognized distinctions in market function. Market-Makers are subject to affirmative quoting obligations, including requirements to maintain continuous two-sided markets, that impose ongoing regulatory and financial burdens not shared by other participants. Compensating Market-Makers for those obligations through a rebate is equitable because the liquidity they provide benefits the entire market. Conversely, the Exchange believes assessing a fee on non-customer removal flow may disincentivize opportunistic aggression against passive Market-Makers, which imposes potential costs on the market that are allocated to contra-parties whose trading behavior generates such potential costs.

The Exchange believes the proposed rates, including the $1.50 per contract fee assessed on non-customer orders removing liquidity contra a non-customer in CBTX, are reasonable and consistent with fees charged by other options exchanges for comparable order flow in Non-Penny products. The Exchange notes that multiple registered options exchanges currently assess standard transaction rates for non-customer orders in Non-Penny classes at or above $1.20 per contract.[13] The proposed CBTX fee for non-customer orders that remove liquidity contra a non-customer of $1.50 per contract is therefore within the range of fees currently assessed by competing venues for comparable activity. The Exchange further notes that the $1.50 per contract rate applies only in the specific circumstance where a non-customer order removes liquidity contra another non-customer in CBTX, which is a targeted application reflecting the market quality rationale described above. The Exchange acknowledges that CBTX and MBTX are proprietary products available exclusively on the Exchange. However, the Exchange notes that market participants retain the ability to migrate activity to economically similar products available at other venues,[14] and that the proposed rates must therefore be set at levels that reflect the value of trading these products, not at levels that would drive participants toward substitutes.

With respect to MBTX, the Exchange recognizes that MBTX is a Penny class and has considered the proposed fee in circumstances when the spread may be tight. The Exchange reviewed average bid-ask spreads for MBTX options for April through June 2026 across a range of moneyness and expiration buckets. The Exchange observed that in the bucket with the narrowest spreads (0–2% out-of-the-money, same-day-to-expiration options in May 2026), average spreads were approximately $1.40 (*i.e.,* $0.40 greater than the highest proposed fee for standard transactions in MBTX options), and spreads in all

[12] *See, e.g.,* Exchange Fees Schedule, fee code XF, appended to electronic Non-Customer, Non-Market Maker orders in XSP, MRUT, or DJX, Contra Customer or Contra Non-Customer, which add liquidity, and fee code XB, appended to electronic Non-Customer, Non-Market Maker orders in XSP, MRUT, or DJX, Contra Customer or Contra Non-Customer, which remove liquidity. *See also* EDGX Options Fee Schedule, fee code PM, which is specific to Market-Maker orders in Penny Securities that add liquidity, and fee code PT, which is specific to Market-Maker orders in Penny Securities that remove liquidity. See also Exchange Fees Schedule.

[13] *See* NYSE Arca Options Fees and Charges, TRANSACTION FEE FOR ELECTRONIC EXECUTIONS—PER CONTRACT, which assesses a standard transaction fee of $1.20 per contract for Non-Customer Electronic Executions in Non-Penny Issues that Take Liquidity; MEMX Options Fee Schedule, which assesses a standard transaction fee of $1.21 per contract for Non-Customer Executions in Non-Penny Issues that Remove Liquidity; and The Nasdaq Stock Market Rules, Options 7 Pricing Schedule, which assesses a standard transaction fee of $1.25 per contract for Non-Customer orders that remove liquidity in Non-Penny Symbols. *See also* MEMX Options Fee Schedule, which assesses a Routing Fee of $1.63 per contract for Non-Penny Orders.

[14] Options overlying the components of the Cboe Bitcoin U.S. ETF Index, Cboe Mini Bitcoin U.S. ETF Index (and the underlying exchange-traded funds (''ETFs'')) are actively traded (as are the underlying ETFs) (for example, IBIT options).

other moneyness categories and expirations reviewed were notably wider. Accordingly, the Exchange believes the proposed MBTX fee remains appropriately calibrated relative to prevailing spreads in the product, and does not believe the proposed fee is disproportionate to, or likely to exceed, the bid-ask spread of MBTX options.[15]

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

The Exchange does not believe that the proposed rule changes related to standard transaction fees for CBTX or MBTX will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the fee amounts for each separate type of market participants will be assessed equally to all such market participants. While different fees are assessed to different market participants in some circumstances, the obligations and circumstances between these market participants differ, as discussed above.

The Exchange does not believe that the proposed rule changes will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed fees assessed apply to Exchange proprietary products, which are traded exclusively on the Exchange. As stated above, the Exchange notes that market participants retain the ability to migrate activity to economically similar products available at other venues.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[16] and paragraph (f) of Rule 19b–4[17] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–CBOE–2026–064 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–CBOE–2026–064. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–CBOE–2026–064 and should be submitted on or before August 26, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–15829 Filed 8–4–26; 8:45 am]

BILLING CODE 8011–01–P

[15] The Exchange monitors market quality metrics for options listed for trading on the Exchange (including MBTX options) on an ongoing basis and may consider adjustments to its transaction fees as appropriate in light of then-prevailing market conditions.

[16] 15 U.S.C. 78s(b)(3)(A).

[17] 17 CFR 240.19b–4(f).

[18] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106018; File No. SR–OCC–2026–007]

Self-Regulatory Organizations; The Options Clearing Corporation; Notice of Filing of Proposed Rule Change by The Options Clearing Corporation Concerning the Payment of Interest on Margin Cash

July 31, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Exchange Act'' or ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 24, 2026, The Options Clearing Corporation (''OCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared primarily by OCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

This proposed rule change would (1) revise the Rules of The Options Clearing Corporation (''OCC'') to provide for the payment of interest by OCC to Clearing Members on margin cash (other than cash held in accounts that are cross-margined (''X–M'') between OCC and CME) and Clearing Fund cash; (2) enact changes to OCC's Cash and Investment Management Policy to accommodate interest payments to Clearing Members; (3) enact changes to OCC's Schedule of Fees that reflect a 10-basis-point cash management fee charged on interest paid by OCC to Clearing Members on applicable margin cash and Clearing Fund cash; and (4) make certain conforming changes to OCC's Rules and Capital Management Policy to effect the aforementioned changes, including changes to provide OCC with the ability to safekeep margin cash deposited with respect to securities customer positions

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

in a Federal Reserve Bank master account.

The proposed revisions to OCC's Rules, Cash and Investment Management Policy, Schedule of Fees, and Capital Management Policy are included [sic] as Exhibits 5A–5D, respectively. Material proposed to be added to OCC's Rules, Cash and Investment Management Policy, Schedule of Fees, and Capital Management Policy as currently in effect is marked by underlining and material proposed to be deleted is marked by strikethrough text.

All terms with initial capitalization not defined here have the same meaning set forth in OCC's By-Laws and Rules.[3]

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, OCC 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. OCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

OCC is the sole clearing agency for standardized equity options listed on national securities exchanges registered with the Securities and Exchange Commission (''SEC'' or ''Commission''). In this capacity, OCC is exposed to certain risks, including credit risk arising from its relationships with the Clearing Members. In order to manage counterparty credit risk, OCC requires Clearing Members to contribute assets as margin. Clearing Members are permitted, but not required, to contribute cash to satisfy their margin obligations. OCC further requires Clearing Members to contribute cash to a Clearing Fund that is available to be utilized under certain conditions, such as in the event that Clearing Members default and do not satisfy their end-of-day trades. Presently, OCC passes through the interest (less a 5-basis-point cash management fee) it receives on the subset of Clearing Fund cash held in OCC's Federal Reserve Bank account, but OCC does not pay or pass through interest on cash held as margin. OCC proposes to pay interest to Clearing Members who deposit margin cash at a rate based on the Federal Reserve's Interest on Reserve Balances (''IORB'') less a 10-basis-point cash management fee, which would replace the current cash management fee.

OCC proposes to pay interest on cash margin in order to incentivize Clearing Members to hold margin in the form of cash, thereby reinforcing OCC's liquidity through increased cash deposits. Over the past year, Clearing Members have deposited, on average, about $2.5 billion in margin cash. This amount is small compared to the total amount of margined assets, of which valued securities and government securities make up by far the largest categories. OCC has observed that since it began paying interest on Clearing Fund cash, some Clearing Members deposit more Clearing Fund cash than is required under OCC's Rules. OCC anticipates that paying interest on margin cash will incentivize Clearing Members to increase their cash margin deposits, given that Clearing Members already voluntarily contribute substantially more cash (in excess of minimum requirements) for the Clearing Fund, where interest is paid, but they do not do so for margin, where no interest is currently paid. The expected increase in cash deposits is also supported by OCC's experience receiving substantially more Clearing Fund cash after beginning to pay interest and by OCC's discussions with Clearing Members regarding this proposal. Clearing Member responses to this proposed change are expected to vary, with some increasing cash balances immediately and others adjusting more gradually, if at all. Any increase in aggregate cash balances is expected to occur over time, rather than immediately, and will continue to be monitored as part of OCC's ongoing liquidity management processes.

OCC also seeks to make this change in order to align its practices with those of other central counterparties (''CCPs''), including CME Group (''CME''),[4] National Securities Clearing Corporation,[5] Fixed Income Clearing Corporation,[6] and ICE Clearing,[7] that compensate members for cash balances held as margin. These CCPs typically pass through a portion of investment earnings based on a policy rate (*e.g.,* IORB minus a spread) or their own net investment yield minus a spread. Paying interest on margin cash recognizes the opportunity cost Clearing Members incur when posting cash and promotes equitable treatment across collateral types.

To facilitate this payment of interest, OCC further proposes to amend its rules to allow it to safekeep margin cash, including margin cash deposited in respect of securities customer accounts, in a Federal Reserve Bank account, where it will earn interest at the IORB rate. Currently, OCC's use of the Federal Reserve Bank account is limited to the safekeeping of Clearing Members' Clearing Fund deposits and non-customer margin, pursuant to current Rule 604B. Over the past year OCC has held, on average, about $700 million in non-customer margin cash in the Federal Reserve Bank account. OCC has held the remainder of margin cash deposits at commercial banks (about $800 million) and in reverse repo investments (about $1 billion). This proposed rule change would expand the use of the Federal Reserve Bank account to include the safekeeping of securities customer margin cash, which would allow OCC to pay interest on such funds.[8] If the change is approved, OCC

[3] OCC's By-Laws and Rules can be found on OCC's public website: *https://www.theocc.com/company-information/documents-and-archives/by-laws-and-rules.*

[4] *See* CME Clearing Advisory Notice: Cash Interest Pass-Through & Collateral Fees, Jan. 2, 2015 (''CME will also begin passing through interest on US dollar cash posted as collateral''), *available at https://www.cmegroup.com/tools-information/lookups/advisories/clearing/Chadv14-393.html;* Cash Interest Rates and Non-Cash Collateral Fees (describing interest rates on cash), *available at https://www.cmegroup.com/solutions/clearing/financial-and-collateral-management/cash-interest-rates-and-non-cash-collateral-fees.html.*

[5] National Securities Clearing Corporation Rule 4 Sec. 2 (''Each Member shall be entitled to any interest earned or paid on Clearing Fund cash deposits.''), *available at https://www.dtcc.com/~/media/Files/Downloads/legal/rules/nscc_rules.pdf;* Addendum A Sec. V.F (describing the Clearing Fund Maintenance Fee).

[6] Fixed Income Clearing Corporation Rule 4 Sec. 3a (''Each Netting Member shall be entitled to any interest earned or paid on Clearing Fund cash deposits. Any interest earned on Segregated Customer Margin or Cross-Margining Customer Margin consisting of cash shall be paid to the Netting Member for the benefit of, and as agent for, its Segregated Indirect Participants or Cross-Margining Customers, respectively.''), *available at https://www.dtcc.com/~/media/Files/Downloads/legal/rules/ficc_gov_rules.pdf;* FICC Fee Schedule (describing Clearing Fund Maintenance Fee), *available at https://www.dtcc.com/-/media/Files/Downloads/Clearing-Services/FICC/GOV/FICC-GOVfeeschedule.pdf.*

[7] ICE Clear Credit Rule 401(g)(''ICE Clear Credit shall . . . pay or charge interest on any cash Margin (other than Mark-to-Market Margin) in such Participant's Margin Accounts''), *available at https://www.ice.com/publicdocs/clear_credit/ICE_Clear_Credit_Rules.pdf;* ICE Clear Credit Fee Schedule (describing portion of interest retained by ICE Clear Credit) at 5, *available at https://www.ice.com/publicdocs/clear_credit/ICE_Clear_Credit_Collateral_Management.pdf.*

[8] OCC would establish a subaccount at the Federal Reserve Bank under the master account to separately account for customer margin. OCC already uses a similar subaccount for non-customer margin at the Federal Reserve Bank. And at the commercial banks where OCC deposits margin cash, OCC utilizes separate subaccounts within the same primary account to hold customer and non-customer margin cash.

anticipates that it would be able to deposit much of the remaining $1.8 billion in margin cash to the Federal Reserve Bank account, and that over time Clearing Members would choose to post more cash as margin, in lieu of government securities and/or valued securities. As such, OCC's proposal is designed to improve capital efficiency of its Clearing Members while enhancing OCC's custody and liquidity risk management through the use of Federal Reserve Bank services.

1. Purpose

OCC proposes to (1) pay Clearing Members interest on cash held as margin (other than cash held in X–M accounts) for the first time; (2) pay Clearing Members interest on all cash deposited to the Clearing Fund; and (3) adjust the cash management fee to 10 basis points on applicable margin cash and Clearing Fund cash. Interest would be paid at a rate equal to the IORB less the cash management fee, with interest payments to be made on a monthly basis. OCC further proposes to amend its rules to allow it to safekeep securities customer margin in a Federal Reserve Bank master account.

Proposed Change

a. Changes to OCC Rules To Permit Payment of Interest on Clearing Member Margin Cash and Clearing Fund Cash

OCC permits Clearing Members to deposit certain assets, including cash, to satisfy Clearing Fund contribution requirements and margin requirements. Under existing Rule 604(a), any interest received on Clearing Member margin cash belongs to OCC and is not passed through to Clearing Members. On the other hand, Clearing Members do currently receive interest on their cash contributions to the Clearing Fund. Under Rule 1002(c), the interest earned on the portion of Clearing Fund cash deposits OCC holds at the Federal Reserve Bank, less a 5-basis-point cash management fee to cover OCC's administrative costs, accrues to the benefit of Clearing Members based on each Clearing Member's pro rata share of Clearing Fund cash deposits. OCC does not currently pay or pass through any interest earned on the portion of the Clearing Fund cash deposits held outside of the Federal Reserve Bank.

OCC proposes to pay Clearing Members interest at the IORB rate, less a 10-basis-point cash management fee described below, on all cash, other than cash held in OCC/CME X–M accounts,[9] contributed by Clearing Members either as margin or to the Clearing Fund, calculated daily.[10] To implement this change, OCC proposes to add a new subpart to the Rules, Rule 604B(g), to permit it to pay interest on margin cash.[11] OCC also proposes to revise Rule 1002(c) to delete the prior practice of passing through interest on Clearing Fund cash held on deposit at the Federal Reserve Bank, and to create new Rule 1002(d) to permit it to pay interest at the IORB rate, less a cash management fee, on Clearing Fund cash. Both revisions apply only when Clearing Members have provided OCC with all tax documentation that OCC may from time to time require in order to effectuate such payment.

b. Changes to the Cash and Investment Management Policy To Accommodate Interest Payments to Clearing Members

In order to accommodate the payment of interest income, OCC would also amend its Cash and Investment Management Policy to state that OCC shall pay interest, less a cash management fee, to Clearing Members on all margin and Clearing Fund cash deposits other than cash held in OCC/CME X–M accounts. The Cash and Investment Management Policy would also be amended to make clear that interest earned from outside parties, *e.g.,* the Federal Reserve Bank, on margin and Clearing Fund cash investments belongs to OCC. OCC intends to utilize these funds to pay interest to Clearing Members, but OCC would pay Clearing Members interest on their margin and Clearing Fund cash at the IORB rate less the 10-basis-point cash management fee even if OCC were to earn less in interest from outside parties.

c. Changes to the Schedule of Fees To Reflect the New Cash Management Fee

OCC also proposes to amend the Schedule of Fees to reflect the 10-basis-point cash management fee charged on Clearing Members' cash balance held as margin or in the Clearing Fund. The amended Schedule of Fees reflects a 10-basis-point fee on each Clearing Member's average daily cash balance held in the Clearing Fund or held as margin (other than cash held in OCC/CME X–M accounts). This fee change reflects the proposal that OCC pay interest on all Clearing Member margin and Clearing Fund cash, rather than only the portion of the cash held in the Federal Reserve Bank account.

d. Changes to OCC Rules To Allow OCC To Safekeep Cash Margin at a Federal Reserve Bank

In order to pay interest on margin cash deposits, other than cash held in an OCC/CME X–M account, at the IORB rate less a cash management fee, OCC would need to be able to deposit cash margin in a Federal Reserve Bank account. The only Federal Reserve Bank account for which OCC is approved to deposit margin funds, other than futures customer margin funds required to be segregated under CFTC regulations, is currently limited by OCC Rule 604B to holding non-customer margin and Clearing Fund deposits. OCC proposes to amend Rule 604B and Interpretation & Policy .04 to Rule 1002 so OCC may also safekeep securities customer margin funds in this Federal Reserve Bank account.

Specifically, OCC proposes to amend Rule 604B(b)(2), which provides requirements with respect to OCC's approval of accounts at commercial banks for the holding and the titling of such accounts, to exclude all margin assets held at a Federal Reserve Bank, as opposed to only non-customer margin assets as Rule 604B(b)(2)(B)(iii) currently provides. Federal Reserve Bank accounts are exempt from titling requirements under OCC's Rules because OCC's Federal Reserve Bank account is not specifically titled as a margin account, like OCC's accounts at commercial banks are. The exemption of Federal Reserve Bank accounts is also consistent with exemptions granted by the CFTC to certain requirements of Regulation 1.20 with respect to Federal Reserve Bank accounts that hold futures customer funds.[12] While Federal Reserve Bank accounts are exempt from OCC's account title requirements, OCC has communicated to the Federal Reserve Bank that the accounts hold

[9] As defined in the OCC By-Laws, X–M accounts are Clearing Member accounts in which positions subject to cross-margining treatment are maintained. Margin cash held in X–M accounts must be deposited in joint accounts at a depository in accordance with OCC's Cross Margin Agreement with CME. Accordingly, such funds are not available to be deposited in a Federal Reserve Bank account at which they would earn interest at the IORB rate.

[10] Under proposed Rule 1002(c)(2), OCC would reserve the right to charge the Clearing Fund to cover any unpaid Federal Reserve Bank service charges in the event that the administrative fee is insufficient to cover service charges imposed on the Federal Reserve Bank account. As discussed below, the only fee owed to the Federal Reserve Bank is a monthly service charge, which is approximately $3,000 per month. For further details, see the discussion in subsection 1.e of Item II.(A), below.

[11] Current Rule 604B(g), Investment of Margin Cash, would hereafter be reclassified as 604B(h).

[12] 17 CFR 1.20(g)(4)(i) (derivatives clearing organizations need not obtain a written acknowledgement from the Federal Reserve Bank specifying that the account will hold customer funds); 81 FR 53266 (Aug. 12, 2016) (final rule exempting accounts at the Federal Reserve Bank from providing written acknowledgement).

margin funds. That margin funds may be and are held in the account is reflected in the account authorization from the Federal Reserve Board of Governors, which authorizes OCC to maintain margin funds in such accounts, as well as in the titling of the existing subaccount that OCC has established to hold non-customer margin.

OCC would also amend Interpretation & Policy .04 to OCC Rule 1002, which provides a similar exception to the general requirement that Clearing Fund cash contributions be deposited by OCC in separate accounts at an approved depository for Clearing Fund contributions. The current exception is limited to maintaining Clearing Fund cash requirements with non-customer margin. That exception would be expanded to allow OCC to deposit Clearing Fund cash in an account at the Federal Reserve Bank along with margin assets other than cash derived from margin deposited in respect of segregated futures accounts, which must be segregated in accordance with CFTC Regulation 1.20.[13]

e. Changes to OCC Rules and Capital Management Policy To Ensure Payment of Federal Reserve Bank Access Fees

OCC also proposes to amend its Rules and the Capital Management Policy to help ensure that margin funds deposited at the Federal Reserve Bank would never be subject to a Federal Reserve Bank lien. The account agreement for the Federal Reserve Bank account in which OCC would deposit margin assets provides the Federal Reserve Bank with a lien on OCC's ''right, title and interest in property'' [14] in the account to the extent of any unpaid fees. OCC understands that this provision is not unique to the account agreement with OCC, and is consistent with the Federal Reserve Bank's form account agreements used for commercial banks, its standard operating procedure,[15] and Regulation J of the Federal Reserve Board of Governors.[16] In OCC's case, the only fee owed to the Federal Reserve Bank is a monthly service charge, which is approximately $3,000 per month.[17]

OCC does not believe there is a plausible scenario in which access to or return of margin assets would be interrupted by an unpaid service charge. Pursuant to OCC's Capital Management Policy, approved by the Commission as an OCC rule,[18] OCC maintains liquid net assets funded by equity of $555.2 million (as of December 31, 2025), and retains the ability to charge its Clearing Members an Operational Loss Fee of up to $219 million if capital drops below OCC's Target Capital Requirement, currently $286 million. OCC also maintains funds exclusively to cover credit losses or liquidity shortfalls, called the Minimum Corporate Contribution. For 2026 the Minimum Corporate Contribution is $67 million, and OCC proposes that the definition of Minimum Corporate Contribution in its Rules be amended to make clear that these funds may be used to cover unpaid Federal Reserve Bank service charges. Further, even if OCC's working capital were effectively zero, the 10-basis-point cash management fee OCC proposes on cash held in the Federal Reserve Bank account would be more than sufficient to cover the service charge. Assuming OCC was operating at the $3 billion Clearing Fund Cash Requirement under OCC Rule 1002(a)(i), the 0.10% monthly cash management fee due to OCC on Clearing Fund cash alone in the Federal Reserve Bank account would be $250,000, more than 83 times the amount needed to cover the monthly service charge.

In order to further ensure that a lien would never attach to margin assets due to unpaid service charges, OCC proposes certain amendments to its rules to allow for the use of OCC's Minimum Corporate Contribution and Clearing Fund assets to cover unpaid fees in the extremely unlikely event that OCC did not have sufficient liquid net assets funded by equity to cover a $3,000 service charge. Specifically, OCC proposes to amend the definition of Minimum Corporate Contribution in Rule 101 to state that these funds may be used to cover unpaid Federal Reserve Bank service charges. OCC also proposes a similar amendment to the definition of Minimum Corporate Contribution contained in the Capital Management Policy.

f. Other Conforming Changes to OCC Rules

In addition, OCC would also make certain conforming changes to other provisions of Rule 604B and Rule 1006. First, OCC proposes to move paragraphs (i) and (j) of Rule 1006—which concern OCC's general lien on Clearing Fund contributions and OCC's maintenance of Government securities deposited to satisfy Clearing Fund requirements as a securities intermediary—to paragraphs (k) and (l) of Rule 1002. Rule 1006 is principally concerned with OCC's uses of the Clearing Fund. OCC believes that provisions related to OCC's interest in and the maintenance of the Clearing Fund contributions are better located in Rule 1002, which addresses the manner in which Clearing Fund contributions are deposited with OCC.

Second, OCC proposes to delete Rule 604B(c)(2), which currently provides OCC with authority to commingle non-customer margin funds with cash Clearing Fund contributions. This provision is duplicative of Interpretation & Policy .04 to OCC Rule 1002, as described above. In addition, with respect to the general requirement that margin funds must be held in accounts designated as margin accounts, Rule 604B(c)(2) is unnecessary because Rule 604B(b)(2)(B)(iii) already exempts margin funds held at a Federal Reserve Bank from that requirement. Accordingly, OCC proposes to delete Rule 604B(c)(2) and the cross references to that provision in OCC Rule 604(b)(2)(iii) and Interpretation and Policy .04 to OCC Rule 1002. In conjunction with that change, OCC also proposes to amend Rule 604B(c)(1) to make clear that OCC will not commingle margin assets with or use margin assets as its working capital. This revised language maintains OCC's ability to safekeep margin cash in a Federal Reserve Bank account with proceeds from OCC's Commercial Paper Program, which is not OCC's working capital and is maintained exclusively to cover losses or liquidity shortfalls in the same manner as Clearing Fund contributions.

[13] 17 CFR 1.20(a).

[14] OCC maintains a lien, not an ownership interest, in the property that would be deposited in the Federal Reserve Bank account. *See* OCC By-Law Article VI, Section 3 (granting OCC a general lien on margin held in firm accounts and restricted lien on margin held in certain other accounts, including a customers' account). Accordingly, OCC does not believe this provision would give the Federal Reserve any greater right in the property than OCC's right, which is a lien to secure obligations under OCC's By-Laws and Rules, not for use to cover general business obligations of OCC.

[15] *See* Operating Circular 1 (Account Relationships), Section 5.3 (effective Sept. 1, 2023), *available at https://www.frbservices.org/binaries/content/assets/crsocms/resources/rules-regulations/090123-operating-circular-1.pdf.*

[16] *See* 12 CFR 210.28(b)(3) (''To secure any overdraft, as well as any other obligation due or to become due to its Federal Reserve Bank, each sender, by sending a payment order to a Federal Reserve Bank that is accepted by the Federal Reserve Bank, grants to the Federal Reserve Bank a security interest in all of the sender's assets in the possession or control of, or held for the account of, the Federal Reserve Bank. The security interest attaches when an overdraft, or any other obligation to the Federal Reserve Bank, becomes due and payable.'').

[17] OCC cannot incur overdraft fees on the account because it does not have borrowing privileges at the Federal Reserve and OCC's Treasury unit maintains controls to ensure that OCC does not overdraft the account.

[18] *See* Securities Exchange Act Release No. 92038 (May 27, 2021); 86 FR 29861 (June 3, 2021) (SR–OCC–2021–003) (order approving changes to the Capital Management Policy); 88029 (Jan. 24, 2020), 85 FR 5500 (Jan. 30, 2020) (SR–OCC–2019–007) (order approving the Capital Management Policy).

2. Statutory Basis

OCC believes the proposed rule change is consistent with Section 17A of the Exchange Act [19] and Rule 17ad–22(e)(7) [20] thereunder. Section 17A(b)(3)(F) of the Exchange Act [21] requires, among other things, that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions and, in general, to protect investors and the public interest. The proposed rule change is designed to improve the resiliency of OCC's liquidity resources by incentivizing Clearing Members to deposit cash to satisfy their margin requirements. The proposed rule change is also designed to improve the position of OCC's Clearing Members by allowing them to earn interest on the cash that they deposit as margin. The proposed rule change also adjusts the amount of interest Clearing Members will receive on cash contributed to the Clearing Fund. This change is designed to provide certainty to Clearing Members that they will earn interest on the full amount of cash they contribute to the Clearing Fund, and to fully align the treatment of margin cash and Clearing Fund cash in the interests of consistency and operational efficiency. In this regard, OCC believes the proposed rule change is designed to promote the prompt and accurate clearance and settlement of securities transactions and to protect investors and the public interest, in accordance with the requirements of Section 17A(b)(3)(F) of the Act.[22]

The revisions to allow the payment of interest on margin cash are consistent with Rule 17ad–22(e)(7),[23] which requires OCC to establish and enforce written policies and procedures reasonably designed to effectively measure, monitor, and manage its liquidity risk by maintaining sufficient liquid resources to effect settlement of payment obligations with a high degree of confidence under a wide range of foreseeable stress scenarios that includes Clearing Member default. The payment of interest on margin cash is intended to incentivize Clearing Members to deposit more cash to satisfy their margin requirements. Increased margin cash deposits would improve OCC's ability to manage its liquidity risk in the event of a Clearing Member default because cash is the most liquid marginable asset. And OCC's use of the Federal Reserve Bank account to achieve this objective is particularly consistent with Rule 17ad–22(e)(7)(iii),[24] which requires OCC to use its access to accounts and services at the Federal Reserve Bank when available to enhance its management of liquidity risk.

The revisions to allow for customer margin cash to be deposited for safekeeping in a Federal Reserve Bank account with non-customer margin cash and Clearing Fund cash are also consistent with Rule 17ad–22(e)(16),[25] which requires OCC to establish and enforce written policies and procedures reasonably designed to safeguard its own and its participants' assets, minimize the risk of loss and delay in access to those assets, and invest the assets in instruments with minimal credit, market, and liquidity risks. An account at a Federal Reserve Bank is likely the safest possible place to hold customer margin cash. That the same account would also hold non-customer margin and Clearing Fund cash should have no impact on the safety and accessibility of customer margin cash. OCC would establish a subaccount at the Federal Reserve Bank under the master account to separately account for the customer margin. OCC already has a similar subaccount for non-customer margin, and at commercial banks—where the customer margin is currently held—OCC utilizes separate subaccounts within the same primary account to hold customer and non-customer margin cash. And OCC proposes changes to its Rules that would virtually eliminate any impact of a Federal Reserve Bank lien, as described above.

(B) Clearing Agency's Statement on Burden on Competition

Section 17A(b)(3)(I) of the Act [26] requires that the rules of a clearing agency not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. OCC does not believe the proposed rule change would have any impact or impose any burden on competition. The proposed rule change is designed to revise Rules 604B(g) and 1002(c) and (d) to enable OCC to pay interest on cash held as Clearing Member margin or in the Clearing Fund. The proposed rule change would apply equally to all Clearing Members and would not affect Clearing Members' access to OCC's services or disadvantage or favor any particular user in relationship to another user. As such, OCC believes that the proposed changes would not have any impact or impose any burden on competition.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments were not and are not intended to be solicited with respect to the proposed change and none have been received. OCC will notify the Commission of any written comments received by OCC.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve or disapprove such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

The proposal shall not take effect until all regulatory actions required with respect to the proposal are completed.

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–OCC–2026–007 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–OCC–2026–007. 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/*

[19] 15 U.S.C. 78q–1.

[20] 17 CFR 240.17ad–22(e)(7).

[21] 15 U.S.C. 78q–1(b)(3)(F).

[22] *Id.*

[23] 17 CFR 240.17ad–22(e)(7)(i).

[24] 17 CFR 240.17ad–22(e)(7)(iii).

[25] 17 CFR 240.17ad–22(e)(16).

[26] 15 U.S.C. 78q–1(b)(3)(I).

rules/sro.shtml). Copies of such filing will be available for inspection and copying at the principal office of OCC and on OCC's website at *https://www.theocc.com/Company-Information/Documents-and-Archives/By-Laws-and-Rules.*

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–OCC–2026–007 and should be submitted on or before August 26, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[27]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–15828 Filed 8–4–26; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106024; File No. SR–LCH SA–2026–006]

Self-Regulatory Organizations; LCH SA; Notice of Filing of Proposed Rule Change Relating to the LCH SA CDS Clear Trade Registration Fund

July 31, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Exchange Act'' or ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 20, 2026, Banque Centrale de Compensation, which conducts business under the name LCH SA (''LCH SA''), filed with the Securities and Exchange Commission (''Commission'') the proposed rule change, as described in Items I, II and III below, which Items have been prepared primarily by the clearing agency. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

LCH SA is proposing to amend its: (i) CDS Clearing Rule Book (''Rule Book''), (ii) CDS Clearing Procedures (''Procedures'') (collectively the ''CDS Clearing Rules'') and (iii) LCH Counterparty Credit Risk Policy (the ''Policy'') in order to introduce a form of margin forbearance to facilitate the registration of trades submitted by Clearing Members or their Clients to LCH SA for clearing (the ''Proposed Rule Change'').[3]

The text of the Proposed Rule Change has been annexed [sic] as Exhibit 5 to File No. SR–LCH SA–2026–006.

The implementation of the Proposed Rule Change will be contingent on LCH SA's receipt of all necessary regulatory approvals.

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, LCH SA included statements concerning the purpose of and basis for the Risk Policies and discussed any comments it received on the Risk Policies. The text of these statements may be examined at the places specified in Item IV below. LCH SA 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

LCH SA is proposing to amend its CDS Clearing Rules to introduce a form of margin forbearance to facilitate the registration of trades submitted by Clearing Members or their Clients to LCH SA for clearing by introducing the trade registration fund (''TRF'') facility and credit tolerance. Under the current CDS Clearing Rules,[4] the clearing of original trades is subject to passing the collateral checks performed by LCH SA; if there is insufficient collateral and/or, in respect of client trades, collateral buffer, registered in the account structure of the relevant Clearing Member for the purposes of covering any increase in the margin requirements incurred by the clearing of the original trade, such trade will be rejected by LCH SA. The implementation of the TRF facility and credit tolerance will permit the clearing of an original trade in the absence of sufficient collateral and as the case may be, collateral buffer, by relying on the TRF which is composed of all the Clearing Members' contributions to such TRF that is part of the CDS Default Fund and/or if the TRF allowance amount allocated to the relevant Clearing Member is insufficient, on the credit tolerance granted to the relevant Clearing Member by LCH SA. The relevant Margin Requirements covered by the usage of the TRF and, as the case may be, the credit tolerance, will be satisfied by the transfer of an amount of Collateral by the relevant Clearing Member at the next Collateral Call.

A. Proposed Revisions to the CDS Clearing Rules

1. Rule Book

LCH SA proposes to add additional defined terms and make amendments to existing defined terms contained within Title I, Chapter 1, Section 1.1.1 of the Rule Book.

The new defined terms in respect of the introduction of the TRF facility and the credit tolerance will be introduced:

—''TRF Allowance'' that will mean Margin (other than Variation Margin) forbearance that LCH SA may provide to a Clearing Member in its own discretion in accordance with new Article 4.2.2.5 of the Rule Book (as further explained below);

—''Available TRF Allowance'' which will refer, in respect of the House Margin Account of a Clearing Member, the portion of its TRF Allowance which, at the relevant time, is not allocated to its House Margin Account up to the maximum value as determined for its House Margin Account in accordance with Section 2 of the Procedures; or in respect of all the Client Margin Accounts of a Clearing Member, the portion of its TRF Allowance which, at the relevant time, is not allocated to any of its Client Margin Accounts up to the maximum value as determined for all of its Client Margin Accounts in accordance with Section 2 of the Procedures;

—''TRF Allowance Amount'' which will refer to the value of that portion of the CDS Default Fund Amount which relates to those default fund resources which LCH SA determines as being required in relation to the aggregate of the TRF Allowances across all Clearing Members;

—''TRF Contribution'' which will mean the amount calculated by LCH SA with respect to each Clearing Member in accordance with Section 6 of the Procedures;

—''TRF Utilisation'' which will mean the value of the TRF Allowance utilised by a Clearing Member at any particular time, as determined by LCH SA in its sole discretion;

—''Credit Tolerance'' which will be defined as Margin (other than Variation Margin) forbearance that LCH SA may provide to a Clearing Member in its own discretion, provided that such Clearing Member has insufficient Available TRF Allowance in accordance with Article 4.2.2.5;

—''Available Credit Tolerance'' which will refer to, in respect of a Clearing Member, the portion of its Credit Tolerance which,

[27] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] All capitalized terms not defined herein have the same meaning as in the Rule Book or Procedures, as applicable, in their version as available on LCH SA's website: *https://www.lseg.com/en/post-trade/clearing/clearing-resources/rulebooks/lch-sa.*

[4] In accordance with Article 3.1.4.4 of the CDS Clearing Rule Book.

at the relevant time, is not allocated to any Margin Account of that Clearing Member;

—''Tolerance Check'' which will mean the process by which LCH SA determines whether there is sufficient Available TRF Allowance and, as the case may be, sufficient Available Credit Tolerance, in respect of a Clearing Member to allocate to any Margin Account to satisfy all or part of the Intraday Novation Margin Requirement calculated in respect of the positions corresponding to an Eligible Intraday Transaction pre-registered in such Margin Account.

As a result of the introduction of the TRF facility and related new defined terms, the current definition of ''Contribution'' will be amended to refer to the sum of the TRF Contribution and Ordinary Contribution as calculated in accordance with Section 6 of the Procedures and payable by each Clearing Member to LCH SA to fund the CDS Default Fund. A new definition of ''Ordinary Contribution'' will be therefore added to refer to the amount of the Contribution as currently required under the Rule Book; the calculation of such amount is now provided for in Section 6 of the Procedures.

LCH SA also proposes to amend the definition of the CDS Default Calculation Amount, such term being used for the purposes of the calculation of the Ordinary Contribution, to exclude from the definition of this term the TRF Allowance Amount from the amount to be calculated and use the new defined term of ''Ordinary Contribution'' instead of the term ''Contribution Requirement'' as it comprises the TRF Contribution.

The definition of the term ''Novation Time'' will be amended to include a reference to the new term ''Tolerance Check'' since, provided there is insufficient Collateral and/or as the case may be, Available Client Collateral Buffer, this step will immediately follow the Notional and Collateral Check carried out in respect of an Intraday Transaction submitted for clearing to LCH SA. The definition of ''Notional and Collateral Check'' will be amended for the purposes of considering the Tolerance Check that can be carried out by LCH SA by specifying that Excess Collateral and/or Available Client Collateral Buffer can be used to satisfy all or only a part of the Intraday Novation Margin Requirement calculated in respect of the Intraday Transaction received for clearing by LCH SA. Indeed, the Intraday Novation Margin Requirement can be also covered by the Available TRF Allowance, and, as the case may be, the Available Credit Tolerance, in respect of a Clearing Member.

LCH SA proposes to amend Articles 3.1.4.3, 3.1.4.4 and 3.1.4.6 to add a reference to the new Tolerance Check, in addition to the other steps carried out by LCH SA in respect of the receipt of an Intraday Transaction for clearing. Additionally, the title of Section 4.2.2 will be amended by adding a reference to the TRF Allowance and Credit Tolerance in addition to the current Excess Collateral and Client Collateral Buffer.

A new Article 4.2.2.5 will be added to Section 4.2.2 to explain how the TRF Allowance and Credit Tolerance facilities will function. LCH SA may provide such facilities to each Clearing Member for the purposes of facilitating the novation of the Eligible Intraday Transactions in the event of insufficient Excess Collateral and/or Available Client Collateral Buffer, by allocating any Available TRF Allowance and/or Available Credit Tolerance to the relevant Margin Account. This allocation will not give rise to any payment or transfer of Collateral from LCH SA or result in any use of the CDS Default Fund resources (other than in the event of a Clearing Member's default). The Clearing Member for which its TRF Allowance and as the case may be, its Credit Tolerance, has been allocated by LCH SA to one of its Margin Account will be required to transfer the necessary Collateral to cover any Margin Shortfall resulting from the utilisation of the TRF Allowance and Credit Tolerance at the next Collateral Call which follows such utilisation but LCH SA will be also permitted to require a Clearing Member to transfer Collateral to LCH SA to cover such Margin Shortfall at any time and without prior notice. Finally, each Clearing Member will be granted a maximum value of the TRF Allowance and of the Credit Tolerance that may be available as determined and adjusted in accordance with amended Section 2 of the Procedures.

The Articles of the Rule Book following this new Article 4.2.2.5 have been renumbered and any cross-reference to Articles 4.2.2.6 *et seq.* will be also updated in the Rule Book.

LCH SA will amend Article 4.2.2.6 which deals with the conditions applicable to a request of a Clearing Member, admitted either as a CCM or an FCM/BD Clearing Member, to have Collateral returned to it in order to add the condition pursuant to which the Clearing Member's TRF Allowance and Credit Tolerance shall not be utilised at the time of such request.[5]

Article 4.2.3.1, which currently deals with the calculations made by LCH SA in respect of each Collateral Call, will be amended to provide that LCH SA will also inform each Clearing Member of its TRF Utilisation following such calculations.

The Proposed Rule Change will also update Section 4.4.1 (*Purpose of the CDS Default Fund and Relevant Calculations*) by adding a reference to the TRF Allowance Amount as part of the funded portion of the CDS Default Fund in Article 4.4.1.2; the last sentence of the current version of this Article will be also moved to the first paragraph of this Article as it relates to a component of the fund portion of the CDS Default Fund, which amounts to the sum of all the Clearing Members' Contributions (*i.e.,* the Combined Unmargined Risk). Article 4.4.1.3 which provides for the calculation of each Clearing Member's Contribution will be removed from the Rule Book since all the relevant provisions on such calculation will be provided for in Section 6 of the Procedures as these provisions are rather technical and therefore shall be relocated at the level of a Procedure, as further described in paragraph (C) below. Consequently, the Articles of the Rule Book following Article 4.4.1.3 that is proposed to be deleted will be renumbered and any cross-reference to Articles 4.4.1.3 *et seq.* will be also updated in the Rule Book.

Finally, Article 4.4.2.3 will be updated to refer to the correct number of the relevant Procedure (3 instead of 6).

2. Procedures

(a) Section 2

LCH SA is proposing to rename Section 2.3 of the Procedures (*Excess Collateral and the Client Collateral Buffer*) ''Excess Collateral, Client Collateral Buffer, TRF Allowance and Credit Tolerance'' since a new paragraph (e) entitled ''TRF Allowance and Credit Tolerance'' will be added to this Section 2.3 to describe how such facilities will work. Pursuant to this new paragraph (e), in the event there is not sufficient Collateral or, in respect of the relevant Client Margin Account, not sufficient Client Collateral Buffer to allow for the novation of a new intraday trade, LCH SA may allocate any Available TRF Allowance and, if there is not sufficient Available TRF Allowance, Available Credit Tolerance to the relevant Margin Account of a Clearing Member to permit this

[5] A Clearing Member which utilizes TRF Allowance and/or Credit Tolerance might request the return of any Excess Collateral if the value of its Collateral has increased and/or the Margin Requirements have decreased (for instance because of the novation of a risk reducing intraday transaction).

novation and the registration of this trade in the Clearing Member's Account Structure.

New paragraph (e) of Section 2.3 will also provide that the maximum value of the TRF Allowance and Credit Tolerance for a Clearing Member will be determined, and adjusted, by LCH SA and in respect of the TRF Allowance, notified to the Clearing Member [6] in the conditions provided for in the Clearing Notice on the means of access and reporting mechanism. The maximum value of the TRF allowance per Clearing Member and Financial Group will be determined by LCH credit risk team and will be based, among other things, on the internal credit score of the Clearing Member as specified in the proposed change to the LCH Counterparty Credit Risk Policy [7] referred to in paragraph 2 below. The Clearing Member will be able to determine the distribution of the TRF Allowance between its House Margin Account on the one hand and its Client Margin Accounts on the other hand by submitting the relevant completed form to LCH SA.

Pursuant to new paragraph (e), the allocation of the Available TRF Allowance and Available Credit Tolerance by LCH SA will be made on an automatic ''first in time'' basis; thus, it will be allocated to the relevant Clearing Member's Margin Account, according to the order in which the intraday trades are received and processed by LCH SA. LCH SA will reflect such an allocation in its books and records and will not involve any transfer of Collateral or payment.

Finally, the last sub-paragraph of paragraph (e) will describe the impact of a decrease in the Margin Requirement associated to a Clearing Member's Margin Account to which TRF Allowance and Credit Tolerance are allocated.[8] In such a case, the allocated Credit Tolerance will be first reduced by an amount corresponding to such a decrease and then, the allocated TRF Allowance if the allocated Credit Tolerance is higher than the amount corresponding to such a decrease.

In Section 2.5 of the Procedures, paragraph (b), sub-paragraph (i) on the Intraday Novation Margin Requirement, references to the Available TRF Allowance and Available Credit Tolerance will be added where relevant.

Other technical amendments will be made to Section 2 of the Procedures to correct typographical errors.

(b) Section 3

Section 3 of the Procedures will be updated to reflect a new condition that shall be met by the Clearing Member in respect of its request for the return of any type of Collateral; indeed, LCH SA will accept a request for the return of any type of Collateral provided that its TRF Allowance and Credit Tolerance are not utilised as determined at the time when the request is received by LCH SA in accordance with amended paragraph 3.7(g) (i), (ii) and (iii) for the Euro denominated Cash Collateral, amended paragraph 3.8(h) and (i) for the Non-Euro denominated Cash Collateral, amended paragraph 3.10.1(c) for the Eligible Collateral provided on a bilateral basis, amended paragraph 3.10.2(d) for the Eligible Collateral provided pursuant to a triparty arrangement, amended paragraph 3.15(b) for the Pledged Eligible Collateral and amended paragraph 3.17(b) for the BNYM US Eligible Collateral.

Paragraph 3.7 (h) which currently deals with the transfer of Euro denominated Cash Collateral is also proposed to be amended by replacing the reference to Article 4.4.1.7 of the Rule Book by Article 4.4.1.6.

(c) Section 6

Section 6 of the Procedures will be amended to provide details on the calculation of each Clearing Member's Contribution to the CDS Default Fund, including the TRF Contribution; paragraph 6.1 will be updated to include the Contribution of each Clearing Member in the scope of Section 6 of the Procedures. For this purpose, a set of new definitions has been added to Section 6 in a new paragraph 6.2 (*Terms defined in this CDS Default Fund Procedure*). The new defined terms will be used in the provisions of Section 6 on the calculation of the TRF Contribution and will be the following:

—''TRF Initial Member'' which will refer to the Clearing Member which has not used its TRF Allowance over the last 90 consecutive calendar days preceding the Business Day as at which the TRF Contribution is to be calculated; and

—''TRF Contribution Percentage'' which will be relevant for a Clearing Member other than a TRF Initial Member and will be used to refer to the percentage calculated by LCH SA on the basis of the average TRF Utilisation of the relevant Clearing Member over the last 180 consecutive calendar days (or if not available, the number of available consecutive calendar days) which is the average calculated by adding together the peak TRF Utilisation of the Clearing Member for each relevant calendar day and then dividing such sum by 180 or, as the case may be, the number of available consecutive calendar days. Such amount will be then divided by the total of such average TRF Utilisations of all Non-Defaulting Clearing Members other than TRF Initial Members.

As a consequence, the paragraphs following new paragraph 6.2 will be renumbered and the relevant cross-references updated.

Paragraph 6.5 on the calculation of a Clearing Member's Contribution which currently refers to the Rule Book (Article 4.4.1.3) in respect of the method for calculating each Clearing Member's Contribution will be updated by adding the content of Article 4.4.1.3 and new provisions on the calculation of the TRF Contribution since the Contribution to the CDS Default Fund will comprise the Ordinary Contribution (corresponding to the current definition of Contribution in the published version of the Rule Book) and the new TRF Contribution. Therefore, a Clearing Member's Contribution will be equal to the sum of:

—the Ordinary Contribution for which the details for calculation will be moved from Article 4.4.1.3 of the Rule Book to amended paragraph 6.6 (currently paragraph 6.5) subject to the necessary amendments, *i.e.,* removing the TRF Allowance Amount from the CDS Default Fund Amount to calculate the Clearing Member's proportionate share and reducing the amount of the minimum Ordinary Contribution to EUR 7,000,000, instead of EUR 10,000,000. The amount of the minimum Contribution will be maintained at EUR 10,000,000 but will also include a minimum TRF Contribution which will be set at EUR 3,000,000 as further described below. The intention is to keep the total minimum amount contributed by clearing members to mutualized resources to 10M euros. Given the Default Fund is now split into an Ordinary Default Fund covering the market risk, and a Trade Registration Fund used as a backing for IM forbearance, the 10M will be split between one minimum amount for the Ordinary Default Fund and one minimum amount for the Trade Registration Fund. An amount of 3M euros will be the relevant minimum contribution to the Trade Registration Fund, and therefore the new Ordinary Default Fund minimum contribution has been set to 10 − 3 = 7M euros;

—the TRF Contribution which, for a Clearing Member other than a TRF Initial Member,

[6] The maximum value of Credit Tolerance will not be disclosed to the Clearing Member for flexibility purposes.

[7] See Exchange Act Release No. 104051 (Sept. 25, 2025), 90 FR 47001 (Sept. 30, 2025) (SR–LCH SA–2025–007), which approved the LCH Counterparty Credit Risk Policy.

[8] It should be noted that an increase of the Margin Requirement would not have any impact on the Available TRF Allowance and Available Credit Tolerance and will be covered through the next Collateral Call. In accordance with the provisions of Section 2.3, where there isn't enough collateral in the account to satisfy the notional and collateral check, then LCH SA will allocate available TRF Allowance and Credit Tolerance to the margin account, but only if there isn't enough excess collateral or the client buffer is insufficient.

will correspond to the amount calculated by multiplying the TRF Allowance Amount by the Clearing Member's TRF Contribution Percentage subject to a minimum amount of EUR 3,000,000 and a maximum amount of EUR 30,000,000. The TRF Contribution of a Clearing Member that is a TRF Initial Member will be equal to an amount of EUR 3,000,000. Besides, the TRF Contributions will be adjusted by LCH SA if, as a result of the adjustments in any TRF Contribution for Clearing Members that are not TRF Initial Members, the aggregate of the TRF Contributions is greater or less than the TRF Allowance Amount.

Finally, paragraph 6.5 (currently 6.4) regarding the calculation of the CDS Default Amount will be amended to include the TRF Allowance Amount in the calculation of the size of the CDS Default Fund and to refer to the Combined Unmargined Risk in respect of the current formula and replace ''Contribution'' with ''Ordinary Contribution'' for consistency purposes.

(d) Section 8

LCH SA proposes to amend indent (ii) of paragraph 8.3 (a) so that the immediate measure that LCH SA may take in the event of a Price Alleged Breach, *i.e.* a failure to provide a complete price submission file in accordance with Section 5 of the Procedures, which can consist in increasing the Clearing Member's Contribution will be relevant for the Ordinary Contribution only. There will be no impact of such measure on the calculation of the Clearing Member's TRF Contribution.

2. Proposed Revisions to the LCH Counterparty Credit Risk Policy

A new Section 9.7 is proposed be added to the LCH Counterparty Credit Risk Policy in order to outline the credit limits set up as a percentage of CDSClear TRF and to be applied on a daily basis per Clearing Member of CDSClear service.

It is also specified that the TRF availability for a single Clearing Member group cannot exceed this group's aggregate Default Fund contributions and TRF contributions.

In addition to the proposed changes made specifically for the TRF purposes, the LCH Counterparty Credit Risk Policy (V10.6) also includes several amendments intended to strengthen the governance of the Internal Credit Scoring framework, formalize the treatment of the membership model Guaranteed Sponsored Clearing [9] which is only applicable to the LCH SA Non-US Business RepoClear service, and simplify the policy structure.

Under Section 6.1, the Policy has been updated to provide greater clarity and consistency regarding the execution and governance of the Internal Credit Scoring process. The revised section explicitly requires all applicable counterparties, including the Non-US Business RepoClear Dormant Sponsored Members, to undergo a documented credit assessment prior to onboarding and then at least once a year on a 12-month rolling period with a caveat on specific circumstances requiring a delay that would need to be approved by the Head of Credit Risk team.

Section 6.2 of the Policy also proposes to introduce minimum Internal Credit Score (ICS) requirements for participants in the Non-US Business RepoClear Guaranteed Sponsored Clearing framework. Guaranteed Sponsored Members (''GSMs'') are now required to maintain a minimum ICS of 7, while Guaranteeing Agent Members (''GAMs'') are required to maintain a minimum ICS of 4. These provisions formally incorporate Guaranteed Sponsored Clearing participants into the policy's eligibility framework and establish minimum creditworthiness standards for participation.

The Section 6.3 of the Policy clarifies that LCH Executive Risk Committee (''ERCo'') approval is required for new clearing member applications including any current LCH clearing members of one central counterparty (''CCP'') applying for clearing membership of another CCP. The section also extends newly introduced participant categories associated with the Non-US Business RepoClear Sponsored Clearing and Guaranteed Sponsored Clearing models, including Sponsored Clearing Agents and Guaranteeing Agent Members. In addition, the Policy now provides greater clarity regarding which counterparty categories require formal ERCo approval versus notification-only processes and formalises the governance applicable when existing counterparties expand into new business lines or assume additional counterparty roles.

The Annex I under Section 9.2 (on T-Ratio monitoring framework) has been extended to cover the Non-US Business RepoClear Guaranteed Sponsored Members. The thresholds now explicitly incorporate GSMs within the monitoring framework alongside Sponsored Clearing Funds, ensuring that exposure monitoring requirements are applied consistently across all Sponsored Clearing participant categories and remain aligned with the applicable ICS.

The Annex I—Section 9.3 of the Policy has been amended to extend the Stress Test Loss Over Additional Margin (''STLOAM'') [10] plus Default Fund Contribution to Net Capital (or NAV) monitoring framework to the Non-US Business RepoClear Guaranteed Sponsored Clearing model. The revised section explicitly includes Sponsored Members and GSMs within the 30% monitoring threshold and introduces a dedicated methodology for monitoring Guaranteeing Agent Members. Under this approach, GAM exposure incorporates both the GAM's own stress loss exposure and an additional ''Guarantee Exposure'' reflecting the exposures of the GSMs supported by the GAM, net of any prefunded agent resources. This amendment ensures that the framework appropriately captures the contingent credit risk arising from guarantee arrangements.

The Paragraphs 85 and 86 of Section 9.10 under the Annex to the Policy have been amended to align the definition of 'stress losses' with the LCH SA Financial Resource Adequacy Policy (FRAP).[11]

The Section 9.11 of the Annex I introduces a new Credit Risk Resources (''CRR'') framework specifically designed for the Non-US Business RepoClear Guaranteed Sponsored Clearing. The framework links additional resource requirements to the combined credit quality of the GSM and the GAM and establishes a matrix of stress-loss coverage requirements and initial margin multipliers. Requirements increase progressively as the credit quality of either participant deteriorates, with calibration based on a five-day look-back period. This new framework provides a dedicated risk mitigation mechanism to address the interconnected credit risk profile inherent in the Guaranteed Sponsored Clearing model.

In order to be aligned with the structure of the other LCH Policies, the standalone and former Section 8 of the Policy is not considered necessary anymore and was fully removed.

[9] The regulatory approval received by LCH SA from its National Competent Authorities (NCAs) on this new Non-US Business membership category was received and duly notified to the SEC on the 12th of December 2025.

[10] See Exchange Act Release No. 34–90207 (October 15, 2020); File No. SR–LCH SA–2020–004 which approved the Proposed Rule Change Relating to the Clearing of Single Name Credit Default Swaps Referencing Monoline Insurance Companies and the Amendment of LCH SA's Rules in Accordance With its Risk Policies.

[11] See Exchange Act Release No. 34–104051 (September 25, 2025), File No. SR–LCH SA–2025–007, which approved the LCH SA FRAP

2. Statutory Basis

LCH SA believes that the Proposed Rule Change is consistent with the requirements of Section 17A of the Exchange Act [12] and the regulations thereunder, including the clearing agency standards under Exchange Act Rule 17ad–22.[13] Section 17A(b)(3)(F) of the Exchange Act [14] requires, among other things, that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions and, to the extent applicable, derivative agreements, contracts, and transactions, to foster cooperation and coordination with persons engaged in the clearance and settlement of securities transactions, and are not designed to permit the unfair discrimination in the admission of participants or among participants in the use of the clearing agency.

LCH SA is proposing to introduce a form of margin forbearance to facilitate the registration of trades submitted by Clearing Members or their Clients to LCH SA for clearing. Under the current CDS Clearing Rules, LCH SA performs collateral checks prior to clearing original trades and will reject such trades if there is insufficient collateral and/or, in respect of client trades, collateral buffer. Specifically, Clearing Members and their clients are required to hold sufficient collateral to cover any increase in margin requirements incurred by the clearing of an original trade. The TRF facility and credit tolerance are designed to facilitate the continuing clearance and settlement of original trades by limiting trade rejections. Any amount utilized by the TRF will be subsequently satisfied by the transfer of an amount of Collateral by the relevant Clearing Member at LCH SA's next Collateral Call. LCH SA believes that the Proposed Rule Change is consistent with the requirement of Section 17A of the Exchange Act [15] such that the rules of a clearing agency are designed to promote the prompt and accurate clearance and settlement of transactions. Here, the TRF facility and credit tolerance will serve to ensure Clearing Member and client trades are not rejected in the event of insufficient collateral and/or client collateral buffer.

Clearing Member contributions to the TRF fund must be in Cash Collateral and will be held at approved custodians, similar to Default Fund contributions. LCH SA assures the safeguarding of funds under its control for Default Fund contributions and would institute the same level of control for the TRF fund. Therefore, LCH SA believes that the Proposed Rule Change is consistent with the requirement of Section 17A of the Exchange Act [16] such that the rules of a clearing agency are designed to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible.

LCH SA also believes that the Proposed Rule Change is consistent with the requirements of Exchange Act Rule 17ad–22(e)(4)(i) [17]. Rule 17ad–22(e)(4)(i) provides that a covered clearing agency establish, implement, maintain and enforce written policies and procedures reasonably designed to . . . [e]ffectively identify, measure, monitor, and manage its credit exposures to participants and those arising from its payment, clearing, and settlement processes, including by . . . [m]aintaining sufficient financial resources to cover its credit exposure to each participant fully with a high degree of confidence.[18] The clarifications made in the LCH Counterparty Credit Risk Policy don't impact the existing formal documented Internal Credit Score assessment for all applicable CDSClear counterparties and the other amendments are mainly covering the new membership category of the LCH SA Non-US Business RepoClear service. LCH SA also maintains a CDSClear Default Fund, the size of which is equal to the sum of the Combined Unmargined Risk and the TRF Allowance Amount. The TRF Allowance amount is the Margin forbearance that LCH SA may provide to a Clearing Member in its own discretion and will be a component of the CDSClear Default Fund. LCH SA will determine, in its sole discretion, the maximum value of the TRF Allowance that may be available to a Clearing Member at a given time and may adjust the value of such limit(s), as may be necessary from time to time. Clearing Members' contribution to the TRF is based on peak utilization over a specific period divided by all Non-Defaulting Clearing Members' TRF utilization. Because the TRF allowance is determined on Clearing Members' pro rata share of usage and the TRF is a component of the CDSClear Default Fund amount including the credit limits per participant rating duly specified in the LCH credit risk framework, LCH SA believes the Proposed Rule Change is consistent with the requirements of Exchange Act Rule 17ad–22(e)(4)(i) [19].

LCH SA also believes that the Proposed Rule Change is consistent with the requirements of Exchange Act Rule 17ad–22(e)(18)(ii) [20]. Rule 17ad–22(e)(18)(ii) provides that a covered clearing agency establish, implement, maintain and enforce written policies and procedures reasonably designed to . . . [e]stablish objective, risk-based, and publicly disclosed criteria for participation, which . . . [r]equire participants to have sufficient financial resources and robust operational capacity to meet obligations arising from participation in the clearing agency.[21] LCH SA requires Clearing Members meet certain minimum financial resource requirements to participate in the CDSClear service. Contributing financial resources to the CDS Default Fund is one these requirements. The size of the CDS Default Fund is equal to the sum of the Combined Unmargined Risk and the TRF Allowance Amount for CDSClear Clearing Members. A Clearing Member's Contribution to the Default Fund is the greater of their proportionate share of the CDS Default Fund Amount minus the TRF Allowance Amount and a minimum contribution of €7mm (the Ordinary Contribution). In addition, Clearing Members must also provide a TRF Contribution, which is the product of a Clearing Member's TRF Allowance Amount and the Clearing Member's TRF Contribution Percentage (the TRF Contribution). LCH SA believes the total Clearing Member contribution is consistent with the requirements of Exchange Act Rule 17ad–22(e)(18)(ii) [22] such that Clearing Members must have sufficient financial resources to participate in the CDSClear service.

B. Clearing Agency's Statement on Burden on Competition

Section 17A(b)(3)(I) of the Act requires that the rules of a clearing agency not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.[23] LCH SA does not believe that the Proposed Rule Change would impose burdens on competition that are not necessary or appropriate in furtherance of the purposes of the Act. The Proposed Rule Change would facilitate the registration of trades submitted by Clearing Members or their Clients to LCH SA for clearing through

[12] 15 U.S.C. 78q–1.

[13] 17 CFR 240.17ad–22.

[14] 15 U.S.C. 78q–1(b)(3)(F).

[15] 15 U.S.C. 78q–1.

[16] 15 U.S.C. 78q–1(b)(3)(F).

[17] 17 CFR 240.17ad–22(e)(4)(i).

[18] *Id.*

[19] *Id.*

[20] 17 CFR 240.17ad–22(e)(18)(ii).

[21] *Id.*

[22] *Id.*

[23] 15 U.S.C. 78q–1(b)(3)(I).

the establishment of a TRF fund. Therefore, LCH SA does not believe that the Proposed Rule Change would impose a burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments relating to the Proposed Rule Change have not been solicited or received. LCH SA will notify the Commission of any written comments received by LCH SA.

III. Date of Effectiveness of the Proposed Rule Change

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will: (A) by order approve or disapprove such proposed rule change, or (B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change, is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–LCH SA–2026–006 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–LCH SA–2026–006. 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-regulations/self-regulatory-organization-rulemaking*). Copies of the filing will be available for inspection and copying at the principal office of LCH SA and on LCH SA's website at *http://www.lch.com/resources/rules-and-regulations/proposed-rule-changes-0.*

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–LCH SA–2026–006 and should be submitted on or before August 26, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[24]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–15832 Filed 8–4–26; 8:45 am]

BILLING CODE 8011–01–P

[24] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #21624 and #21625; MONTANA Disaster Number MT–20032]

Presidential Declaration Amendment of a Major Disaster for the Fort Peck Assiniboine and Sioux Tribes

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the Fort Peck Assiniboine and Sioux Tribes (FEMA–4914–DR), dated May 29, 2026.

Incident: Severe Winter Storm and Straight-line Winds.

DATES: Issued on July 29, 2026.

Incident Period: December 17, 2025 through December 18, 2025.

Physical Loan Application Deadline Date: August 31, 2026.

Economic Injury (EIDL) Loan Application Deadline Date: March 1, 2027.

ADDRESSES: *Visit the MySBA Loan Portal at https://lending.sba.gov* to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Jennifer Talarico, Office of Disaster Recovery and Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for the Fort Peck Assiniboine and Sioux Tribes, dated May 29, 2026, is hereby amended to extend the deadline for filing applications for physical damages as a result of this disaster to August 31, 2026.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

(Authority: 13 CFR 123.3(b).)

James Stallings,

Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2026–15870 Filed 8–4–26; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #21626 and #21627; MONTANA Disaster Number MT–20034]

Presidential Declaration Amendment of a Major Disaster for the Crow Tribe of Montana

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the Crow Tribe of Montana (FEMA–4915–DR), dated May 29, 2026.

Incident: Severe Winter Storm and Straight-line Winds.

DATES: Issued on July 29, 2026.

Incident Period: December 17, 2025 through December 19, 2025.

Physical Loan Application Deadline Date: August 31, 2026.

Economic Injury (EIDL) Loan Application Deadline Date: March 1, 2027.

ADDRESSES: *Visit the MySBA Loan Portal at https://lending.sba.gov* to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Jennifer Talarico, Office of Disaster Recovery and Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for the Crow Tribe of Montana, dated May 29, 2026, is hereby amended to extend the deadline for filing applications for physical damages as a result of this disaster to August 31, 2026.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

(Authority: 13 CFR 123.3(b).)

James Stallings,

Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2026–15871 Filed 8–4–26; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #21739; ILLINOIS Disaster Number IL–20033 Declaration of Economic Injury]

Administrative Declaration of an Economic Injury Disaster for the State of Illinois

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is notice of an Economic Injury Disaster Loan (EIDL) declaration for the state of Illinois dated July 30, 2026.

Incident: Severe Storms and Tornadoes.

DATES: Issued on July 30, 2026.

Incident Period: June 17, 2026.

Economic Injury (EIDL) Loan Application Deadline Date: April 30, 2027.

ADDRESSES: *Visit the MySBA Loan Portal at https://lending.sba.gov* to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Tamara Edge, Office of Disaster Recovery and Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–9888.

SUPPLEMENTARY INFORMATION: Notice is hereby given as a result of the Administrator's EIDL declaration, applications for disaster loans may be submitted online using the MySBA Loan Portal *https://lending.sba.gov* or in person at other locally announced locations. For further assistance please contact the SBA disaster assistance customer service center by email at *disastercustomerservice@sba.gov* or by phone at 1–800–659–2955. If you are deaf, hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Warren.

Contiguous Counties:

Illinois: Fulton, Henderson, Knox, McDonough, Mercer.

The Interest Rates are:

	Percent
Business and Small Agricultural Cooperatives without Credit Available Elsewhere	4.000
Private Non-Profit Organizations without Credit Available Elsewhere	3.625

The number assigned to this disaster for economic injury is 217390.

The state which received an EIDL declaration is Illinois.

(Catalog of Federal Domestic Assistance Number 59008)

(Authority: 13 CFR 123.3(b).)

James Stallings,

Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2026–15874 Filed 8–4–26; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #21740; PENNSYLVANIA Disaster Number PA–20039 Declaration of Economic Injury]

Administrative Declaration of an Economic Injury Disaster for the Commonwealth of Pennsylvania

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is notice of an Economic Injury Disaster Loan (EIDL) declaration for the Commonwealth of Pennsylvania dated July 31, 2026.

Incident: Severe Storms.

DATES: Issued July 31, 2026.

Incident Period: July 4, 2026.

Economic Injury (EIDL) Loan Application Deadline Date: April 30, 2027.

ADDRESSES: *Visit the MySBA Loan Portal at https://lending.sba.gov* to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Sharon Henderson, Office of Disaster Recovery and Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given as a result of the Administrator's EIDL declaration, applications for disaster loans may be submitted online using the MySBA Loan Portal *https://lending.sba.gov* or in person at other locally announced locations. For further assistance please contact the SBA disaster assistance customer service center by email at *disastercustomerservice@sba.gov* or by phone at 1–800–659–2955. If you are deaf, hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Monroe.

Contiguous Counties:

Pennsylvania: Carbon, Lackawanna, Luzerne, Northampton, Pike, Wayne.

New Jersey: Sussex, Warren.

The Interest Rates are:

	Percent
Business and Small Agricultural Cooperatives without Credit Available Elsewhere	4.000
Private Non-Profit Organizations without Credit Available Elsewhere	3.625

The number assigned to this disaster for economic injury is 217400.

The commonwealth and state which received an EIDL declaration are Pennsylvania and New Jersey.

(Catalog of Federal Domestic Assistance Number 59008)

(Authority: 13 CFR 123.3(b).)

James Stallings,

Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2026–15869 Filed 8–4–26; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #21737 and #21738; PENNSYLVANIA Disaster Number PA–20038]

Administrative Declaration of a Disaster for the Commonwealth of Pennsylvania

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is notice of an Administrative declaration of a disaster for the Commonwealth of Pennsylvania dated July 30, 2026.

Incident: Severe Storms.

DATES: Issued on July 30, 2026.

Incident Period: July 11, 2026.

Physical Loan Application Deadline Date: September 28, 2026.

Economic Injury (EIDL) Loan Application Deadline Date: April 30, 2027.

ADDRESSES: *Visit the MySBA Loan Portal at https://lending.sba.gov* to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Jennifer Talarico, Office of Disaster Recovery and Resilience, U.S. Small

Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given as a result of the Administrator's disaster declaration, applications for disaster loans may be submitted online using the MySBA Loan Portal *https://lending.sba.gov* or in person at other locally announced locations. For further assistance please contact the SBA disaster assistance customer service center by email at *disastercustomerservice@sba.gov* or by phone at 1–800–659–2955. If you are deaf, hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

The following areas have been determined to be adversely affected by the disaster:

Primary County: Philadelphia.

Contiguous Counties:

Pennsylvania: Bucks, Delaware, Montgomery.

New Jersey: Burlington, Camden, Gloucester.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners with Credit Available Elsewhere	5.750
Homeowners without Credit Available Elsewhere	2.875
Businesses with Credit Available Elsewhere	8.000
Businesses without Credit Available Elsewhere	4.000
Private Non-Profit Organizations with Credit Available Elsewhere	3.625
Private Non-Profit Organizations without Credit Available Elsewhere	3.625
For Economic Injury:	
Business and Small Agricultural Cooperatives without Credit Available Elsewhere	4.000
Private Non-Profit Organizations without Credit Available Elsewhere	3.625

The number assigned to this disaster for physical damage is 21737B and for economic injury is 217380.

The state/commonwealth which received an SBA Administrative declaration is New Jersey, Pennsylvania.

(Catalog of Federal Domestic Assistance Number 59008)

(Authority: 13 CFR 123.3(b).)

James Stallings,

Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2026–15868 Filed 8–4–26; 8:45 am]

BILLING CODE 8026–09–P

DEPARTMENT OF STATE

[Public Notice 13076]

60-Day Notice of Proposed Information Collection: Department of State Acquisition Regulation (DOSAR)

AGENCY: Department of State.

ACTION: Notice of proposed information collection and request for public comment.

SUMMARY: The Department of State (the Department or State) seeks Office of Management and Budget (OMB) approval to continue the information collection described below. In accordance with the Paperwork Reduction Act of 1995, State requests public comment on this collection from all interested individuals and organizations. The purpose of this notice is to allow 60 days for public comment preceding submission of the collection to OMB.

DATES: Submit comments on or before October 5, 2026.

ADDRESSES: You may submit comments by any of the following methods:

- *Web:* Persons with access to the internet may comment on this notice by going to *www.Regulations.gov.* You can search for the document by entering ''Docket Number: DOS–2026–0827'' in the Search field. Then click the ''Comment Now'' button and complete the comment form.
- *Regular Mail:* Send written comments to: U.S. Department of State, GA/AP, SA–6B, 1701 N Fort Myer Drive, Arlington, VA 22209.

You must include the applicable DOSAR provision or clause number, information collection title, and the OMB control number 1405–0050 in any correspondence.

FOR FURTHER INFORMATION CONTACT: Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument and supporting documents, may be sent to Jessalyn Lord, Global Acquisitions, at *DOSARfederalregister@state.gov.*

SUPPLEMENTARY INFORMATION:

Instructions

All comments must be in writing and submitted through the method(s) specified in the Addresses section above. All submissions must include the information collection title(s). Please include your name, title, organization, telephone number, and email address in the text of the message. Please note that comments submitted in response to this Notice are public record. We recommend that you do not submit detailed personal information, Confidential Business Information, or any information that is otherwise protected from disclosure by statute.

- *Title of Information Collection:* Department of State Acquisition Regulation (DOSAR).
- *OMB Control Number:* 1405–0050.
- *Type of Review:* Extension of a currently approved collection.
- *Originating Office:* GA/AP/PO/P.
- *Form Number:* No form.
- *Respondents:* Department of State contractors.
- *Estimated Number of Respondents:* 1,996.
- *Estimated Number of Responses:* 2,239.
- *Average Time per Response:* 1.3 hours.
- *Total Estimated Burden Time:* 2,889 hours.
- *Frequency: On occasion.*
- *Obligation to Respond:* Required to obtain a benefit.

The amount of time estimated to complete each response varies by item.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
- Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments are requested concerning: (a) whether the proposed information collection is necessary for the proper functions of the Department; (b) the accuracy of the burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

The Department will only address comments that explain why the proposed collection would be inappropriate, ineffective, or unacceptable without a change. Comments that are insubstantial or outside the scope of the notice of request for public comment may not be considered. Authority to acquire goods and services on behalf of the Department of State is based on 22

U.S.C. 302, Foreign Service Buildings Act of 1926, as amended; 22 U.S.C. 4852, Omnibus Diplomatic Security and Antiterrorism Act of 1986; 22. U.S.C. 4864, Foreign Relations Authorization Act, Fiscal Years 1990 and 1991; and Public Law 118–159, Section 7214. Authority to supplement the FAR acquisition regulations is based on 48 CFR chapter 1.

Abstract of Proposed Collection

This collection includes DOSAR provisions and clauses implemented via solicitations and contracts to ensure offerors meet qualifications and awardees meet specific post-award requirements. The DOSAR is located at 48 CFR Chapter 6. The Department most recently renewed this information collection effective January 2024.

Methodology

The information is collected via electronic submission and mail pre- and post-award of Department contracts as prescribed in individual contract solicitations.

Sharon D. James,

Senior Procurement Executive, Global Acquisitions, Department of State.

[FR Doc. 2026–15850 Filed 8–4–26; 8:45 am]

BILLING CODE 4710–24–P

DEPARTMENT OF STATE

[Public Notice: 13079]

Notice of Department of State Sanctions Actions

ACTION: Notice.

SUMMARY: The U.S. Department of State is publishing the names of persons who have been added to the Department of the Treasury's List of Specially Designated Nationals and Blocked Persons (SDN List), administered by the Office of Foreign Assets Control (OFAC) based on the Secretary of State's determination pursuant to and in accordance with the referenced authority that one or more applicable criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of the designated persons are blocked.

DATES: This action was issued on June 4, 2026. See **SUPPLEMENTARY INFORMATION** section for applicable dates.

FOR FURTHER INFORMATION CONTACT: Aaron P. Forsberg, Director, Office of Economic Sanctions Policy and Implementation, Bureau of Economic, Energy, and Business Affairs, Department of State, Washington, DC 20520, tel.: (202) 647 7677, email: *ForsbergAP@state.gov.*

SUPPLEMENTARY INFORMATION:

Electronic Availability

The SDN List and additional information concerning sanctions programs are available on OFAC's website, *https://ofac.treasury.gov/.*

Notice of Department of State Actions

Acting pursuant to the authority of, and in accordance with, E.O. 14404, the Secretary of State determined that the following persons met the E.O. criteria referenced below. As a result, these persons have been added to the SDN List as of June 4, 2026, and all property and interests in property subject to U.S. jurisdiction of those persons are blocked.

Individuals

1. CASTRO ESPIN, Alejandro (a.k.a. ''El Tuerto''), Cuba; DOB 1965; nationality Cuba; Gender Male (individual) [CUBA–EO14404].

Designated pursuant to Section 2(a)(i)(B) of Executive Order 14404 for being owned, controlled, or directed by, or having acted or purported to act for or on behalf of, directly or indirectly, the Government of Cuba.

2. CASTRO CALIS, Raul Alejandro, Havana, Cuba; DOB 16 May 1995; nationality Cuba; Gender Male (individual) [CUBA–EO14404].

Designated pursuant to Section 2(a)(i)(I) of Executive Order 14404 for being an adult family member of Alejandro Castro Espin, a person whose property and interests in property are concurrently blocked pursuant to this order.

3. DIAZ–CANEL BERMUDEZ, Miguel, Cuba; DOB 20 Apr 1960; POB Santa Clara, Cuba; nationality Cuba; Gender Male (individual) [CUBA–EO14404].

Designated pursuant to Section 2(a)(i)(E) of Executive Order 14404 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of Cuba.

4. CUESTA PERAZA, Lis, Cuba; DOB 28 Mar 1971; POB Holguin, Cuba; nationality Cuba; Gender Female (individual) [CUBA–EO14404].

Designated pursuant to Section 2(a)(i)(I) of Executive Order 14404 for being an adult family member of Miguel Diaz-Canel Bermudez, a person whose property or interests in property are concurrently blocked pursuant to this order.

5. ANIDO CUESTA, Manuel, Madrid, Spain; DOB 03 Nov 1994; POB Holguin, Cuba; nationality Cuba; Gender Male (individual) [CUBA–EO14404].

Designated pursuant to Section 2(a)(i)(I) of Executive Order 14404 for being an adult family member of Lis Cuesta Peraza, a person whose property or interests in property are concurrently blocked pursuant to this order.

Entities

6. MINISTRY OF THE REVOLUTIONARY ARMED FORCES OF CUBA (a.k.a. MINISTERIO DE LAS FUERZAS ARMADAS REVOLUCIONARIAS; a.k.a. ''MINFAR''), Independence Avenue, Sierra Maestra Building, Plaza of the Revolution Municipality, Havana, Cuba; Organization Established Date 16 Oct 1959; Target Type Government Entity [CUBA–EO14404].

Designated pursuant to Section 2(a)(i)(F) of Executive Order 14404 for being a political subdivision, agency, or instrumentality of the Government of Cuba.

7. COMMITTEES FOR THE DEFENSE OF THE REVOLUTION (a.k.a. COMITES DE DEFENSA DE LA REVOLUCION; a.k.a. ''CDR''), Linea Avenue, Havana, Cuba; Organization Established Date 28 Sep 1960; Organization Type: Public order and safety activities [CUBA–EO14404].

Designated pursuant to Section 2(a)(i)(B) of Executive Order 14404 for being owned, controlled, or directed by, or having acted or purported to act for or on behalf of, directly or indirectly, the Government of Cuba.

8. MINERA LA VICTORIA SA (a.k.a. ''MLV''), Office 123, First Floor, Third Avenue Between 76 and 78, Beijing Building, Miramar Business Center, Playa, Havana 11300, Cuba; Organization Established Date 14 Aug 2020; Organization Type: Mining of other non-ferrous metal ores [CUBA–EO14404].

Designated pursuant to Section 2(a)(i)(A) of Executive Order 14404 for operating in or having operated in the metals and mining sector of the Cuban economy.

9. CUBAN INSTITUTE OF FRIENDSHIP WITH THE PEOPLES (a.k.a. INSTITUTO CUBANO DE AMISTAD CON LOS PUEBLOS; a.k.a. ''ICAP''), Calle 17 No. 301 e/H e I, Vedado, Havana, Cuba; Organization Established Date 30 Dec 1960; Entity Code 652 (Cuba) [CUBA–EO14404].

Designated pursuant to Section 2(a)(i)(F) of Executive Order 14404 for being a political subdivision, agency, or instrumentality of the Government of Cuba.

10. AMISTUR CUBA SA, Calle 13 #504 e/D y E, Vedado, Havana, Cuba; Organization Established Date 19 Jan

1996; Organization Type: Travel agency activities [CUBA–EO14404].

Designated pursuant to Section 2(a)(i)(B) of Executive Order 14404 for being owned, controlled, or directed by, or having acted or purported to act for or on behalf of, directly or indirectly, Cuban Institute of Friendship with the Peoples, a person whose property or interests in property are concurrently blocked pursuant to this order.

Hugo Y. Yon,

Principal Deputy Assistant Secretary, Bureau of Economic, Energy, and Business Affairs, U.S. Department of State.

[FR Doc. 2026–15827 Filed 8–4–26; 8:45 am]

BILLING CODE 4710–07–P

SURFACE TRANSPORTATION BOARD

[Docket No. NOR 38302S; Docket No. NOR 38376S]

United States Department of Energy and United States Department of Defense v. Baltimore & Ohio Railroad Company, et al.; United States Department of Energy and United States Department of Defense v. Aberdeen & Rockfish Railroad Company, et al.

On December 1, 2025, the United States Department of Energy and the United States Department of Defense (the Government) and CSX Transportation, Inc. (CSX) (collectively, Movants), jointly filed a motion seeking Board approval of a proposed settlement agreement (CSX Settlement Agreement or Agreement) that would resolve the above-captioned rate reasonableness disputes as between them only. Movants also seek a prescription of the rates and rate update methodologies, and maximum revenue-to-variable cost (R/VC) ratios established for the commodities and services that are the subjects of the Agreement. At Movants' request, notice of the CSX Settlement Agreement was served and published in the **Federal Register** (91 FR 10179) on March 2, 2026. In the notice, the Board solicited comments on the Agreement. No comments were filed. As discussed more fully below, the Board will grant the motion, approve the Agreement, and prescribe the Agreement's rates and rate update methodologies and maximum R/VC ratios.

Background

In March 1981, the Government filed these complaints against 21 railroads (the Railroad Defendants) under section 229 of the Staggers Rail Act of 1980, Public Law 96–448, 94 Stat. 1895. The Government sought reparations and a rate prescription relating to the nationwide movement of spent nuclear fuel, other high-level radioactive wastes, and the empty containers (casks) and buffer and escort cars used for their movement (together, radioactive materials).

In 1986, the Board's predecessor, the Interstate Commerce Commission (ICC), found that the Railroad Defendants were engaging in an unreasonable practice by imposing substantial and unwarranted cost additives—above and beyond the regular train service rates—in an effort to avoid transporting these radioactive materials. The ICC directed the Railroad Defendants to cancel the existing rates and cost additives, prescribed new rates, and awarded reparations. *See Commonwealth Edison Co.* v. *Aberdeen & Rockfish R.R.,* 2 I.C.C.2d 642 (1986). The United States Court of Appeals for the District of Columbia Circuit set aside and remanded the decision. *See Union Pac. R.R.* v. *ICC,* 867 F.2d 646 (D.C. Cir. 1989). On remand, the ICC ruled that the movement of these radioactive materials for reprocessing was subject to the rate cap on recyclables set out in former 49 U.S.C. 10731(e) and directed the parties to file R/VC evidence to resolve the remaining reparations and rate prescription issues. *See U.S. Dep't of Energy* v. *Balt. & Ohio R.R.,* 10 I.C.C.2d 112 (1994). While judicial review of that decision was pending, Congress enacted the ICC Termination Act of 1995, Public Law 104–88, 109 Stat. 803, which repealed § 10731 in its entirety and directed that all proceedings pending under the repealed statutory provision be terminated.

The Railroad Defendants petitioned the Board to dismiss the complaints in 1996, and, in 1997, they invited the Government to explore the possibility of settling the complaints. Discussions commenced on a nationwide settlement covering all the Railroad Defendants that might carry radioactive materials. *See U.S. Dep't of Energy* v. *Balt. & Ohio R.R.,* NOR 38302S et al. (STB served Nov. 5, 2004). The Government subsequently chose to negotiate only with Union Pacific Railroad Company (UP), the destination carrier for most of the movements of radioactive materials that were to be covered by the nationwide settlement, after the parties concluded that there were potential antitrust problems in negotiating with the Railroad Defendants as a group. *See id.*

In 2004, the Government and UP moved for approval under 49 U.S.C. 10704 of a settlement agreement they had negotiated to resolve these complaints as between them only. The Board approved that settlement agreement in 2005 and directed the Government to file quarterly status reports on the progress of settlement negotiations with other railroads. *See U.S. Dep't of Energy* v. *Balt. & Ohio R.R.,* NOR 38302S et al. (STB served Aug. 2, 2005). In 2012, BNSF Railway Company (BNSF) and the Government similarly moved for approval of a settlement agreement, and the Board approved that agreement in a decision served the next year. *See U.S. Dep't of Energy* v. *Balt. & Ohio R.R.,* NOR 38302S et al. (STB served Aug. 26, 2013). Thereafter, in 2017, the Board approved a settlement agreement between the Government and Norfolk Southern Railway Company (NSR). *See U.S. Dep't of Energy* v. *Balt. & Ohio R.R.,* NOR 38302S et al. (STB served June 28, 2017). Movants state that the settlement agreements with UP, BNSF, and NSR successfully resolved all rate-setting, shipping, and service determinations between those carriers and the Government.

Movants now jointly request that the Board approve the proposed CSX Settlement Agreement and prescribe the rate methodology set forth in it. (Joint Mot. 2, Dec. 1, 2025.) They assert that the agreement achieves a long-term, system-wide settlement, as between CSX and the Government, of all rate and service issues related to spent nuclear fuel and related traffic now moving or likely to move in the future. (*Id.* at 12.) Movants note that the UP, BNSF, and NSR settlements have served as models to the Government for the CSX Settlement Agreement. (*Id.* at 9.)

In particular, the CSX Settlement Agreement:

(1) provides for a term of 25 years, commencing on the effective date of the Board's approval of the CSX Settlement Agreement, and continues in effect for additional 5-year periods, subject to a 1-year termination notice requirement. (*Id.,* Ex. A ¶¶ 21, 25; *see also id.* at 10.) The parties note that the 25-year term with the possibility of extensions follows the BNSF settlement agreement but differs from the UP and NSR settlement agreements, which each provide for unlimited terms, (*id.* at 9–10);

(2) applies broadly to the nationwide movement on CSX's rail lines of irradiated spent fuel, parts, and constituents; spent fuel moving from foreign countries to the United States for disposal; empty casks; radioactive wastes; and buffer and escort cars. (*Id.,* Ex. A ¶ 1.A.) With respect to those movements governed by the rate basis prescribed in *Trainload Rates on Radioactive Materials, E. Railroads,* 362 I.C.C. 756 (1980) and 364 I.C.C. 981

(1981) (*Eastern Prescription Case*),[1] this agreement (similar to the NSR agreement) incorporates a method of determining rates for dedicated trains which grants CSX an increment over the Eastern rate basis established in the *Eastern Prescription Case* to equalize the cost of shipments nationwide, (Joint Mot. 5, Dec. 1, 2025; *see also id.* at 10 (describing the CSX lines to which the Eastern rate basis applies));

(3) establishes the parties' agreement that the movement of these radioactive materials constitutes common carrier service; addresses the elements of service required of CSX; adopts guidelines for safe handling and security; and obligates CSX to provide, as needed, ''extra services'' as described in the agreement, at the rates agreed upon, (*id.* at 6–7, 11, 13; *see also id.,* Ex. A ¶¶ 4, 6.A, 6.B, & 10);

(4) adopts a rate methodology to: (a) apply to all future movements of these radioactive materials in common carrier service. The methodology adopts maximum R/VC markups of CSX's most current system-average variable unit costs computed under the Board's Uniform Rail Costing System (URCS). (*Id.* at 6; *id.,* Ex. A ¶ 6.) The Government agrees to limit the application of the Eastern rate basis to the former lines of those railroads specifically listed in the *Eastern Prescription Case,* (*id.* at 10–11; *see also id.,* Ex. A ¶ 6);[2] and (b) compensate CSX for ''extra services'' and dedicated train service, when requested by the Government, and procedures to calculate ''equitable compensation'' for emergency-related costs that CSX may incur (Joint Mot. 6–7, 13, Dec. 1, 2025; *see also id.,* Ex. A ¶¶ 6.B & 6.C);

(5) adopts a procedure to update compensation for rates and ''extra services'' when the Board ''issues new URCS and make-whole factors'' to reflect changes in CSX's system-average unit costs, (*id.,* Ex. A ¶ 7);

(6) extinguishes CSX's liability (and that of its predecessors and subsidiaries) for reparations in all matters arising out of these proceedings, (*id.,* Ex. A ¶ 23; *see also id.* at 17);

(7) adopts alternative dispute resolution procedures, with recourse to the Board if those procedures do not resolve a dispute and mechanisms to renegotiate portions of the agreement in a limited number of circumstances or if changed circumstances make further adherence to the terms of the agreement ''grossly inequitable'' to either party, (*id.* at 13–14; *see also id.,* Ex. A ¶¶ 15 & 25); and

(8) incorporates language regarding indemnification pursuant to the Price-Anderson Nuclear Industries Indemnity Act, 42 U.S.C. 2210 (Price Anderson Act). Specifically, the CSX Settlement Agreement states that, ''as set forth in [the] Price Anderson [Act], such public liability (including any clean-up costs and any loss of use to the extent such damages are permitted by applicable law) shall extend to any CSX-owned property (including but not limited to CSX rights-of-way, yards, rail lines, tracks, locomotives, rolling stock cars, equipment, vehicles, and buildings) (i) that is damaged by a nuclear incident covered by [the] Price Anderson [Act], and (ii) for which atomic/nuclear insurance cannot be obtained or would not be expected.'' (Joint Mot. 12, Dec. 1, 2025; *see also id.,* Ex. A ¶ 6.E.)

Movants state that the Agreement adopts the rate structure and principal terms of the Government's agreements with UP, BNSF, and NSR, while improving upon those documents by clarifying or elaborating upon definitions and accepted practices and making explicit certain legal standards applicable regardless of their inclusion in the Agreement. (Joint Mot. 9, Dec. 1, 2025.) The Agreement, according to Movants, differs from those with UP and BNSF in that part of CSX's routes are covered by the *Eastern Prescription Case,* as was the case for NSR. (*Id.* at 6.) Movants explain that the present settlement essentially broadens the *Eastern Prescription Case* model to include radioactive shipments of varying weights in varying types of service and equipment with the object of providing for CSX rates and services into the long-term future. (*Id.* at 18.)

CSX concedes, for purposes of the joint motion and the Agreement only, ''that the Board has jurisdiction to approve the Settlement Agreement and to prescribe rates that encompass naval, commercial, and foreign research reactor spent fuel, waste shipments, and other related shipments made by or for the Government.'' (Joint Mot. 15, Dec. 1, 2025.) This concession, CSX asserts, ''is in keeping with the holding in'' *Union Pacific Railroad* v. *ICC,* 867 F.2d at 649, ''that a concession of market dominance removes that issue from the proceedings.'' (Joint Mot. 15, Dec. 1, 2025.)

Movants state that the Agreement will be implemented by CSX tendering rate quotations to the Government pursuant to 49 U.S.C. 10721. (Joint Mot. 16, Dec. 1, 2025.) Thus, they assert that no contract rates are involved here. (*Id.*) Movants further state that all the rates under the proposed methodologies that the Board is being asked to approve will be common carrier rates, which are fully subject to Board oversight for rate reasonableness. (*Id.*)

Movants also note that the Agreement does not purport to resolve any issues for the remaining defendants. (*Id.* at 14.) They further note that, as the Board determined with respect to the Government's settlements with UP, BNSF, and NSR, the terms and obligations of the Government's settlement with CSX will be binding only between the Government and CSX and will not have precedential effect regarding the reasonableness of other railroad parties' rates or their common carrier obligations. (*Id.*)

Movants contend that the Agreement is in their interests and in the public interest (*id.*) and that it is consistent with the Rail Transportation Policy (RTP), 49 U.S.C. 10101, asserting that it: allows to the maximum extent possible for competition and the demand for service to establish reasonable rates, § 10101(1); minimizes federal regulatory control, § 10101(2); promotes an efficient rail transportation system, § 10101(3); ensures the development and continuation of a sound rail transportation system, § 10101(4); and fosters sound economic conditions in transportation, § 10101(5) (Joint Mot. 15, Dec. 1, 2025).

Movants also point out that the Agreement affirms the Board's policy favoring the private settlement of disputes. (*Id.* at 16.) Movants assert that the ''Agreement also serves the public interest by not prejudicing the Government's right of action against any remaining defendant.'' (Joint Mot. 17, Dec. 1, 2025.) In this regard, Movants note that, while some of the movements covered by the Settlement Agreement are and will be local movements on CSX, the majority of the movements under the Agreement are expected to be interline movements involving two or more rail carriers. (*Id.* at 16.) Citing *Ford Motor Company* v. *ICC,* 714 F.2d 1157 (D.C. Cir. 1983) and *U.S. Department of Energy* v. *Aberdeen & Rockfish Railroad,* NOR 38302S et al., slip op. at 5–6 (STB served Aug. 2, 2005), they assert that the Board, like the ICC before it, has jurisdiction to approve settlements for rail carriers participating

[1] In that proceeding, maximum R/VC ratios were prescribed on a commodity-by commodity basis at various minimum weights as local and proportional rate factors. The prescription was applicable within the East but primarily was to be used for through movements destined beyond the lines of the rail carriers covered by the prescription. The ICC's 1980 decision was affirmed in *Consolidated Rail Corp.* v. *ICC,* 646 F.2d 642 (D.C. Cir. 1981), cert. denied, 454 U.S. 1047 (1981).

[2] The parties note, however, that the Eastern rate will apply to the applicable lines of Pan Am Railways which were acquired by, and became part of, the CSX network in 2022. (*Id.* at 10); *see also CSX Corp.—Control & Merger—Pan Am Systems, Inc.,* FD 36472 et al. (STB served Apr. 14, 2022).

in through rates and services and may, ''[i]n cases involving a challenge to a through rate . . . permit the dismissal of one party without jeopardizing the complainant's right to proceed against the remaining joint defendants and to forego reparations from the settling carrier.'' (Joint Mot. 16, Dec. 1, 2025.)

Movants request that the Board: (1) prescribe the rate methodologies and maximum R/VC ratios that have been agreed to for the radioactive materials and rail services that are the subject of the agreement; and (2) dismiss CSX as a defendant in these proceedings, extinguish CSX's liability for reparations in all matters arising out of these proceedings, and relieve CSX from any further requirement to participate in these proceedings (except in response to a properly issued subpoena under the Board's rules). (Joint Mot. 3–4, 19, Dec. 1, 2025.) Furthermore, the Government requests that the Board retain jurisdiction over these proceedings and continue to hold them in abeyance pending further settlement negotiations. (*Id.* at 4.)

Discussion and Conclusions

As the Movants note, the CSX Settlement Agreement is substantially similar to the UP Agreement or the subsequent agreements the agency approved involving BNSF and NSR. (*See* Joint Mot. 3, Dec. 1, 2025.) Like those agreements, the CSX Settlement Agreement concerns rate and service obligations that apply to the Government's movement of radioactive materials over the lines of a major Class I rail carrier and resolves decades-old, difficult, and complex issues related to those obligations. It appears to satisfy fully Movants' basic needs as they apply to the movement of radioactive materials by rail, giving them the flexibility they seek, the ability to accommodate changing needs and technologies, and the opportunity to move to a more collaborative business partnership with respect to the transportation of traffic covered by the Agreement.

Wherever possible, the Board's longstanding policy is to encourage the private resolution of disputes through voluntary negotiations among all interested parties. The CSX Settlement Agreement is the result of arm's-length negotiations over an extended period of time. Under the circumstances, there is no reason for the Board to withhold its approval. Indeed, consistent with the RTP, the Agreement promotes 49 U.S.C. 10101 by minimizing the need for Federal regulatory control, promoting an efficient rail transportation system, helping to ensure the development and continuation of a sound rail transportation system, and fostering sound economic conditions in transportation. §§ 10101(2)–(5). Other aspects of the RTP would not be adversely affected.

Consistent with Movants' requests, the Board: (1) approves the proposed Agreement; (2) prescribes the Agreement's rate update methodologies, maximum R/VC ratios, and rates; (3) dismisses CSX as a defendant in these proceedings; (4) extinguishes all of CSX's liability (including that of its predecessors and subsidiaries) for reparations; and (5) relieves CSX from any further requirement to participate in these proceedings, except in response to a properly issued subpoena under the Board's rules.

Finally, the March 2, 2026 **Federal Register** notice required the Government to file a list of remaining defendants in these proceedings to inform the Board of the status. The Government's April 16, 2026 letter provided that information and indicated that there were a number of remaining railroads with whom the Government had yet to reach a transportation agreement. The Government stated that it intended to reach out, on an individual basis, to a discrete number of railroads to explore the possibility of additional agreements related to these proceedings. (Gov't Ltr. 1, Apr. 16, 2026; *see id.,* Attach. 1 & 2.) Accordingly, the Board will keep these dockets open consistent with the Government's request that the proceedings continue to be held in abeyance pending further settlement negotiations.

It is ordered:

1. The Agreement is approved.

2. The rate update methodologies and rates set forth in the Agreement are prescribed as the maximum reasonable rates as between the signatories.

3. CSX's liability (including that of its predecessors and subsidiaries) for reparations is extinguished.

4. CSX is dismissed as a party to these proceedings and relieved from any further requirement to participate in these proceedings, except in response to a properly issued subpoena under the Board's rules.

5. Notice will be published in the **Federal Register**.

6. This decision is effective on August 5, 2026.

Decided: July 31, 2026.

By the Board, Board Members Fuchs, Hedlund, Kloster, and Schultz.

Zantori Dickerson,

Clearance Clerk.

[FR Doc. 2026–15897 Filed 8–4–26; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2026–1193]

Request Notice: Use of Foreign-Built Small Passenger Vessel in United States Coastwise Trade, S/V BUCKET LIST

AGENCY: Maritime Administration (MARAD), U.S. Department of Transportation (DOT).

ACTION: Notice and request for comments.

SUMMARY: The Secretary of Transportation, as represented by MARAD, is authorized to make determinations regarding the coastwise use of foreign built; certain U.S. built; and U.S. and foreign rebuilt vessels that solely carry no more than twelve passengers for hire. MARAD has received such a determination request and is publishing this notice to solicit comments to assist with determining whether the proposed use of the vessel set forth in the request would have an adverse effect on U.S. vessel builders or U.S. coastwise trade businesses that use U.S.-built vessels in those businesses. Information about the requestor's vessel, including a description of the proposed service, is in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Submit comments on or before September 4, 2026.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2026–1193 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *https://www.regulations.gov.* Search the above DOT Docket Number and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include the DOT Docket Number, your name and a mailing address, an email address or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific DOT Docket Number. All

comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Mail Stop 2, MAR–620, Washington, DC 20590. Telephone: (202) 366–5400. Email: *smallvessels@dot.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to 46 U.S.C. 12121(b), the U.S. Coast Guard may issue a certificate of documentation with a coastwise trade endorsement for eligible, small passenger vessels authorized to carry no more than 12 passengers for hire if MARAD, after notice and an opportunity for public comment, determines the use of the small passenger vessel in the coastwise trade will not adversely affect United States vessel builders or the coastwise trade business of any person that employs vessels built in the United States in that business.[1]

MARAD has received an eligibility determination request. Further details about the requester's vessel and its proposed operations may be found in the determination request posted in the DOT Docket Number listed in the **ADDRESSES** section above at *https://www.regulations.gov.* Interested parties may comment on the undue adverse effect this action may have on U.S. vessel builders or coastwise trade businesses in the U.S. that employ U.S.-built vessels in those businesses. Comments should refer to the vessel name, state the commenter's interest in the request, and demonstrate, with supporting documentation, the undue adverse effect on U.S. vessel builders and coastwise trade businesses.

Public Participation

How do I submit comments?

Please submit comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. It may take a few hours or even days for comments to be reflected on the docket. Comments must be written in English. Provide concise comments and attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

The docket online is located at *https://www.regulations.gov,* keyword search the DOT Docket Number list in the **ADDRESSES** section above or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). Please periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

You may request that MARAD treat your comments as commercially confidential by submitting them to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential treatment highlighting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

If MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit *https://www.transportation.gov/privacy.*

(Authority: 46 U.S.C. 12121, 49 CFR 1.93(a).)

By Order of the Maritime Administration.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2026–15895 Filed 8–4–26; 8:45 am]

BILLING CODE 4910–81–P

[1] The U.S. Coast Guard and MARAD have authority under 46 U.S.C. 12121(b) through the Secretary of the Department of Homeland Security and the Secretary of the Department of Transportation, respectively.

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2026–1190]

Request Notice: Use of Foreign-Built Small Passenger Vessel in United States Coastwise Trade, S/V AREAREA

AGENCY: Maritime Administration (MARAD), U.S. Department of Transportation (DOT).

ACTION: Notice and request for comments.

SUMMARY: The Secretary of Transportation, as represented by MARAD, is authorized to make determinations regarding the coastwise use of foreign built; certain U.S. built; and U.S. and foreign rebuilt vessels that solely carry no more than twelve passengers for hire. MARAD has received such a determination request and is publishing this notice to solicit comments to assist with determining whether the proposed use of the vessel set forth in the request would have an adverse effect on U.S. vessel builders or U.S. coastwise trade businesses that use U.S.-built vessels in those businesses. Information about the requestor's vessel, including a description of the proposed service, is in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Submit comments on or before September 4, 2026.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2026–1190 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *https://www.regulations.gov.* Search the above DOT Docket Number and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include the DOT Docket Number, your name and a mailing address, an email address or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific DOT Docket Number. All comments received will be posted

without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Mail Stop 2, MAR–620, Washington, DC 20590. Telephone: (202) 366–5400. Email: *smallvessels@dot.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to 46 U.S.C. 12121(b), the U.S. Coast Guard may issue a certificate of documentation with a coastwise trade endorsement for eligible, small passenger vessels authorized to carry no more than 12 passengers for hire if MARAD, after notice and an opportunity for public comment, determines the use of the small passenger vessel in the coastwise trade will not adversely affect United States vessel builders or the coastwise trade business of any person that employs vessels built in the United States in that business.[1]

MARAD has received an eligibility determination request. Further details about the requester's vessel and its proposed operations may be found in the determination request posted in the DOT Docket Number listed in the **ADDRESSES** section above at *https://www.regulations.gov.* Interested parties may comment on the undue adverse effect this action may have on U.S. vessel builders or coastwise trade businesses in the U.S. that employ U.S.-built vessels in those businesses. Comments should refer to the vessel name, state the commenter's interest in the request, and demonstrate, with supporting documentation, the undue adverse effect on U.S. vessel builders and coastwise trade businesses.

Public Participation

How do I submit comments?

Please submit comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. It may take a few hours or even days for comments to be reflected on the docket. Comments must be written in English. Provide concise comments and attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

The docket online is located at *https://www.regulations.gov,* keyword search the DOT Docket Number list in the **ADDRESSES** section above or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). Please periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

You may request that MARAD treat your comments as commercially confidential by submitting them to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential treatment highlighting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

If MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit *https://www.transportation.gov/privacy.*

(Authority: 46 U.S.C. 12121, 49 CFR 1.93(a))

By Order of the Maritime Administration.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2026–15892 Filed 8–4–26; 8:45 am]

BILLING CODE 4910–81–P

[1] The U.S. Coast Guard and MARAD have authority under 46 U.S.C. 12121(b) through the Secretary of the Department of Homeland Security and the Secretary of the Department of Transportation, respectively.

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2026–1192]

Request Notice: Use of Foreign-Built Small Passenger Vessel in United States Coastwise Trade, S/V PROVIDENCE

AGENCY: Maritime Administration (MARAD), U.S. Department of Transportation (DOT).

ACTION: Notice and request for comments.

SUMMARY: The Secretary of Transportation, as represented by MARAD, is authorized to make determinations regarding the coastwise use of foreign built; certain U.S. built; and U.S. and foreign rebuilt vessels that solely carry no more than twelve passengers for hire. MARAD has received such a determination request and is publishing this notice to solicit comments to assist with determining whether the proposed use of the vessel set forth in the request would have an adverse effect on U.S. vessel builders or U.S. coastwise trade businesses that use U.S.-built vessels in those businesses. Information about the requestor's vessel, including a description of the proposed service, is in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Submit comments on or before September 4, 2026.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2026–1192 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *https://www.regulations.gov.* Search the above DOT Docket Number and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include the DOT Docket Number, your name and a mailing address, an email address or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific DOT Docket Number. All

comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Mail Stop 2, MAR–620, Washington, DC 20590. Telephone: (202) 366–5400. Email: *smallvessels@dot.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to 46 U.S.C. 12121(b), the U.S. Coast Guard may issue a certificate of documentation with a coastwise trade endorsement for eligible, small passenger vessels authorized to carry no more than 12 passengers for hire if MARAD, after notice and an opportunity for public comment, determines the use of the small passenger vessel in the coastwise trade will not adversely affect United States vessel builders or the coastwise trade business of any person that employs vessels built in the United States in that business.[1]

MARAD has received an eligibility determination request. Further details about the requester's vessel and its proposed operations may be found in the determination request posted in the DOT Docket Number listed in the **ADDRESSES** section above at *https://www.regulations.gov.* Interested parties may comment on the undue adverse effect this action may have on U.S. vessel builders or coastwise trade businesses in the U.S. that employ U.S.-built vessels in those businesses. Comments should refer to the vessel name, state the commenter's interest in the request, and demonstrate, with supporting documentation, the undue adverse effect on U.S. vessel builders and coastwise trade businesses.

Public Participation

How do I submit comments?

Please submit comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. It may take a few hours or even days for comments to be reflected on the docket. Comments must be written in English. Provide concise comments and attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

The docket online is located at *https://www.regulations.gov,* keyword search the DOT Docket Number list in the **ADDRESSES** section above or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). Please periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

You may request that MARAD treat your comments as commercially confidential by submitting them to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential treatment highlighting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

If MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

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(Authority: 46 U.S.C. 12121, 49 CFR 1.93(a).)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2026–15894 Filed 8–4–26; 8:45 am]

BILLING CODE 4910–81–P

[1] The U.S. Coast Guard and MARAD have authority under 46 U.S.C. 12121(b) through the Secretary of the Department of Homeland Security and the Secretary of the Department of Transportation, respectively.

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2026–1191]

Request Notice: Use of Foreign-Built Small Passenger Vessel in United States Coastwise Trade, M/V WATCHDOG

AGENCY: Maritime Administration (MARAD), U.S. Department of Transportation (DOT).

ACTION: Notice and request for comments.

SUMMARY: The Secretary of Transportation, as represented by MARAD, is authorized to make determinations regarding the coastwise use of foreign built; certain U.S. built; and U.S. and foreign rebuilt vessels that solely carry no more than twelve passengers for hire. MARAD has received such a determination request and is publishing this notice to solicit comments to assist with determining whether the proposed use of the vessel set forth in the request would have an adverse effect on U.S. vessel builders or U.S. coastwise trade businesses that use U.S.-built vessels in those businesses. Information about the requestor's vessel, including a description of the proposed service, is in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Submit comments on or before September 4, 2026.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2026–1191 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *https://www.regulations.gov.* Search the above DOT Docket Number and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include the DOT Docket Number, your name and a mailing address, an email address or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific DOT Docket Number. All

comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Mail Stop 2, MAR–620, Washington, DC 20590. Telephone: (202) 366–5400. Email: *smallvessels@dot.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to 46 U.S.C. 12121(b), the U.S. Coast Guard may issue a certificate of documentation with a coastwise trade endorsement for eligible, small passenger vessels authorized to carry no more than 12 passengers for hire if MARAD, after notice and an opportunity for public comment, determines the use of the small passenger vessel in the coastwise trade will not adversely affect United States vessel builders or the coastwise trade business of any person that employs vessels built in the United States in that business.[1]

MARAD has received an eligibility determination request. Further details about the requester's vessel and its proposed operations may be found in the determination request posted in the DOT Docket Number listed in the **ADDRESSES** section above at *https://www.regulations.gov.* Interested parties may comment on the undue adverse effect this action may have on U.S. vessel builders or coastwise trade businesses in the U.S. that employ U.S.-built vessels in those businesses. Comments should refer to the vessel name, state the commenter's interest in the request, and demonstrate, with supporting documentation, the undue adverse effect on U.S. vessel builders and coastwise trade businesses.

Public Participation

How do I submit comments?

Please submit comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. It may take a few hours or even days for comments to be reflected on the docket. Comments must be written in English. Provide concise comments and attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

The docket online is located at *https://www.regulations.gov,* keyword search the DOT Docket Number list in the **ADDRESSES** section above or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). Please periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

You may request that MARAD treat your comments as commercially confidential by submitting them to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential treatment highlighting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

If MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit *https://www.transportation.gov/privacy.*

(Authority: 46 U.S.C. 12121, 49 CFR 1.93(a).)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2026–15893 Filed 8–4–26; 8:45 am]

BILLING CODE 4910–81–P

[1] The U.S. Coast Guard and MARAD have authority under 46 U.S.C. 12121(b) through the Secretary of the Department of Homeland Security and the Secretary of the Department of Transportation, respectively.

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2026–1194]

Request Notice: Use of Foreign-Built Small Passenger Vessel in United States Coastwise Trade, M/V MALIA

AGENCY: Maritime Administration (MARAD), U.S. Department of Transportation (DOT).

ACTION: Notice and request for comments.

SUMMARY: The Secretary of Transportation, as represented by MARAD, is authorized to make determinations regarding the coastwise use of foreign built; certain U.S. built; and U.S. and foreign rebuilt vessels that solely carry no more than twelve passengers for hire. MARAD has received such a determination request and is publishing this notice to solicit comments to assist with determining whether the proposed use of the vessel set forth in the request would have an adverse effect on U.S. vessel builders or U.S. coastwise trade businesses that use U.S.-built vessels in those businesses. Information about the requestor's vessel, including a description of the proposed service, is in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Submit comments on or before September 4, 2026.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2026–1194 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *https://www.regulations.gov.* Search the above DOT Docket Number and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include the DOT Docket Number, your name and a mailing address, an email address or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific DOT Docket Number. All comments received will be posted

without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Mail Stop 2, MAR–620, Washington, DC 20590. Telephone: (202) 366–5400. Email: *smallvessels@dot.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to 46 U.S.C. 12121(b), the U.S. Coast Guard may issue a certificate of documentation with a coastwise trade endorsement for eligible, small passenger vessels authorized to carry no more than 12 passengers for hire if MARAD, after notice and an opportunity for public comment, determines the use of the small passenger vessel in the coastwise trade will not adversely affect United States vessel builders or the coastwise trade business of any person that employs vessels built in the United States in that business.[1]

MARAD has received an eligibility determination request. Further details about the requester's vessel and its proposed operations may be found in the determination request posted in the DOT Docket Number listed in the **ADDRESSES** section above at *https://www.regulations.gov.* Interested parties may comment on the undue adverse effect this action may have on U.S. vessel builders or coastwise trade businesses in the U.S. that employ U.S.-built vessels in those businesses. Comments should refer to the vessel name, state the commenter's interest in the request, and demonstrate, with supporting documentation, the undue adverse effect on U.S. vessel builders and coastwise trade businesses.

Public Participation

How do I submit comments?

Please submit comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. It may take a few hours or even days for comments to be reflected on the docket. Comments must be written in English. Provide concise comments and attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

The docket online is located at *https://www.regulations.gov,* keyword search the DOT Docket Number list in the **ADDRESSES** section above or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). Please periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

You may request that MARAD treat your comments as commercially confidential by submitting them to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential treatment highlighting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

If MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit *https://www.transportation.gov/privacy.*

(Authority: 46 U.S.C. 12121, 49 CFR 1.93(a).)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2026–15896 Filed 8–4–26; 8:45 am]

BILLING CODE 4910–81–P

[1] The U.S. Coast Guard and MARAD have authority under 46 U.S.C. 12121(b) through the Secretary of the Department of Homeland Security and the Secretary of the Department of Transportation, respectively.

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2026–1189]

Request Notice: Use of Foreign-Built Small Passenger Vessel in United States Coastwise Trade, M/V THE BRASS RING

AGENCY: Maritime Administration (MARAD), U.S. Department of Transportation (DOT).

ACTION: Notice and request for comments.

SUMMARY: The Secretary of Transportation, as represented by MARAD, is authorized to make determinations regarding the coastwise use of foreign built; certain U.S. built; and U.S. and foreign rebuilt vessels that solely carry no more than twelve passengers for hire. MARAD has received such a determination request and is publishing this notice to solicit comments to assist with determining whether the proposed use of the vessel set forth in the request would have an adverse effect on U.S. vessel builders or U.S. coastwise trade businesses that use U.S.-built vessels in those businesses. Information about the requestor's vessel, including a description of the proposed service, is in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Submit comments on or before September 4, 2026.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2026–1189 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *https://www.regulations.gov.* Search the above DOT Docket Number and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include the DOT Docket Number, your name and a mailing address, an email address or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific DOT Docket Number. All

comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Mail Stop 2, MAR–620, Washington, DC 20590. Telephone: (202) 366–5400. Email: *smallvessels@dot.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to 46 U.S.C. 12121(b), the U.S. Coast Guard may issue a certificate of documentation with a coastwise trade endorsement for eligible, small passenger vessels authorized to carry no more than 12 passengers for hire if MARAD, after notice and an opportunity for public comment, determines the use of the small passenger vessel in the coastwise trade will not adversely affect United States vessel builders or the coastwise trade business of any person that employs vessels built in the United States in that business.[1]

MARAD has received an eligibility determination request. Further details about the requester's vessel and its proposed operations may be found in the determination request posted in the DOT Docket Number listed in the **ADDRESSES** section above at *https://www.regulations.gov.* Interested parties may comment on the undue adverse effect this action may have on U.S. vessel builders or coastwise trade businesses in the U.S. that employ U.S.-built vessels in those businesses. Comments should refer to the vessel name, state the commenter's interest in the request, and demonstrate, with supporting documentation, the undue adverse effect on U.S. vessel builders and coastwise trade businesses.

Public Participation

How do I submit comments?

Please submit comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. It may take a few hours or even days for comments to be reflected on the docket. Comments must be written in English. Provide concise comments and attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

The docket online is located at *https://www.regulations.gov,* keyword search the DOT Docket Number list in the **ADDRESSES** section above or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). Please periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

You may request that MARAD treat your comments as commercially confidential by submitting them to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential treatment highlighting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

If MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit *https://www.transportation.gov/privacy.*

(Authority: 46 U.S.C. 12121, 49 CFR 1.93(a).)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2026–15891 Filed 8–4–26; 8:45 am]

BILLING CODE 4910–81–P

[1] The U.S. Coast Guard and MARAD have authority under 46 U.S.C. 12121(b) through the Secretary of the Department of Homeland Security and the Secretary of the Department of Transportation, respectively.

DEPARTMENT OF TRANSPORTATION

Office of the Secretary of Transportation

Rail Passenger Liability Cap Adjustment as Required by Section 11415 of the Fixing America's Surface Transportation Act

AGENCY: Office of the Secretary of Transportation (OST), Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: This notice details the adjustment made to the rail passenger transportation liability cap as required by section 11415(b) of the Fixing America's Surface Transportation (FAST) Act (December 4, 2015). Pursuant to the FAST Act, the rail passenger transportation liability cap is raised from $322,864,228 to $401,900,000.

DATES: This adjustment will go into effect September 4, 2026.

FOR FURTHER INFORMATION CONTACT: Swati Patel, Staff Director of the Federal Railroad Administration Economics Office, by email: *swati.patel@dot.gov.*

SUPPLEMENTARY INFORMATION: The U.S. Department of Transportation is publishing the inflation adjusted index factors for the rail passenger transportation liability cap under 49 U.S.C. 28103(a)(2), as directed by section 11415 of the FAST Act. The index methodology ensures that the aggregate allowable awards to all rail passengers, against all defendants, for all claims, including claims for punitive damages, arising from a single accident or incident is based on current dollars and is adjusted for inflation from the $200,000,000 cap that went into effect on December 2, 1997.

Under the FAST Act, the index is adjusted to the date of enactment of the FAST Act using the Bureau of Labor Statistics Consumer Price Index-All Urban Consumers (CPI–U), *https://data.bls.gov/timeseries/CUUR0000SA0?years_option=all_years.*

The index was based on the liability cap established on December 2, 1997, and the last full month prior to the enactment of the FAST Act on December 4, 2015. The FAST Act also directs the Secretary to update the liability cap every fifth year after the date of enactment. The table below shows the Index and inflator the Federal Railroad Administration used to calculate an inflation adjusted amount of $401,900,000.

Month	Index (CPI–U)	Liability cap [1]
December 1997	161.300	$200,000,000
November 2025 [2]	324.122	401,900,000

[1] The liability cap = [November 2025 Index (CPI–U)/December 1997 Index (CPI–U) × December 1997 Liability Cap]. The liability cap has been rounded to the nearest hundred thousand.
[2] Due to the unavailability of October 2025 data resulting from the lapse in appropriations, November 2025 data were used for this adjustment.

The adjustment of the rail passenger transportation liability cap to $401,900,000 shall be effective 30 days after the date of publication of this notice.

Issued in Washington, DC.

Sean P. Duffy,

Secretary.

[FR Doc. 2026–15847 Filed 8–4–26; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Action

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons and vessels that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List (SDN List) based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them. The vessels placed on the SDN List have been identified as property in which a blocked person has an interest.

DATES: This action was issued on July 29, 2026. See **SUPPLEMENTARY INFORMATION** for relevant dates.

FOR FURTHER INFORMATION CONTACT: OFAC: Associate Director for Global Targeting, 202–622–2420; Assistant Director for Licensing, 202–622–2480; Assistant Director for Sanctions Compliance, 202–622–2490; or *https://ofac.treasury.gov/contact-ofac.*

SUPPLEMENTARY INFORMATION:

Electronic Availability

The SDN List and additional information concerning OFAC sanctions programs are available on OFAC's website: *https://ofac.treasury.gov.*

Notice of OFAC Actions

On July 29, 2026, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons and vessels are blocked under the relevant sanctions authorities listed below.

BILLING CODE 4810–AL–P

Entities

1. QI HANG SHIP MANAGEMENT LIMITED (Chinese Traditional: 啟航船舶管理有限公司), Room D, 16th Floor, China Merchants Tower, 1008, Wanghai Lu, Nanshan Qu, Shenzhen, Guangdong, China; Rm 30 3/F East Sun Indl Ctr Blk A, 16 Shing Yip St, Kwun Tong, Kowloon, Hong Kong, China; Organization Established Date 29 Jul 2025; Identification Number IMO 0301550; Business Registration Number 78537348 (Hong Kong) [IRAN-EO13902].

   Designated pursuant to section 1(a)(i) of Executive Order 13902 of September 28, 2010, "Imposing Sanctions With Respect to Additional Sectors of Iran," 85 FR 2003, 3 CFR, 2020 Comp., p. 299 (E.O. 13902), for operating in the petroleum sector of the Iranian economy.

2. BILLION NEXUS INT'L CO., LIMITED (a.k.a. BILLION NEXUS INT'L CO LTD), Unit 60, 3rd Floor, Yau Lee Centre, 45, Hoi Yuen Road, Kwun Tong, Kowloon, Hong Kong, China; Organization Established Date 22 Jul 2025; Identification Number IMO 0306224; Business Registration Number 78498463 (Hong Kong) [IRAN-EO13902].

   Designated pursuant to section 1(a)(i) of E.O. 13902 for operating in the petroleum sector of the Iranian economy.

3. CONFIDENT APEX LIMITED (Chinese Traditional: 帆起有限公司) (a.k.a. CONFIDENT APEX LTD), Room D, 10th Floor, Tower A Billion Centre, 1, Wang Kwong Road, Kowloon Bay, Kowloon, Hong Kong, China; Organization Established Date 31 Dec 2024; Identification Number IMO 0123299; Business Registration Number 77537070 (Hong Kong) [IRAN-EO13902].

   Designated pursuant to section 1(a)(i) of E.O. 13902 for operating in the petroleum sector of the Iranian economy.

4. NEVADA SPIRIT COMPANY LIMITED (a.k.a. NEVADA SPIRIT CO LTD), Rm 8 15/F Witty Coml Bldg, 1A-1L Tung Choi St, Mongkok, Kowloon, Hong Kong, China; Organization Established Date 05 May 2022; Identification Number IMO 6326461; Business Registration Number 74012178 (Hong Kong) [IRAN-EO13902].

   Designated pursuant to section 1(a)(i) of E.O. 13902 for operating in the petroleum sector of the Iranian economy.

5. BRANCH SAYING INTERNATIONAL TRADING CO LTD, Trust Company Complex, Ajeltake Road, Ajeltake Island, Majuro 96960, Marshall Islands; Organization Established Date 10 Sep 2025; Identification Number IMO 0359778; Business Registration Number 133779 (Marshall Islands) [IRAN-EO13902].

   Designated pursuant to section 1(a)(i) of E.O. 13902 for operating in the petroleum sector of the Iranian economy.

6. MARINOVA FREIGHT LIMITED, Room 310 3/F, Stag Building, 148-150 Queen's Road Central, Hong Kong, China; Organization Established

Date 26 Mar 2026; Identification Number IMO 0451967; Business Registration Number 80062070 (Hong Kong) [IRAN-EO13902].

Designated pursuant to section 1(a)(i) of E.O. 13902 for operating in the petroleum sector of the Iranian economy.

7. OCEAN TRANQUILITY LIMITED, Trust Company Complex, Ajeltake Road, Ajeltake Island, Majuro 96960, Marshall Islands; Organization Established Date 18 Feb 2022; Identification Number IMO 6357680; Business Registration Number 113191 (Marshall Islands) [IRAN-EO13902].

   Designated pursuant to section 1(a)(i) of E.O. 13902 for operating in the petroleum sector of the Iranian economy.

8. VAST MIGHTY LIMITED, 12th Floor, Fu Cheong Centre 5-7, Wong Chuk Yeung Street, Fo Tan, Sha Tin, New Territories, Hong Kong, China; Trust Company Complex, Ajeltake Road, Ajeltake Island, Majuro 96960, Marshall Islands; Organization Established Date 30 Sep 2022; alt. Organization Established Date 06 Jul 2023; Identification Number IMO 0024761; Business Registration Number 120802 (Marshall Islands); Registration Number 74471259 (Hong Kong) [IRAN-EO13902].

   Designated pursuant to section 1(a)(i) of E.O. 13902 for operating in the petroleum sector of the Iranian economy.

9. PERSIAN GULF MARINE INSURANCE COMPANY (Arabic: شركة تأمين الخليج الفارسي البحري), Iran; Additional Sanctions Information - Subject to Secondary Sanctions; Organization Established Date 2026; Organization Type: Financial and Insurance Activities [IRAN-EO13902].

   Designated pursuant to section 1(a)(i) of E.O. 13902 for operating in the financial sector of the Iranian economy.

10. HORMUZSAFE MARINE SERVICES AUTHORITY (a.k.a. HORMUZ SAFE (Arabic: هرمز سيف)), Bandar Abbas, Hormozgan Province, Iran; Website https://hormuzsafe.ir; Additional Sanctions Information - Subject to Secondary Sanctions; Organization Established Date 2026; Organization Type: Financial and Insurance Activities [IRAN-EO13902].

    Designated pursuant to section 1(a)(i) of E.O. 13902 for operating in the financial sector of the Iranian economy.

Vessels

1. WELL SAIL (V7A4071) Chemical/Products Tanker Marshall Islands flag; Vessel Year of Build 2007; Vessel Registration Identification IMO 9321938; MMSI 538012177 (vessel) [IRAN-EO13902] (Linked To: QI HANG SHIP MANAGEMENT LIMITED).

   Identified as property in which QI HANG SHIP MANAGEMENT LIMITED, a person whose property and interests in property are blocked pursuant to E.O. 13902, has an interest.

2. AL SALMI Crude Oil Tanker Unknown flag; Former Vessel Flag Panama; Vessel Year of Build 2005; Vessel Registration Identification IMO 9298296 (vessel) [IRAN-EO13902] (Linked To: BILLION NEXUS INT'L CO., LIMITED).

   Identified as property in which BILLION NEXUS INT'L CO., LIMITED, a person whose property and interests in property are blocked pursuant to E.O. 13902, has an interest.

3. BREEZE V (8P2249) Crude Oil Tanker Barbados flag; Vessel Year of Build 2003; Vessel Registration Identification IMO 9259355; MMSI 314887000 (vessel) [IRAN-EO13902] (Linked To: NEVADA SPIRIT COMPANY LIMITED).

   Identified as property in which NEVADA SPIRIT COMPANY LIMITED, a person whose property and interests in property are blocked pursuant to E.O. 13902, has an interest.

4. LILY (a.k.a. "DANYA") (3EVK3) Crude Oil Tanker Mozambique flag; Former Vessel Flag Panama; Vessel Year of Build 2005; Vessel Registration Identification IMO 9294331; MMSI 353502000 (vessel) [IRAN-EO13902] (Linked To: CONFIDENT APEX LIMITED).

   Identified as property in which CONFIDENT APEX LIMITED, a person whose property and interests in property are blocked pursuant to E.O. 13902, has an interest.

5. CRYSTAL (YJRP6) Crude Oil Tanker Vanuatu flag; Vessel Year of Build 2002; Vessel Registration Identification IMO 9223887; MMSI 577706000 (vessel) [IRAN-EO13902] (Linked To: VAST MIGHTY LIMITED).

   Identified as property in which VAST MIGHTY LIMITED, a person whose property and interests in property are blocked pursuant to E.O. 13902, has an interest.

6. NATSUMI (8PTM) Crude Oil Tanker Barbados flag; Vessel Year of Build 2006; Vessel Registration Identification IMO 9331244; MMSI 314231000 (vessel) [IRAN-EO13902] (Linked To: MARINOVA FREIGHT LIMITED).

Identified as property in which MARINOVA FREIGHT LIMITED, a person whose property and interests in property are blocked pursuant to E.O. 13902, has an interest.

7. NIRETA (YJRR9) Crude Oil Tanker Vanuatu flag; Vessel Year of Build 2003; Vessel Registration Identification IMO 9237785; MMSI 577715000 (vessel) [IRAN-EO13902] (Linked To: OCEAN TRANQUILITY LIMITED).

   Identified as property in which OCEAN TRANQUILITY LIMITED, a person whose property and interests in property are blocked pursuant to E.O. 13902, has an interest.

8. YEHOPE (8PPX) Crude Oil Tanker Barbados flag; Vessel Year of Build 2003; Vessel Registration Identification IMO 9243320; MMSI 314001154 (vessel) [IRAN-EO13902] (Linked To: BRANCH SAYING INTERNATIONAL TRADING CO LTD).

   Identified as property in which BRANCH SAYING INTERNATIONAL TRADING CO LTD, a person whose property and interests in property are blocked pursuant to E.O. 13902, has an interest.

(Authority: E.O. 13902)

Bradley T. Smith,

Director, Office of Foreign Assets Control.

[FR Doc. 2026–15849 Filed 8–4–26; 8:45 am]

BILLING CODE 4810–AL–C

DEPARTMENT OF THE TREASURY

United States Mint

Citizens Coinage Advisory Committee Public Meeting

ACTION: Notice of meeting.

Pursuant to United States Code, Title 31, section 5135(b)(8)(C), the United States Mint announces the Citizens Coinage Advisory Committee (CCAC) public meeting scheduled for August 6, 2026.

Date: August 6, 2026.

Time: 2:00 p.m.–3:00 p.m. (Eastern Time).

Location: Remote via Videoconference.

Subject: Review and discussion of the obverse and reverse design portfolios for a proposed ''Freedom 250 Grand Prix'' medal program.

Interested members of the public may watch the meeting via live stream on the United States Mint's YouTube Channel at *https://www.youtube.com/user/usmint.* To watch the meeting live, members of the public may click on the ''August 6, 2026'' icons under the Live Tab on the specific day.

The public should call the CCAC HOTLINE at (202) 354–7502 for the latest updates on meeting time and access information.

The CCAC advises the Secretary of the Treasury on any theme or design proposals relating to circulating coinage, bullion coinage, Congressional Gold Medals, and national and other medals; advises the Secretary of the Treasury with regard to the events, persons, or places to be commemorated by the issuance of commemorative coins in each of the five calendar years succeeding the year in which a commemorative coin designation is made; and makes recommendations with respect to the mintage level for any commemorative coin recommended.

For members of the public interested in watching online, this is a reminder that the remote access is for observation purposes only. Members of the public may submit matters for the CCAC's consideration by email to *info@ccac.gov.*

For Accommodation Request: If you require an accommodation to watch the CCAC meeting, please contact the Office of Equal Employment Opportunity. You may submit an email request to *Reasonable.Accommodations@usmint.treas.gov* or call 202–354–7260 or 1–888–646–8369 (TTY).

FOR FURTHER INFORMATION CONTACT: Megan Sullivan, United States Mint Liaison to the CCAC; 801 9th Street, NW; Washington, DC 20220; email *megan.sullivan@usmint.treas.gov* or call 202–354–7517.

(Authority: 31 U.S.C. 5135(b)(8)(C))

Eric Anderson,

Executive Secretary, United States Mint.

[FR Doc. 2026–15863 Filed 8–4–26; 8:45 am]

BILLING CODE 4810–37–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0924]

Agency Information Collection Activity under OMB Review: Request for Payment of Bowel and Bladder Services

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Health Administration (VHA), Department of Veterans Affairs (VA), will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden, and it includes the actual data collection instrument.

DATES: Comments and recommendations for the proposed information collection should be sent by September 4, 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. 2900–0924.''

FOR FURTHER INFORMATION CONTACT: VA PRA information: Dorothy Glasgow, 202–461–1084, *VAPRA@va.gov.*

SUPPLEMENTARY INFORMATION:

Title: Request for Payment of Bowel and Bladder Services, VA Form 10–314.

OMB Control Number: 2900–0924. *https://www.reginfo.gov/public/do/PRASearch*

Type of Review: Reinstatement with change of a previously approved collection.

Abstract: Legal authority for this information collection is found in 38 U.S.C., Chapter 17, for Veterans seeking health care services. Data collected may be used to establish, determine, and monitor eligibility to receive VA benefits and for authorizing and paying Non-VA healthcare services furnished to Veterans and beneficiaries. VA Form 10–314 is required for caregivers to receive reimbursement for bowel and bladder care services. The form is used to list the dates and times the care was rendered to the Veteran and is then submitted monthly to VA to request payment for those services. There is a decrease in the anticipated annual number of responses and burden hours based upon program data since the last PRA clearance.

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 27136, May 13, 2026.

Affected Public: Individuals or Households.

Estimated Annual Burden: 6,200 hours.

Estimated Average Burden Per Respondent: 10 minutes.

Frequency of Response: 12 times per year.

Estimated Number of Respondents: 37,200.

(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. 2026–15864 Filed 8–4–26; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0793]

Agency Information Collection Activity under OMB Review: VA Health Professional Scholarship Programs (HPSP, VIOMPSP)

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Health Administration (VHA), Department of Veterans Affairs (VA), will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden, and it includes the actual data collection instrument.

DATES: Comments and recommendations for the proposed information collection should be sent by September 4, 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. 2900–0793.''

FOR FURTHER INFORMATION CONTACT: VA PRA information: Dorothy Glasgow, 202–461–1084, *VAPRA@va.gov.*

SUPPLEMENTARY INFORMATION:

Title: VA Health Professional Scholarship Programs (HPSP, VIOMPSP)—VA Forms 10–0491, 10–0491c–e, 10–0491g–k.

OMB Control Number: 2900–0793. *https://www.reginfo.gov/public/do/PRASearch.*

Type of Review: Reinstatement with change of a previously approved collection.

Abstract: The VA Health Professional Scholarship Program (HPSP) and Visual Impairment and Orientation and Mobility Professionals Scholarship Program (VIOMPSP) were authorized under Public Law (Pub. L.) 111–163 on May 5, 2010, and extended through December 31, 2033, by Section 301 of Public Law 115–182, VA Mission Act of 2018. These programs help address health care workforce needs and allow VA to provide services to the public by awarding scholarships to VA and non-VA employees, who will be required to become VA employees, in the professions for which they were educated under these programs. This information collection is necessary for VA to determine an applicant's eligibility to receive a scholarship award and compliance with program requirements.

1. Academic Verification, VA Form 10–0491.

2. Annual VA Employment or Deferment Verification, VA Form 10–0491c.

3. Obligated Service, VA Form 10–0491d.

4. Evaluation and Recommendation Form, VA Form 10–0491e.

5. Application, VA Form 10–0491g.

6. Notice of Expected Graduation, VA Form 10–0491h.

7. Notice of Change, VA Form 10–0491i.

8. Request for Deferment, VA Form 10–0491j.

9. VA Scholarship Offer Response, VA Form 10–0491k.

Each program uses the forms in this collection for the applications, verifications, recommendations, etc., necessary to meet scholarship award requirements. The forms have been updated to clarify instructions and add required PRA language. There is an overall increase in the estimated number of respondents (applicants) and burden hours based upon program data. However, two pilot scholarship programs and two associated forms have been removed from the collection, as the pilot programs have ended since the last PRA clearance.

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 28105, May 15, 2026. VA received one public comment on the 60-day notice. It was not specifically related to this information collection, and VA will not make any changes based upon the comment.

Total Annual Number of Responses = 2,050.

Total Annual Time Burden = 8,017 hours.

HPSP

Affected Public: Individuals or Households.

Estimated Annual Burden: 7,809 hours.

Estimated Average Burden per Respondent: 3.905 hours.

Frequency of Response: Once annually.

Estimated Number of Responses: 2,000.

VIOMPSP

Affected Public: Individuals or Households.

Estimated Annual Burden: 208 hours.

Estimated Average Burden per Respondent: 4.15 hours.

Frequency of Response: Once annually.

Estimated Number of Responses: 50.

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. 2026–15865 Filed 8–4–26; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 91 Wednesday,
No. 149 August 5, 2026

Part II

Department of the Treasury

Office of the Comptroller of the Currency

12 CFR Parts 4, 5, 7, et al.
OCC Rules Regarding the Availability of OCC Information; Proposed Rule

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

12 CFR Parts 4, 5, 7, 21, and 163

[Docket ID OCC–2026–0133]

RIN 1557–AF50

OCC Rules Regarding the Availability of OCC Information

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Office of the Comptroller of the Currency (OCC) is proposing changes to its rules on information disclosure. The proposal would clarify the process for obtaining OCC approval to disclose non-public OCC information and allow for the disclosure of confidential supervisory information without OCC approval in certain circumstances, provided that applicable safeguards are observed. It also refines the OCC's process for requesting records under the Freedom of Information Act (FOIA), amends the rules to provide for expedited process of FOIA requests, and makes other structural and conforming changes.

DATES: Comments must be received on or before October 5, 2026.

ADDRESSES: Commenters are encouraged to submit comments through the Federal eRulemaking Portal. Please use the title ''OCC Rules Regarding the Availability of OCC Information'' to facilitate the organization and distribution of the comments. You may submit comments by any of the following methods:

- *Federal eRulemaking Portal—Regulations.gov:*

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FOR FURTHER INFORMATION CONTACT: Sadia A. Chaudhary, Special Counsel, or Joanne Phillips, Special Counsel, Chief Counsel's Office, (202) 649–5490, Office of the Comptroller of the Currency, 400 7th Street SW, Washington, DC 20219. If you are deaf, hard of hearing or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

SUPPLEMENTARY INFORMATION:

I. Background and Policy Objectives

A. Background

The Office of the Comptroller of the Currency (OCC) creates and obtains a wide range of information in connection with the performance of its responsibilities to charter, regulate, and supervise national banks, Federal savings associations, and Federal branches and agencies of foreign banks (collectively, banks). Under the Freedom of Information Act (FOIA) [1] and the agency's current implementing rule found in subpart B of 12 CFR part 4, some of this information is required to be disclosed to the public upon request. Other information is generally exempt from disclosure, such as the supervisory conclusions that the agency reaches about the banks it supervises. To ensure that this exempt information is protected, the OCC's current regulatory framework in subpart C of 12 CFR part 4 governs its disclosure by the agency, its supervised entities, and others.[2]

Currently, subpart C applies to non-public OCC information (NPOI), which is information created or obtained by the OCC in the performance of its duties, such as reports of examination (ROE), supervisory correspondence, and information related to enforcement actions. Under the current subpart C, a supervised entity may disclose NPOI only with OCC prior approval, subject to specified exceptions.[3] Moreover, the current subpart C suggests that a person who engages in the unauthorized disclosure or use of NPOI may be subject to criminal penalties.

B. 2024 FOIA Proposal

In 2024, the OCC issued a notice of proposed rulemaking to amend the agency's current subpart B.[4] The proposal would have provided for expedited processing of FOIA requests and established procedures for a requestor to appeal a denial of an expedited processing or fee waiver request. The proposal also would have removed the competitive harm standard for information provided to the government on an involuntary basis and made a conforming amendment to ensure that the OCC's regulations were consistent with the FOIA and authoritative case law.

The OCC received and reviewed five comments on the 2024 proposal but did not finalize it. Some of the changes proposed herein address amendments included in the 2024 proposal.[5]

[1] 5 U.S.C. 552.

[2] For purposes of this rulemaking, a supervised entity includes a bank, bank subsidiary, Federal branch or agency of a foreign bank, and any other entity supervised by the OCC.

[3] The exceptions can be found at 12 CFR 4.37(b)(2).

[4] 89 FR 13289 (Feb. 22, 2024).

[5] *See* the discussion below of proposed § 4.16(d) and (e) and § 4.20.

C. Overview of Proposal

Based on its supervisory experience, the OCC believes that the current NPOI disclosure framework in subpart C hampers a supervised entity's ability to effectively manage its operations by significantly limiting its ability to share information in legitimate situations, such as in negotiating a business combination or with an affiliate. Subpart C's restrictive and one-size-fits-all approach to categorizing information and controlling its disclosure fails to account for the type of NPOI at issue, the context in which disclosure is sought, and the intended recipients of the information. Further, it hinders government accountability by limiting the public's access to information that is necessary to understand how the OCC supervises and ensures supervised entities' safe and sound operations. In addition, the OCC has observed that the current framework, including the broad definition of NPOI and reference to criminal penalties, has had a chilling effect on supervised entities' willingness to make independent determinations about what is covered by subpart C and to seek the OCC's approval to disclose NPOI. Moreover, the reference to criminal penalties may be contrary to controlling legal authorities and plainly falls outside of the OCC's enforcement authorities.

To address these concerns, the OCC proposes substantive changes to establish a more nuanced approach to the agency's NPOI disclosure framework that allows for greater disclosure of NPOI, particularly as it relates to supervised entities and government agencies, while continuing to provide appropriate safeguards to protect the information. Specifically, the proposal codifies and incorporates a definition of ''confidential supervisory information'' (CSI) as a subset of NPOI.[6] It would permit a supervised entity to disclose CSI without OCC prior approval in six situations, each of which describes (1) to whom the CSI would be disclosed to (*e.g.,* an affiliate or counterparty); (2) the context of the disclosure (*e.g.,* negotiating a business combination transaction or hiring a new senior executive officer); and (3) any applicable safeguards (*e.g.,* the recipient has signed a qualified confidentiality agreement or the CSI is used only for purposes of due diligence). The proposal also clarifies when a supervised entity can share CSI with Federal agencies.

For CSI not covered by the six situations and NPOI that is not CSI (non-CSI NPOI), the proposal clarifies that the current disclosure framework, under which the OCC decides on a case-by-case basis whether to permit disclosure and, if so, any applicable safeguards. The proposal would also remove the reference in current part 4 to criminal penalties, add expedited processing procedures for information requests under the FOIA, and make technical, streamlining, and conforming changes. As a whole, this rulemaking would represent a significant change to the current information disclosure framework for CSI, which the OCC believes is necessary and appropriate for the reasons discussed below, as well as an effort to streamline and clarify the OCC's overall information disclosure framework.

D. Major Policy Considerations

One of the OCC's primary goals in this rulemaking is to adjust the relative weight that the current disclosure rules accord to the goals of maintaining the confidentiality of NPOI and permitting its disclosure in a variety of situations. The current framework generally over prioritizes confidentiality relative to other interests, including a supervised entity's business need to disclose information and to whom. It also accords insufficient weight to the compelling supervisory and governmental goals that a more permissive disclosure framework would advance, such as engendering confidence in the financial system and providing the transparency necessary to hold the agency accountable.

In considering a recalibration of the balance between confidentiality and limited disclosure, however, the OCC recognizes that its effective supervision requires a candid exchange of information with and between supervised entities and others. To create an environment conducive to these exchanges, all parties must be confident that NPOI will be protected from inappropriate disclosure. Unfettered or inadequately controlled disclosure could present a wide range of risks. Those risks include implicating a supervised entity's financial condition, including by driving away customers, investors, and business partners and potentially leading to bank runs, and the OCC's ability to ensure its safety and soundness. This concern would chill the OCC's ability to provide meaningful criticism to its supervised entities that is crucial for remediation of weaknesses and would make supervised entities apprehensive about openly sharing information with the OCC that could be led to a negative reaction by the public were it to become widely known.

To help address the challenges associated with the current disclosure rule, the OCC proposes a two-tiered disclosure framework. This framework would recognize that CSI and non-CSI NPOI are materially different types of information and the situations in which a supervised entity or government agency may want to disclose them may materially differ. Specifically, the proposed framework would provide supervised entities with greater flexibility to disclose CSI in a variety of situations, subject to tailored safeguards. The agency believes that this flexibility would more appropriately balance the costs and benefits of protecting the confidentiality of NPOI and permitting its limited disclosure, while also advancing important supervisory and governmental objectives.

Another important goal of this proposal is to align the OCC's NPOI disclosure framework with relevant case law developments and the Administration's policy against the overcriminalization of Federal laws[7] (particularly for regulatory offenses). The OCC is concerned that the reference in current subpart C to the criminal penalties for the unlawful use or disclosure of NPOI in violation of 18 U.S.C. 641 (*i.e.,* a fine or prison) inappropriately chills lawful disclosure.[8] Among other things, the OCC is hopeful that by removing the reference to potential criminal liability, supervised entities' disclosure will no longer be inappropriately chilled.

In addition, the U.S. Department of Justice (DOJ) has jurisdiction for violations of section 641 (not the OCC), and recent case law calls into question when misappropriation of NPOI would be prosecuted by the DOJ under section 641.[9] In light of these developments, the

[6] References to NPOI in the proposal include both non-CSI NPOI and CSI, unless the context indicates otherwise.

[7] *See, e.g.,* Executive Order 14294, ''Fighting Overcriminalization in Federal Statutes'' (May 9, 2025).

[8] Section 641 states that a person (1) who embezzles, steals, purloins, or knowingly converts to his use or the use of another, or without authority, sells, conveys or disposes of (A) any record, voucher, money, or thing of value of the United States (or department or agency thereof); or (B) any property made or being made under contract for the United States (or department or agency thereof); or (2) who receives, conceals, or retains the same with intent to convert it to his use or gain, knowing it to have been embezzled, stolen, purloined or converted, shall be subject to fine or imprisonment.

[9] *See Kelly* v. *United States,* 590 U.S. 391 (2020); *United States* v. *Blaszczak,* 56 F.4th 230 (2d Cir. 2022). *See also* Br. on Remand for the Unites States at 7, *Blaszczak, supra,* Dkt. No. 453 (''In light of the Supreme Court's holding in *Kelly,* it is now the position of the [DOJ] that in a case involving confidential government information, that

Continued

OCC does not want to create or perpetuate a misimpression about the depth or breadth of criminality for unauthorized disclosure of NPOI and, thus, proposes to remove this reference from the rule. Nevertheless, while the OCC would not expect to refer the unauthorized disclosure of NPOI to the DOJ for criminal prosecution absent extraordinary circumstances, removing the section 641 reference would not preclude the OCC from referring a matter to the DOJ where appropriate, after which the DOJ would decide whether to pursue a criminal matter.[10]

E. Feedback on Current Regulatory Framework

In addition to the insight that the OCC has gained through its supervisory experience, the agency has received feedback directly from stakeholders about the current NPOI disclosure framework, including through the Economic Growth and Regulatory Paperwork Reduction Act of 1996 (EGRPRA) process.[11] For example, two EGRPRA commenters discussed the need for supervised entities to share CSI during the due diligence process for certain corporate transactions, subject to confidentiality safeguards. One commenter supported allowing supervised entities in formal negotiations regarding a business combination to share CSI with its proposed counterparties and their advisors on a ''need to know'' basis, subject to confidentiality safeguards. Another commenter supported a framework that would require OCC prior approval to disclose CSI, if approval were readily obtainable through an established, uniform, and expeditious process.

Stakeholders have also provided feedback directly to the OCC, Board of Governors of the Federal Reserve System (Board), and Federal Deposit Insurance Corporation (FDIC) to convey that the current CSI framework makes it difficult for supervised entities to address regulators' supervisory concerns. They also noted its negative impact on bank partnerships, particularly for community banks, and explained that these partnerships can provide consumers and small businesses in rural and underserved markets with access to digital tools, lower-cost loans, and tailored products that might not otherwise be available. This feedback provided to the OCC through its outreach and stakeholder engagement during the supervisory process helped to inform this proposal.

II. Description of Proposal

The proposed rule combines current subparts B and C into a new subpart B and includes revisions to the disclosure of both NPOI and information under the FOIA. Proposed §§ 4.10 through 4.14 generally replace components of current subpart C and incorporate a clearer more detailed approach to the agency's NPOI disclosure. Proposed §§ 4.15 through 4.24 (1) replace current subpart B, while also streamlining, conforming, and clarifying the agency's administration of the FOIA rule; and (2) include certain process-related provisions in current subpart C.

The OCC also proposes to make conforming edits to 12 CFR parts 5, 7, 21, and 163 by revising section references within those parts that would change as a result of this proposed rule.

Section-by-Section Discussion

1. Proposed § 4.10, Purpose and Scope

Proposed § 4.10 sets out the purpose and scope of the new subpart. The proposed purpose statement is based on the purpose statements in current subparts B and C (§§ 4.11(a) and 4.31(a), respectively). The proposed purpose statement includes substantive revisions to reflect the new NPOI disclosure framework, along with certain other non-substantive and conforming changes. The proposed purpose statement would recognize additional considerations that the subpart is attempting to weigh. For example, the proposed purpose statement would recognize supervised entities' interest in efficient disclosure of CSI without a request when necessary or appropriate for a business purpose or other purpose enumerated in the purpose statement.

The proposed scope provision is based on the scope provisions in current subparts B and C (§§ 4.11(b) and 4.31(b), respectively). It describes the types of information that are not within the new subpart's scope and, therefore, to which the new subpart does not apply.[12] The OCC believes that by clarifying the information that is not subject to the new subpart, the agency facilitates stakeholders' ability to determine the appropriate disclosure framework for any information.

2. Proposed § 4.11, Definitions

Proposed § 4.11 defines certain terms used in new subpart B, setting forth a common lexicon and promoting consistency and clarity.[13] It includes (1) newly defined terms; (2) revisions to definitions of terms defined in current § 4.32; and (3) defined terms where the OCC is not proposing any substantive changes. This section-by-section discussion focuses on the newly defined terms and revisions to current definitions; existing definitions that are substantively unchanged are not discussed below.

Affiliate and *control.* The OCC proposes to define both of these terms in a manner substantively consistent with their meanings in the Bank Holding Company Act (12 U.S.C. 1841(k)).[14] Accordingly, affiliate would mean a person that controls, is controlled by, or is under common control with another company and includes any employee, officer, director, or agent thereof. An affiliate of a branch or agency of a foreign bank would include the foreign bank. Control would mean (1) the person directly or indirectly or acting through one or more other persons owns, controls, or has power to vote 25 percent or more of any class of voting securities of the supervised entity; (2) the person controls in any manner the election of a majority of the directors or trustees of the supervised entity; or (3) the OCC determines, after notice and an opportunity for a hearing, that the person directly or indirectly exercises a controlling influence over the

information typically must have economic value in the hands of the relevant government entity to constitute 'property' for purposes of 18 U.S.C. 1343 and 1348. . . . A related, though not necessarily identical, analysis applies when determining what confidential information is a 'thing of value' under 18 U.S.C. 641.''); Resp. to Letter Br. at 7, *Blaszczak, supra,* Dkt. No. 497 (''Although '[c]onfidential business information has long been recognized as property, *Kelly* and *Cleveland* make clear that information cannot be deemed 'business' information when the 'business' is a regulatory function . . . that is governmental in nature and has no private analogue. Unlike confidential news material or stock-trading statistics, which have inherent market value to their owners. . . . [t]he [property] at issue here [has] value to the government only as a regulator, not 'as a property holder.' '' (internal citations omitted)).

[10] By removing the reference to section 641, the OCC does not intend to augment or modify its use of its enforcement mechanisms, under 12 U.S.C. 1818 or otherwise. Furthermore, removing this reference would not obviate the agency's obligation to report certain matters to the U.S. Department of the Treasury (Treasury) or the Office of the Inspector General (*e.g.,* unauthorized disclosure of NPOI by an OCC employee). The OCC also will remove references to section 641 from other agency issuances, such as bulletins and ROEs.

[11] 12 U.S.C. 3311.

[12] Under the proposal, suspicious activity reports (SAR) information would continue to be excluded from Part 4.

[13] However, certain terms defined in current subpart B (*e.g.,* at 12 CFR 4.17) are included in proposed § 4.23 (fees for requesting information under the FOIA).

[14] While the proposed definitions of affiliate and control are consistent with their definitions in the Bank Holding Company Act, the OCC would retain interpretive authority with respect to these definitions for purposes of proposed 12 CFR part 4. The OCC would generally expect to interpret the meaning of these terms consistent with their meanings in 12 CFR part 225 as of the date of this issuance.

management or policies of the supervised entity. This definition provides internal consistency because the proposed definition of affiliate uses the term and concept of control. The OCC believes these proposed definitions are well understood and appropriate for the scope and content of this proposal.[15]

Confidential supervisory information (CSI). The OCC proposes to define this term by cross-reference to proposed § 4.12(b), which sets forth a complete description of CSI and its disclosure under the new subpart.

Demand. The OCC proposes to define this term as a written request, subpoena, order, motion to compel, civil investigative demand, search warrant, or other judicial or administrative process to provide information covered by proposed subpart B. This term is intended to not require a formalistic request but operate functionally and include, for example, a supervisory request from another Federal banking agency or a State banking regulator.

Disclose. The OCC proposes to define this term as directly or indirectly making information available in any manner, including any action or inaction that causes or permits access to the information. The OCC expects that this definition would provide clarity and consistency about what constitutes a disclosure and prevent evasion of the limitations on disclosure set forth in the new subpart.

Government agency. The OCC proposes to define this term as an agency of the Federal government (other than the OCC or the Office of Thrift Supervision (OTS)) or of any State, Tribal, or foreign government and any person officially connected with the agency, such as its employee, officer, director, or agent. This definition includes Federal agencies with which the OCC has historically shared information, as well as other Federal or State government agencies with which the OCC may share information, including under its rule implementing the Guiding and Establishing National Innovation for U.S. Stablecoins Act (GENIUS Act) (12 U.S.C. 5901 *et seq.*).[16]

Nonexempt information. Whereas the FOIA uses the term ''exempt'' to identify information that may be withheld from disclosure under that statute, the OCC proposes to define the term ''nonexempt'' as information that the agency would not withhold under the FOIA. This would distinguish (1) NPOI, which falls within a FOIA exemption and is therefore ''exempt'' from disclosure under FOIA; and (2) information that does not fall within a FOIA exemption and is therefore *not* exempt from disclosure under FOIA (*i.e.,* ''nonexempt'' information).

Non-public OCC information (NPOI). The OCC proposes to define this term as a record (or portion thereof) that the OCC may withhold under the FOIA. This definition of NPOI is substantively consistent with the definition of this term in the current rule at § 4.32(b)(1) and reflects documents that the OCC would generally withhold from disclosure. In addition, the proposal would state that notwithstanding the above, NPOI does not include final orders, amendments, or modifications of final orders or other actions or documents that are specifically required to be published or disclosed to the public pursuant to 12 U.S.C. 1818(u) or 12 U.S.C. 2906 or that the OCC is specifically required to publish, publicly disclose, or otherwise make available to the public pursuant to other applicable laws or rules.

For example, a consent order not yet fully executed by the OCC and a supervised entity is NPOI and may not be released by the supervised entity until the order is executed, at which point the public consent order would no longer be NPOI. Finally, whereas § 4.32(b)(2) states that NPOI is the property of the OCC, proposed § 4.13(d) states that NPOI is the OCC's property only to the extent that it is in the agency's possession. This distinction is addressed more fully below in the discussion of proposed § 4.13(d)(1)(i).

By proposing to define CSI, nonexempt information, and NPOI, the rule would enable a stakeholder to readily identify the disclosure provisions that apply to any piece of information. In addition, the proposed definition of NPOI is intended to serve as a counterpoint to the proposed definition of nonexempt information. By specifically referencing the FOIA, the NPOI definition would incorporate the exemptions and exclusions in the FOIA, as interpreted by the agency and the courts. The OCC is soliciting comment regarding whether the proposed definitions of CSI and NPOI are appropriate.

Person. The OCC proposes to define this term as an individual, company, trust, joint venture, pool, syndicate, sole proprietorship, unincorporated organization, or any other form of entity (but to not include the OCC or OTS). This proposed definition is intended to provide clarity and consistency in the new subpart B. In the proposal, the agency sometimes uses a more specific term than person when it either intends to limit or emphasize the applicability of a provision to a subset of persons. The reference to any other form of entity in conjunction with the term person is intended to ensure that the definition has an expansive reach.

Predecessor agency. The OCC proposes to define this term with respect to the OCC to mean the OTS, Federal Home Loan Bank Board, or any other predecessor to these agencies.

Qualifying confidentiality agreement. The OCC proposes to define this term by cross-reference to the more complete description and discussion of the term in proposed § 4.14(c).

Record. The OCC proposes to define this term by cross-reference to the definition in the FOIA at 5 U.S.C. 552(f)(2).

Service provider. The OCC proposes to define this term as an unaffiliated person (including an employee, officer, director, or agent of the person) that is hired by or partnered with a supervised entity to perform specific, specialized functions for or on behalf of the entity related to the supervised entity's operations or provision of services. This term would include persons performing consulting, legal, and auditing services if the elements of the definition are satisfied. This definition would not include customers or financial counterparties. This is because, in the OCC's experience, these general contractual relationships typically do not involve persons that (1) perform specific, specialized functions for or on behalf of a supervised entity that are related to the entity's operations or otherwise provide services to the supervised entity; and (2) have historically demonstrated a business need for NPOI. This definition is informed by the OCC's supervisory experience with respect to banks' service providers, including its review of corporate transactions and application of the third-party risk management guidance.[17] Based on that experience, the OCC concluded that the current provisions that address the concept of ''service provider'' are too narrow to capture the appropriate range of service providers.[18] Disclosure of CSI to service providers is described below in the section-by-section discussion of proposed § 4.14(b)(1)(ii). The OCC is seeking comment on the proposed

[15] *See* the discussion below of proposed § 4.14(b)(1)(i) for an additional explanation of the use of the term ''affiliates.''

[16] The OCC's proposal to implement the GENIUS Act can be found at 91 FR 10202 (Mar. 2, 2026).

[17] Interagency Guidance on Third-Party Relationships: Risk Management, 88 FR 37920 (June 9, 2023).

[18] The current rule does not define the term ''service provider,'' but instead includes within certain substantive provisions persons that would meet the definition under the proposed subpart.

definition of service provider and is considering alternative definitions, as described below.

Supervised entity. The OCC is proposing to revise the current definition of this term to include any permitted stablecoin issuer or foreign payment stablecoin issuer for which the OCC has regulatory or enforcement authority pursuant to the GENIUS Act. Under the GENIUS Act, Congress expanded the OCC's regulatory or enforcement authority to include these entities, and the proposed revisions would ensure that new subpart B applies to these entities. The proposed definition would also incorporate any individual officially connected with a supervised entity, such as its employee, officer, director, or agent thereof. The proposed revisions would also streamline new subpart B by negating the need to repeatedly reference the individuals officially connected to a supervised entity when discussing the entity.

The definition of ''supervised entity'' is intended to be read broadly, as evidence by the inclusion of the phrase ''any other entity supervised by the OCC,'' and to include such entities as service providers subject to OCC examination authority under the Bank Service Company Act.[19]

Testimony. The OCC is proposing to revise the definition of ''testimony'' to mean a transcribed interview or a sworn statement regardless of it being provided orally or in writing and regardless of it being provided before a court, another tribunal, or another officer (*e.g.,* at a deposition). The proposed definition would clarify the meaning of the term, which does not depend on the location of an activity. In addition, the proposed definition would include certain technical and conforming changes.

Unusual circumstances. The OCC is proposing to add a definition of this term and defined it by cross reference to its definition in the FOIA at 5 U.S.C. 552(a)(6)(B)(iii). The proposed definition would clarify when, in order to reasonably and properly process a FOIA request, it is necessary (1) to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request; (2) to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or (3) for a consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency having substantial subject-matter interest therein. This proposed definition would (1) ensure that this term of art is used in a manner that is consistent with its use in the FOIA; and (2) provide internal consistency in the NPOI disclosure provisions that address similar considerations.

In addition to the definitions discussed above, the proposal would carry forward two definitions in current § 4.32 with technical and conforming revisions: (1) ''complete request;'' and (2) ''show a compelling need.''

3. Proposed § 4.12, Disclosure of OCC Information in General; Categories of OCC Information

Proposed § 4.12 addresses information disclosure in general and discusses the categories of information addressed in the proposal.

a. General

Proposed § 4.12(a) provides that the OCC (1) will disclose nonexempt information as provided in proposed § 4.16 and the FOIA; and (2) will not disclose NPOI except as provided in this subpart or as otherwise required by law.[20]

b. Confidential Supervisory Information

Proposed § 4.12(b) discusses CSI. Section 4.12(b)(1) explains that CSI is a subset of NPOI that is exempt from disclosure under either (1) FOIA Exemption 5 (5 U.S.C. 552(b)(5)) (privileged interagency or intra-agency memoranda or letters) in connection with the bank examination privilege; or (2) FOIA Exemption 8 (5 U.S.C. 552(b)(8)) (information contained in or related to certain examination, operating, or condition reports concerning financial institutions, which is commonly known as the bank examination exemption).[21] Proposed § 4.12(b)(2) sets out four examples of CSI: (1) a record created or obtained by the OCC or OTS in connection with the performance of its responsibilities (*e.g.,* a record concerning supervision, licensing, regulation, and examination of a supervised entity); (2) a record compiled by either agency in connection with its enforcement responsibilities; (3) an ROE, supervisory correspondence, agency investigatory file, and any internal agency memorandum (whether in the possession of the OCC or any other person); and (4) sworn statement or deposition testimony from a current or former employee, officer, or agent of the OCC or OTS concerning information acquired by that person in the course of his or her performance of official agency duties or due to his or her official status at the agency. These four examples are listed in current § 4.32(b)(1) as examples of NPOI but are referred to colloquially as CSI.

There are two other examples of NPOI in the current rule that the OCC does not include in the proposed description of CSI. First, § 4.32(b)(1)(iv) of the current rule states that confidential OCC information obtained by or incorporated into the records of a third party (including a government agency) is an example of NPOI. The OCC did not include this example in the proposed definition of CSI because this type of information does not always meet the definition of CSI and, therefore, it should be assessed on a case-by-case basis. For instance, confidential information disclosed by the OCC to another government agency about the OCC's financial condition is NPOI but not CSI.

Second, § 4.32(b)(1)(vi) of the current rule describes confidential information related to operating and no longer operating banks and related persons as an example of NPOI. The OCC did not include this provision because it is not an example of a type of information but rather establishes that the status of information (*e.g.,* whether certain

[19] 12 U.S.C. 1867.

[20] Information disclosure is also subject to other applicable law, including the Gramm-Leach-Bliley Act (GLBA), also known as the Financial Services Modernization Act of 1999, Public Law 106–102, 113 Stat. 1338 (Nov. 1999) and the Right to Financial Privacy Act (RFPA), Public Law 95–630, 92 Stat. 3697 (Nov. 10, 1978). For example, the disclosure of CSI that contains a customer's personally identifiable information (PII) would be subject to applicable laws, including GLBA and RFPA, on the disclosure of PII.

[21] Courts have identified two purposes underlying the application of the FOIA bank examination exemption. The first purpose is to ''ensure the security of financial institutions'' by preventing runs on banks from the disclosure of sensitive exam-related information. *Leopold* v. *Dep't of Just.,* 628 F. Supp. 3d 275, 286 (D.D.C. 2022) (noting that main purpose of FOIA exemption (b)(8) is to prevent ''release of examination reports [that] 'might undermine public confidence and cause unwarranted run on banks'''). The second purpose is ''to safeguard the relationship between the banks and their supervising agencies.'' *Fagot* v. *FDIC,* 584 F. Supp. 1168, 1173 (D.P.R. 1984) (recognizing as a secondary purpose the need ''to provide banks and financial institutions supervised by the federal government sufficient assurance of confidentiality to promote full cooperation with the regulatory agencies''). *See also Consumers Union of U.S., Inc.* v. *Heimann,* 589 F.2d 531, 533 (D.C. Cir. 1978). Further, matters that are ''related to'' ROEs have been found to include real-time information about the status of financial institutions. *Williams & Connolly LLP* v. *Off. of the Comptroller of the Currency,* 39 F. Supp. 3d 82, 90 (D.D.C. 2014) (concluding that the ''related to'' language in FOIA exemption (b)(8) ''casts a wide net of non-disclosure over any documents that are logically connected to an 'examination, operating, or condition report'').

information is CSI, non-CSI NPOI, or nonexempt under FOIA) does not depend on the operating status of the entity to which it relates. For example, an ROE about a bank is CSI regardless of whether the bank is still in operation. (The concept that the status of information is not tied to the operating status of an entity is addressed below in the discussion of proposed § 4.13(d)(2)(ii)).

The proposal also describes types of information that would be excluded from the definition of CSI. Proposed § 4.12(b)(3) states that, notwithstanding proposed § 4.12(b)(1), CSI does not include information created or collected by a supervised entity for its own business purposes if the information (1) is in the supervised entity's own possession; (2) was not prepared for the OCC, Board, FDIC, or the Consumer Financial Protection Bureau (CFPB) in response to the applicable agency's supervisory or enforcement activities; and (3) is not supervisory feedback from the OCC, Board, FDIC, or CFPB or information on the enforcement activities of these agencies or a summary of such information. This exclusion is intended to clarify that the supervised entity's mere sharing of its business information with the OCC does not impose on the supervised entity the OCC's CSI restrictions on the information. For example, a national bank's business plan located on the bank's computer system would likely satisfy the three elements above and, therefore, the bank computer system-stored business plan would not be CSI. But, if the bank shares a copy of the business plan with the OCC in connection with a supervisory activity, the business plan would be CSI because of the context in which the supervised entity shared the information.[22] This means that the same business plan can be both CSI, when in the possession of the OCC, and not CSI, when in the possession of the supervised entity.

The proposed exclusion from the meaning of CSI also includes provisions focused on the purpose for which the information was created or collected and whether it reflects certain supervisory feedback. These proposed provisions are intended to ensure that information that is created or collected in connection with the regulatory or supervisory activities of the Federal banking agencies and the CFPB is CSI even though similar information created or collected for a supervised entity's own business purposes is not. The OCC included the Board, FDIC, and CFPB in the exclusion because, in the OCC's experience, information may be prepared in response to the supervisory or enforcement activities or contain supervisory feedback from more than one of these agencies.[23] The OCC invites comment on whether this exclusion should be limited to the OCC or expanded to include other regulators (*e.g.,* the U.S. Securities and Exchange Commission (SEC)).

c. Non-Public OCC Information and Confidential Supervisory Information Obtained by Third Parties

Proposed § 4.12(c) confirms that NPOI, including CSI, that is obtained by or incorporated into the records of a third party (including a government agency) remains NPOI or CSI, as applicable, regardless of how the information was obtained. This provision would ensure that information covered by proposed subpart B remains covered regardless of whether it is incorporated or disclosed by another person.

4. Proposed § 4.13, Disclosure of Non-Public OCC Information or Confidential Supervisory Information, in General

Proposed § 4.13 addresses the disclosure of all NPOI: CSI and non-CSI NPOI.[24]

a. Unauthorized Disclosure of Non-Public OCC Information Prohibited

Under § 4.37(b) of the current rule, national banks, Federal savings associations, or holding companies (and any director, officer, or employee thereof) are prohibited from sharing NPOI without OCC approval, subject to limited exceptions in § 4.37(b)(2) for sharing, when necessary and appropriate for business purposes, with a person or organization officially connected with the bank or holding company as officer, director, employee, attorney, auditor, independent auditor, or (in some cases) a consultant.[25] Proposed § 4.13(a)(1)(i) sets forth the general rule, derived from the current rule, that CSI may not be disclosed except (1) when otherwise permitted by new subpart B; (2) with prior OCC approval; or (3) when the disclosure is in published statistical material or an anonymized anecdote that does not disclose, either directly or indirectly, the affairs of any person. By qualifying the general prohibition on the disclosure of CSI with these three exceptions, this proposed provision clarifies and increases the disclosure of CSI compared to the current framework, while continuing to protect its confidentiality as appropriate. The details of how the agency proposes to strike this balance are set forth below.

Proposed § 4.13(a)(1)(ii) makes clear that non-CSI NPOI is not subject to restrictions on disclosure unless and to the extent that the OCC imposes conditions on further disclosure.[26] This provision would ensure that conditions or limitations that the OCC imposes when it discloses NPOI are not lost simply because the information is further disclosed.[27] (The OCC's authority to apply conditions and limitations on disclosure of NPOI is described in the discussion of proposed § 4.13(c)(1).)

Proposed § 4.13(a)(1)(iii) provides that, notwithstanding (a)(1)(i) and (a)(1)(ii), further disclosure of NPOI is permissible in response to a Federal court order in a judicial proceeding in which the OCC had the opportunity to appear and oppose the disclosure. The applicability of this provision would not be contingent on whether the agency availed itself of the opportunity to oppose disclosure.

Proposed § 4.13(a)(2) addresses the disclosure of NPOI by recipients of the information. First, under proposed § 4.13(a)(2)(i), a supervised entity, government agency, or other person

[22] *See, e.g.,* proposed 12 CFR 4.13(d)(1)(i).

[23] This proposed provision would apply to an agency as defined in 5 U.S.C. 551(1), other than the Board.

[24] Proposed § 4.13 is based on provisions in current §§ 4.36, 4.37, and 4.38, with substantive revisions. *See e.g.,* current § 4.36(a), (c), and (d); § 4.37(a)(2) and (d); and § 4.38.

[25] The exceptions can be found at 12 CFR 4.37(b)(2).

[26] The OCC retains, however, its authority to control or impose limitations on the subsequent use and disclosure of NPOI in the possession of another person under proposed § 4.13(f). Should the OCC subsequently exercise its authority to condition further disclosure of NPOI, future disclosures would be subject to applicable conditions. Further, if the OCC imposes conditions or limitations on NPOI after the initial disclosure because it determines that the person with access to or disclosing the information was doing so for reasons other than the purpose provided in the relevant provision or otherwise in contravention of the objectives of this subpart, the OCC may order the cessation of use of the NPOI, or its return to the OCC or destruction pursuant to proposed § 4.13(a)(3).

[27] This provision would also mean that a supervised entity is permitted to share information that is excluded from the meaning of CSI under proposed § 4.12(b)(3) (*i.e.,* information in a supervised entity's possession and created for its own business purposes, provided the information meets the other requirements) even if that information continues to be NPOI because it may be withheld under another FOIA exemption. A supervised entity's ability to further disclose NPOI under the proposal is only restricted if the OCC prohibits disclosure of the NPOI as a condition of its disclosure. When a supervised entity is in possession of information excluded from CSI but that remains NPOI, the requirements of § 4.13(a)(2)(ii) would not be met, and, therefore, the supervised entity is not prohibited from further disclosing the information.

with access to NPOI that is subject to a condition on disclosure may not disclose the information except as authorized by the subpart or the OCC. This provision would clarify that NPOI that is subject to conditions on disclosure remains subject to those conditions regardless of who seeks to disclose it: the conditions on disclosure attach to and travel with the NPOI itself. Second, under proposed § 4.13(a)(2)(ii), a supervised entity, government agency, or other person that obtains unauthorized access to NPOI may not further disclose or make a copy of the information. For example, if the disclosure of NPOI is subject to a condition, an unauthorized recipient may not further disclose the NPOI even in observance of the condition, except as otherwise authorized by this subpart or the OCC. This provision would foreclose a potential claim that a person with unauthorized access to NPOI can disclose the information at will. Both of these provisions are meant to clarify aspects of the current framework.

Under proposed § 4.13(a)(3), if the OCC determines that a supervised entity, government agency, or other person is disclosing NPOI for reasons other than the purpose provided in the relevant provision of this subpart or in contravention of the objectives of this subpart, the OCC can order that (1) use of the disclosed information cease; and (2) the disclosed information to be returned to the OCC or destroyed such that the person no longer has access to the NPOI. This provision would ensure that the OCC can retain appropriate control over NPOI that is disclosed in contravention of the purpose or objectives of the subpart. A person that wishes to disclose NPOI, including CSI, for a purpose other than those addressed in the proposal should seek approval under proposed § 4.17.[28]

Proposed §§ 4.13(a)(2) and (a)(3) are intended to preserve the OCC's discretion to prevent further disclosure of NPOI or to require the return or destruction of disclosed information in the event that a person inappropriately obtain or misuse NPOI, including under false pretexts, to the detriment of the OCC or supervised entities.

b. Discretionary Disclosure of Non-Public OCC Information by the OCC

Proposed § 4.13(b) addresses the OCC's disclosure of NPOI. Proposed § 4.13(b)(1) permits the OCC to disclose NPOI whenever it determines that disclosure may be necessary or appropriate. Proposed § 4.13(b)(2) addresses disclosing NPOI that is over a certain age, in response to a FOIA request. Specifically, this provision would provide that, in responding to a FOIA request for a record that was created or received 25 or more years before the request, the OCC will not withhold the record on the grounds that it contains NPOI unless the agency determines that a FOIA exemption is applicable and there is good cause to withhold it. Under the proposal, good cause may exist if the OCC determines that disclosure conflicts with the purposes of the subpart or is otherwise prohibited by law. For example, if 30-year old NPOI contains PII, the OCC may determine that good cause exists to withhold disclosure or condition disclosure (under proposed § 4.13(c), discussed below) on redaction of the PII.

This provision is an example of the OCC's recalibration of the appropriate balance between allowing for the limited disclosure of NPOI while protecting its confidentiality. The OCC's rationale for permitting disclosure in this situation is that, after such a long period of time (25 or more years), there is a very low risk that disclosure of the NPOI would chill the necessary candid discussions between, for example, OCC bank examiners and supervised entities. In contrast, as discussed below, disclosure will provide greater transparency about the agency's supervisory approach, which increases trust in the process and is good government.

Disclosure of older CSI also would allow the public, and academics, to better understand the U.S. banking system and the OCC's role in governance of that system. The disclosure of this information to the public would enhance the public's ability to provide meaningful feedback to the agency on its regulatory and governance initiatives and to hold the agency accountable for having a strong, efficient regulatory framework. Increasing public knowledge of the U.S. banking system would further the public's ability to participate in the regulation of that system. Since the information is aged 25 years or more, the disclosure would not implicate the same types of privacy considerations because, after 25 years, most personnel involved in the communications would no longer be employed at their respective entities and most of the concerns, criticisms, and other information shared would no longer be applicable to the institution. Information 25 years old or more should generally not provide potentially insight into the current operations or conditions of a supervised entity such that its competitors could gain unfair advantage or the public would be discouraged from doing business with it. Thus, the OCC believes that disclosure of this aged information would generally not dissuade open communication in the same way that disclosure of current information could. As always, the OCC can place conditions or limitations on any disclosure or prohibit it on a case-by-case basis, under proposed §§ 4.13 and 4.17, respectively.

The OCC is seeking comment on whether it should adopt proposed § 4.13(b)(2). The agency is considering whether the data should be aggregated or anonymized before it is released. The OCC also seeks comment on whether the 25-year age limit is appropriate or whether a different age limit would strike a better balance between protection and transparency.

c. Conditions and Limitations

This provision addresses conditions or limitations on the disclosure of NPOI. Proposed § 4.13(c)(1) states that the OCC may condition or limit the disclosure of NPOI in any way necessary to give effect to the purposes of this subpart. This would enable the agency to more appropriately balance the equities of confidentiality and limited disclosure, including on a case-by-case basis.

Proposed §§ 4.13(c)(2) through 4.13(c)(4) set forth three examples of conditions the OCC may impose, and they carry forward provisions in the current § 4.38 with conforming and technical changes. First, the OCC may condition approval for the disclosure of NPOI on the entry of a protective order in an adversarial matter or a confidentiality agreement in a non-adversarial matter. Second, in a case where a protective order has been entered, the OCC may condition the disclosure of NPOI on the inclusion of additional or amended provisions in the protective order. Third, the OCC may (1) condition its authorization of deposition testimony on the parties' agreement to appropriate limitations, such as keeping a transcript of the testimony under seal or limiting its availability; (2) allow use of a transcript in other litigation; and (3) require that a person who requests to use the transcript in other litigation provide the OCC with a copy of the transcript at his or her personal expense. This example further provides that an OCC employee whose deposition is transcribed does not waive his or her right to review the transcript and note errors. These examples are intended to provide clarity with respect to specific situations.

[28] The OCC notes, however, that its authority to require the cessation of use, return, or destruction of NPOI under proposed § 4.13(a)(3) also applies to requests for NPOI under proposed § 4.17, if the NPOI is not used for the approved purpose.

d. Nature of Non-Public OCC Information

Proposed § 4.13(d) addresses the nature of NPOI in different circumstances: (1) when NPOI is in the OCC's possession; (2) when NPOI is disclosed despite a restriction on disclosure; (3) when CSI is both subject to the bank examination privilege and disclosed; and (4) when CSI pertains to a supervised entity that is no longer operating.

First, proposed § 4.13(d)(1)(i) states that NPOI is the property of the OCC to the extent that it is in the OCC's possession. Among other things, this provision would resolve potential confusion about whether the information exempted from the definition of CSI in proposed § 4.12(b)(3)—because (among other things) it is not in the OCC's possession—is the OCC's property: it is not.[29] This provision would also support the Administration's policy against the overcriminalization of Federal law and is consistent with related case law.

Second, § 4.13(d)(1)(ii) would clarify that NPOI remains the OCC's property to the extent the information is restricted from further disclosure under this subpart, regardless of whether it is disclosed to another person. Thus, the OCC would not lose its property rights because a disclosure not in compliance with this subpart occurs. This provision also ensures that the OCC's property rights with respect to particular NPOI are coextensive with the OCC's restrictions on sharing the information, which (as discussed above) may change depending on who is in possession of the NPOI. For example, if the OCC has disclosed CSI (*e.g.,* an ROE) to a supervised entity without conditions limiting the entity's ability to disclose the CSI as permitted under the subpart, then the OCC's property interest in the CSI when in the possession of the supervised entity to which it was disclosed only extends to the OCC's ability to prohibit further disclosure (consistent with proposed subpart B). In that instance, the supervised entity may disclose the CSI to its affiliate, as permitted under proposed § 4.14(b)(1)(i), but not generally. The OCC invites comment on whether the proposal's approach on the extent to which the OCC may assert property rights over NPOI, including CSI, strikes the proper balance between permitting appropriate disclosures and ensuring the OCC has the ability to protect the confidentiality of the information. Are there alternative approaches that would more appropriately strike this balance, such as maintaining OCC property rights (1) for NPOI except when disclosed pursuant to proposed § 4.14; or (2) for all NPOI unless expressly released in response to a request for NPOI under proposed § 4.17?

Third, proposed § 4.13(d)(2)(i) states that, with respect to CSI that is subject to the bank examination privilege, only the OCC can waive that privilege. Therefore, the OCC's or another person's disclosure of CSI is not and should not be interpreted as a waiver of the privilege. Finally, proposed § 4.13(d)(2)(ii) clarifies that CSI remains CSI regardless of whether the supervised entity it relates to is operating or no longer operating.[30]

e. Duty of Person Served

In this section, the proposal incorporates certain provisions from current § 4.37 that address the duties of a person (other than a current or former OCC or OTS employee) served with a demand for NPOI, with technical and conforming revisions. See the discussion below on proposed § 4.15 for information about the duties of and restrictions on current or former OCC or OTS employees or agents.

f. Intention of OCC Not To Waive Rights

Proposed § 4.13(f) addresses the OCC's rights with respect to NPOI when it is in the possession of another person. Specifically, as proposed, the OCC does not waive its right to control or impose limitations on the use and disclosure of NPOI regardless of the fact that (1) the NPOI is in the possession of a supervised entity, government agency, or other person, and (2) their possession is in compliance with the new subpart B. As an example, under the proposal, even if the OCC permits disclosure of CSI, meaning the OCC has disclosed information it has a basis for withholding under FOIA Exemption 5 in connection with the bank examination privilege or FOIA exemption 8, this disclosure does not constitute a waiver of the examination privilege related to the information disclosed.

This provision was added to clarify the rule, particularly in light of the additional flexibility that the OCC is proposing for supervised entities to share CSI with certain persons. As discussed in more detail below,[31] the proposal allows a supervised entity to share CSI with certain persons closely associated with it, including certain government agencies, subject to specified safeguards. These persons and the OCC have a common interest in ensuring the efficacy of the supervision process, including the implementation of safe and sound banking practices.[32]

For example, affiliates, service providers, and incoming senior executive officers share a supervised entity's interest in ensuring the efficacy of the supervision process, including implementing effective and timely corrective actions to address concerns identified by the OCC. Enabling a potential counterparty to understand the OCC's supervisory concerns will allow the counterparty to plan to continue effective and timely corrective actions if a transaction will be consummated, promoting the goals of the supervisory process. Further, sharing of CSI also promotes a supervised entity's and its potential counterparties' common legal interest in ensuring that the entity's operations comply with Federal law. As for non-profits, including trade associations, sharing CSI would allow these persons to, among other activities, advocate on behalf of supervised entities or engage in academic research regarding bank activities, which can provide benefits to supervised entities such as promoting consistent bank supervision and remedial efforts to address supervisory concerns as well as allowing new analyses and insights into the banking sector. Maintaining a robust and effective bank supervisory scheme depends not just on communication between the OCC and each supervised entity. The OCC and supervised entities have a need to understand the larger landscape, including evaluating market risks and concentrations of credit in specific industries or investments. Allowing the sharing of CSI in the

[29] As discussed above, proposed § 4.12(b)(3) states that, notwithstanding proposed § 4.12(b)(1), CSI does not include information created or collected by a supervised entity for its own business purposes if the information (1) is in the supervised entity's own possession; (2) was not prepared for the OCC, Board, FDIC, or CFPB in response to the applicable agency's supervisory or enforcement activities; and (3) is not supervisory feedback from the OCC, Board, FDIC, or CFPB or information on the enforcement activities of these agencies or a summary of such information.

[30] As noted above, this provision is based on § 4.32(b)(1)(vi) of the current rule.

[31] *See* the discussion below of proposed § 4.14(b).

[32] The law governing common law privileges recognizes that a privilege is not waived when the holder of the privilege authorizes privileged information to be shared with a party having a common interest in the subject matter. Notably, some courts have extended common law privileges to potential business partners through common interest concepts. Through this proposed provision, the OCC applies this same rule to the bank examination privilege—*i.e.,* to further a common interest in the bank supervisory process, disclosure by a supervised entity of CSI to a potential counterparty in a business combination would not be a waiver of the OCC's privilege.

circumstances discussed above through frank discussions of issues and potential improvements using specific facts confronting supervised entities, furthering the purpose of the privilege. Lastly, the common interest shared between the OCC and supervised entities extends to the sharing of CSI with government agencies engaged in supervisory or examination activities. By creating a framework that allows for sharing without the loss of important rights, this rulemaking advances these goals.

5. Proposed § 4.14, Disclosure of Confidential Supervisory Information by Recipient

This section addresses the circumstances under which the OCC and a supervised entity can disclose CSI.

a. OCC's Disclosure of Confidential Supervisory Information

Proposed § 4.14(a) states that the OCC may disclose CSI (1) about a supervised entity to that entity or (2) to a government agency, unless prohibited by law.

b. Supervised Entity's Disclosure of Confidential Supervisory Information

While the current framework permits the disclosure of NPOI by persons other than the OCC in limited circumstances and generally requires OCC prior approval, proposed § 4.14(b) provides increased flexibility by allowing a supervised entity to disclose CSI without OCC approval in six circumstances. Disclosure in this circumstance does not constitute a waiver of OCC legal privileges or the agency's ability to assert applicable FOIA exemptions. Moreover, the supervised entities must still comply with any applicable information disclosure restrictions of other financial regulators notwithstanding the OCC's exemptions. Based on its supervisory experience, the agency believes that the costs and benefits of confidentiality and limited disclosure of CSI favor disclosure in these circumstances, provided the proposed safeguards are observed. It is intended to address stakeholders' longstanding concerns about the costs and consequences associated with the current restrictive disclosure framework, including those referenced above in the context of EGRPRA and other stakeholder feedback.[33] For each of these six, the disclosure is only permissible if necessary or appropriate for the efficacy of the supervision process, as stated in proposed § 4.14(b)(1).

The OCC considered making the exceptions in § 4.14(b)(1) of the proposed rule also available to a parent holding company that is lawfully in possession if its subsidiary supervised entity's CSI. This exception would allow the parent holding company to disclose such CSI without the prior approval of the OCC to the same extent, subject to the same conditions, and to the same categories of recipients for the parent holding company to which the supervised entity could disclose such information under § 4.14(b). This would allow the parent holding company to, for example, disclose CSI to affiliates, lawyers, auditors, accountants, and service providers of the parent holding company, when necessary or appropriate for business purposes, without a request to the OCC. The OCC observes that supervisory matters at a supervised entity are often intertwined with supervisory matters at the parent holding company and that actions related to such matters are often joint efforts between the supervised entity and its holding company. However, the OCC is concerned that allowing the parent holding company to further disclose CSI to the same extent as the supervised entity would cause the OCC's CSI to be disseminated broadly and to a wide range of entities with which the OCC has limited engagement. Since the OCC does not supervise the parent holding company, the OCC would have less visibility into whether the requirements attached to some of the disclosure exceptions such as qualifying confidentiality agreements and logs of disclosed information are being adhered to. Thus, the OCC decided not to adopt such an exception in the proposed rule. However, the OCC is still considering adopting this exception in the final rule and is seeking comment on whether allowing parent holding companies to use this exception would strike the proper balance between reducing unnecessary procedural hurdles with maintaining the confidentiality of the information.

If adopted, the OCC would define ''parent holding company'' as a company that has control of an insured depository institution with ''control'' defined consistently as in 12 U.S.C. 1841(a)(2).

Proposed § 4.14(b)(1)(i), Disclosure to an Affiliate. As proposed, a supervised entity can disclose CSI to an affiliate under the standard discussed above.[34] In the OCC's experience, it is important for a supervised entity's affiliates to understand the entity's business operations because the affiliates often make decisions that have a direct effect on the supervised entity. The OCC has not proposed any specific conditions or limitations on sharing in these circumstances. This is because the interests of the entity and its affiliates are generally so aligned that the agency does not believe that any specific safeguards are needed.[35]

In considering the scope of this proposed change, the OCC notes that it has historically limited or placed controls on disclosures of information to certain foreign holding companies or other foreign affiliates based on the different levels of protection accorded to information in foreign legal regimes, challenges with enforcing confidentiality agreements in foreign jurisdictions, and the possibility of conflict between U.S. and foreign privacy laws. The OCC has not, however, included any such limits or controls in this provision. The agency has not observed these types of risks with respect to sharing with foreign affiliates and believes that the benefits of disclosure outweigh any risks. In addition, the agency is concerned that such restrictions would interfere with the ability of a foreign affiliate, such as a foreign holding company, to properly oversee and support a supervised entity. Nevertheless, the OCC invites comment on whether it should limit disclosure to only domestic affiliates.

Proposed § 4.14(b)(1)(ii), Disclosure to a Service Provider. As noted above, § 4.37(b)(2) of the current rule allows a supervised entity to disclose NPOI to a limited category of service providers (attorneys, auditors, and independent auditors). The OCC is proposing to expand this exception to a broader

[33] *See* discussion above regarding EGRPRA comments.

[34] As defined in proposed § 4.11, an affiliate includes any company that a supervised entity controls, is controlled by, or is under common control with, such as its holding company and any employee, officer, director, or agent of the affiliate. For a branch or agency of a foreign bank, affiliate would include the foreign bank. *See also* 12 CFR 261.21(b)(1) for Board rules that allow sharing with affiliates.

[35] The OCC notes, however, that a supervised entity's use of affiliates to perform functions for the entity or achieve the entity's strategic goals does not diminish the responsibility of the board of directors and management to ensure that both the relationship between the affiliate and the supervised entity and all functions of the entity are conducted in a safe and sound manner and serve the entity's best interests. To the extent a conflict were to arise with respect to the interests of a supervised entity and its affiliate, under proposed § 4.13(c), the OCC can, on a case-by-case basis, impose conditions or limitations on or prohibit any disclosure of NPOI. Further, proposed § 4.13(f) affirms that nothing in the subpart constitutes a waiver by the OCC of its right to control or impose conditions or limitations on the subsequent use and disclosure of the NPOI.

group of service providers, as defined in proposed § 4.11, subject to certain safeguards. Specifically, the service provider must (1) be incorporated in the United States or a U.S. territory; (2) have a business need for the information (such as assisting the supervised entity with remediating supervisory concerns or fulfilling supervisory expectations); (3) have a formal agreement with or be under a written contact to provide services to the supervised entity; and (4) have a qualifying confidentiality agreement,[36] as defined and described in proposed § 4.14(c). In addition, the supervised entity must keep a log of the general categories of information being disclosed to its service providers pursuant to this exception. The OCC proposes this expanded ability to share CSI with certain service providers based on the agency's understanding of the important role that these service providers play in a supervised entity's business and its appreciation that a service provider's ability to fulfill this role may be impeded if relevant CSI cannot be shared in a timely fashion.

Current § 4.37(b)(2) originated in 1995 and is not limited to domestic service providers.[37] The OCC proposes, however, to include this limit in the new subpart B based on concerns that have developed during the intervening period about data security, challenges with enforcing data confidentiality contracts in foreign jurisdictions, and the increasing volume and role of data in business operations.[38] The OCC is soliciting comments about this limit, as well as whether the other proposed safeguards are sufficient to prevent the disclosed information from being used for unintended purposes, such as coercing a supervised entity to provide CSI as a condition of providing services, or from otherwise being misappropriated.

Proposed § 4.14(b)(1)(iii), Disclosure to a Senior Executive Officer Candidate. The current rule does not allow a supervised entity to share NPOI with candidates for senior executive officer positions of the supervised entity or its top-tier holding company. The OCC is proposing to allow the disclosure of CSI in these situations when necessary or appropriate for a supervisory, business or other purpose identified in § 4.10(a), provided that the candidate has a qualifying confidentiality agreement. In addition, as proposed, the supervised entity (1) cannot disclose the information to more than one potential candidate at a time per open position; (2) must have formally ended discussions with a potential senior executive officer before it can make a disclosure to another potential candidate for the same position; and (3) must have board of directors' approval to share the information with a potential candidate.

The OCC would consider an individual to be a candidate once the supervised entity or its top-tier holding company, as applicable, has begun interviewing the individual and the board of directors of the supervised entity has approved the disclosure of the CSI to the individual. Disclosing CSI to the potential senior executive officer at this point would allow the individual and banking organization to better assess whether the employment opportunity is appropriate for the individual before the supervised entity undergoes the effort and time of onboarding the individual, thus permitting the supervised entity to more quickly turn to another potential candidate to fill the open position if the opportunity is not appropriate for the candidate.

The proposal would describe senior executive officer in proposed § 4.14(b)(1)(iii) by incorporating the positions listed in the definition of that term in 12 CFR 5.51(c)(4) as well as any other individual the OCC identifies in writing. Under the proposal, senior executive officers would include a supervised entity's president, chief operating officer, chief financial officer, chief lending officer, chief investment officer, and chief risk officer.

The OCC proposes this change because senior executive officers of the supervised entity are generally involved in managing all aspects of a supervised entity, including remediating supervisory issues. Therefore, a person considering a senior executive officer position at a supervised entity should be fully apprised of the issues that a supervised entity is facing, including supervisory issues, in order to accurately assess his or her suitability for the position. Conversely, a supervised entity must be able to assess a candidate's ability to understand and manage the supervised entity, including any supervisory issues. Otherwise, the supervised entity may expend the time and effort to hire a new senior executive officer only for the person to quickly leave the position because he or she was unable to handle the scope of issues requiring remediation. Thus, the exchange of relevant CSI is necessary for both parties to ensure that the correct person is selected for the position.

The proposal would also extend the permission for a supervised entity to disclose CSI to the senior executive officer candidates of the supervised entity's top-tier holding company. Top-tier parent companies control the supervised entities and make decisions that have material and direct effects on the supervised entity. Additionally, the interests of supervised entities and their affiliates are generally aligned—this is particularly true for a supervised entity's top-tier holding company.[39] The OCC invites comment on whether this extension of authority to share CSI is appropriate. Should there be any additional safeguards, such as (1) limiting the authority to domestic candidates; (2) requiring documentation of the role of the top-tier holding company's senior executive officer in decision making and other relevant responsibilities related to the supervised entity; or (3) limiting the disclosed CSI to information directly connected to those responsibilities?

As proposed, the OCC does not include candidates for a supervised entity's board of directors in the scope of the provision. The agency does not believe that board candidates would have the same need for CSI as senior executive officer candidates, due to nature and scope of a board member's role in the operations of a supervised entity. For example, a board member would typically be less involved in addressing supervisory issues than a senior executive officer. For this reason, the proposal does not extend this exception to board candidates but invites public comment on whether this distinction is appropriate. Nevertheless, the OCC invites comment on whether the rule should expressly extend to board candidates. If so, should the sharing be limited to certain categories of CSI? In addition, the agency invite comment on whether the rule should expressly extend to candidates for positions not covered by the proposed definition of ''senior executive officer,'' such the chief compliance officer or chief Bank Secrecy Act officer, both of which are often directly involved in and responsible for the remediation of supervisory concerns expressed by the OCC and for other positions?

Proposed § 4.14(b)(1)(iv), Disclosure to a Potential Counterparty in a Business or Other Combination. The current rule does not specifically allow a supervised entity to share NPOI with

[36] As discussed in greater detail in below, the OCC would be an intended third-party beneficiary of any qualifying confidentiality agreement and permitted to enforce the terms of the agreement through a civil action.

[37] *See* 60 FR 57315.

[38] *See, e.g.,* How big is Big Data? A comprehensive survey of data production, storage, and streaming in science and industry—PMC, National Library of Medicine: National Center for Biotechnology Information, October 19, 2023.

[39] *See* supra note 35.

potential counterparties in business combinations or other combinations. Stakeholders have shared with the OCC that this limitation is very problematic, as it severely limits the ability to conduct due diligence of potential counterparties, and they have encouraged the OCC to allow supervised entities to share CSI in these situations.[40] Moreover, the OCC is aware that the strong need for CSI as part of the due diligence process creates incentives to skirt the OCC's restrictions on CSI, which can negatively impact the OCC's interests in CSI and adherence to its rules as well as make the OCC less able to control the sharing of information. The OCC considered this and other feedback it received from stakeholders over the years and intends for certain of the proposed revisions to be responsive to these concerns. If the counterparty does not have the resources or expertise to remediate the supervised entity's problems, the transaction could lead to a situation where the issues with the supervised entity remain unaddressed for an unacceptably long period of time, a situation that both regulators and supervised institutions seek to avoid.[41] Therefore, the OCC is proposing to allow a supervised entity to share CSI without OCC approval with a potential counterparty in connection with certain business combinations or other combination,[42] subject to the safeguards discussed below. The OCC seeks comment on whether business combination, as defined in 12 CFR 5.33 (d)(2)(i)–(iv), and other combinations, as defined in 5.33(d)(10)(i)–(ii), is sufficiently broad or whether additional types of business combinations or other combinations as defined in 12 CFR 5.33 should be included? Alternatively, should the scope of transaction covered by this provision be expanded to include other types of corporate transactions, such as the purchase or sale of assets or other transactions?

The OCC proposes to allow a supervised entity to share CSI without OCC approval with a potential counterparty to a single transaction or a series of transactions involving a business combination or other combination if (1) the potential counterparty is engaged in good faith negotiations regarding the potential transaction or series of transactions with the supervised entity; (2) the supervised entity provides the CSI to the potential counterparty solely to enable the person to perform the person's own reasonable due diligence or other duties related to the transaction or series of transactions; (3) the potential counterparty to which the supervised entity discloses CSI has a qualifying confidentiality agreement (as defined in proposed § 4.11 and discussed below) with the supervised entity; (4) the OCC receives written acknowledgement from the potential counterparty that the CSI was not created for the purpose of aiding in due diligence of the potential counterparty and the potential counterparty will perform its own diligence and make its own financial decisions regarding the transaction or series of transactions; (5) the OCC receives a written waiver from the potential counterparty of any and all potential claims the potential counterparty may have against the OCC arising from the CSI, including the accuracy and completeness thereof; (6) the supervised entity has not disclosed CSI under this paragraph to three or more other potential counterparties to the transaction or series of transactions; and (7) the potential counterparty to which the supervised entity discloses the CSI agrees in writing that it will not reference the CSI in any agreement with the supervised entity or an affiliate of the supervised entity. These proposed safeguards are based on the OCC supervisory experience in the context of requests for CSI in the context of proposed business combinations and are intended to complement each other.

The first proposed safeguard (requiring that the potential counterparty be engaged in good faith negotiations about the transaction(s)) is intended to ensure that a supervised institution shares CSI only when the potential counterparty has demonstrated its commitment through good faith negotiations, not simply based on the possibility of a business or other combination. The OCC considered requiring a finalized purchase or similar agreement but was concerned that this would largely defeat the purpose of the provision to facilitate counterparty due diligence. For such due diligence to occur, the parties need to exchange complete and accurate information during the diligence phase. Without this information, each counterparty cannot know the other's condition and may be reluctant to enter into the business or other combination. Alternatively, the parties may enter into a business or other combination that should not and would not have occurred had fulsome due diligence, enabled by the disclosure of CSI, been allowed.

The second proposed safeguard (requiring that the CSI be disclosed solely to enable each person in a potential transaction to perform reasonable due diligence) is intended to ensure sharing is conducted consistent with the purpose of the exception. The disclosure has to be for the purpose of due diligence, and due diligence cannot be a pretext to obtain the CSI. Importantly, by enabling more effective due diligence, the act of sharing CSI also supports the ability of the acquirer to make a fulsome assessment of whether they have the capabilities necessary to handle any supervisory issues prior consummating a business combination. As a result, the proposal enables acquirers to be better prepared to remediate any supervisory issues at the target.[43]

The purpose of the third proposed safeguard (requiring a potential counterparty to which the supervised entity discloses CSI to have a qualifying confidentiality agreement with the supervised entity) is self-evident: to ensure that the counterparty maintains confidentiality regarding the CSI. The proposed disclosure of CSI under this provision is for the specific purpose of aiding with the reasonable due diligence or other activities or tasks related to potential transaction(s); it is not a vehicle for the unfettered release of CSI. To this end, the counterparty to whom the information is disclosed must agree to appropriate confidentiality safeguards.

The purpose of the fourth proposed safeguard (requiring the potential counterparty provide the OCC with written acknowledgement that (1) the

[40] *See* discussion above regarding EGRPRA comments.

[41] For this reason, the OCC has historically allowed the disclosure of CSI to potential counterparties in certain transactions involving troubled institutions.

[42] A ''business combination'' is defined in 12 CFR 5.33 (d)(2)(i)–(iv) as: (1) any merger or consolidation between a national bank or a Federal savings association and one or more depository institutions or State trust companies, in which the resulting institution is a national bank or Federal savings association; (2) in the case of a Federal savings association, any merger or consolidation with a credit union in which the resulting institution is a Federal savings association; (3) in the case of a national bank, any merger between a national bank and one or more of its nonbank affiliates; (4) the acquisition by a national bank or a Federal savings association of all, or substantially all, of the assets of another depository institution. ''Other combination'' is defined in § 5.33(d)(10)(i)–(ii) as any merger or consolidation between a national bank or a Federal savings association and one or more depository institutions or State trust companies, in which the resulting institution is not a national bank or Federal savings association; and in the case of a Federal stock savings association, any merger or consolidation with a credit union in which the resulting institution is a credit union.

[43] Arguably, using the need to conduct due diligence in a potential business or other combination as a pretext for gaining access to CSI would likely mean that the entity was unable to demonstrate a legitimate necessity for the information. Disclosing CSI in that circumstance would run counter to the purpose of proposed subpart.

CSI was not created to aid its due diligence; and (2) it will perform its own due diligence and make its own decisions regarding the transaction(s)) is to ensure that the potential counterparty independently conducts its own due diligence with respect to the potential transaction(s). This safeguard also serves as notice to the potential counterparty that it may not use the CSI to supplant or as a proxy for this independent conduct and judgment. The OCC believes that this will promote more successful business and other combinations, as well as address concerns that OCC examiners will feel pressure (or be pressured) to tailor their supervisory findings to accommodate, for example, due diligence for an on-going or future transaction.

The purpose of the fifth proposed safeguard (requiring the potential counterparty to waive potential claims against the OCC arising from the CSI, including its accuracy and completeness) is to mitigate the risk that a counterparty asserts a claim against the OCC if the CSI affects the outcome of a business or other combination(s). It would effectively require a potential counterparty to acknowledge that (1) the CSI reflects, in whole or in part, the OCC's judgment in the exercise of its supervisory and regulatory responsibilities; and (2) it has no legal interests or duties owed to it based on the CSI.

The sixth proposed safeguard (limiting the disclosure of CSI without OCC approval to no more than three potential counterparties) is intended both (1) to facilitate a competitive environment with multiple potential counterparties that leads to a consummated transaction; and (2) to maintain control over the disclosed information. The OCC believes that limiting supervised entities' authority to disclosure CSI without OCC approval to no more than three counterparties would strike the appropriate balance. The OCC is seeking comment on whether it is clear what is meant by counterparties ''to the transaction or series of transactions'' in this limitation. Does the OCC need to clarify what would be considered a discreet ''transaction'' or ''series of transactions'' for the purposes of this limitation?

The OCC considered further limiting this disclosure by stating that the CSI could only be disclosed to a potential counterparty's senior executive officers or members of its board of directors. The agency decided, however, that a supervised entity should use its business judgement about the persons at the counterparty with which to disclose the CSI, that said, the disclosure must be limited to those persons with a need to know, such as the decision makers and the staff performing the due diligence and those engaging in the negotiations or integration planning. Nevertheless, the agency invites comment on whether this provision should be limited to a specific group of persons at the counterparty and, if so, how to define the group.

Finally, the seventh proposed safeguard (prohibiting any agreement between parties to reference the CSI) is intended to ensure that CSI shared by a supervised entity is used for the intended purpose of enabling the counterparty to engage in reasonable due diligence or other activities or tasks related to the transaction or series of transactions. Requiring this safeguard to be agreed to in writing helps to remove incentive for a counterparty to use this provision to obtain a flow of CSI over time or to condition the transaction on changes to information contained in CSI, such as ROEs and ratings. For example, a potential counterparty would be contractually prohibited from obtaining CSI to determine where CSI-based contractual conditions to a merger consummation are met. The OCC is concerned that such CSI-based contractual conditions could create adverse impacts and pressures on the supervisory process. Accordingly, the OCC believes that inclusion of this safeguard would help to appropriately balance the need for confidentiality of the supervisory process, the appropriate separation between the supervisory process and active corporate transactions, and access to the information for due diligence.

The OCC believes that these proposed safeguards appropriately balance the costs and benefits of confidentiality and limited disclosure of CSI and will lead to more well-informed business and other combination decisions—a goal that is shared by the OCC, supervised entities, and potential counterparties. Importantly, by enabling more effective due diligence, the act of sharing CSI also supports the ability of the acquirer to make a fulsome assessment of whether they have the capabilities necessary to handle any supervisory issues prior consummating a business combination. As a result, the proposal enables acquirers to be better prepared to remediate any supervisory issues at the target.

The OCC invites comments on these proposed safeguards, as well as on whether (1) alternative or additional safeguards would be appropriate; (2) the rule should specify what constitutes a good faith negotiation; and (3) the proposal strikes the correct balance by not requiring a definitive agreement before sharing is permitted.

Proposed § 4.14(b)(1)(v), Disclosure to a U.S.-Based Consultant and U.S.-Based Attorney of a Potential Counterparty. Proposed § 4.14(b)(1)(v) would allow a supervised entity to disclose CSI to the U.S.-based consultants and U.S.-based attorneys of a potential counterparty, provided that the requirements in proposed § 4.14(b)(1)(iv) (sharing with a counterparty) are satisfied. This proposed provision is intended to recognize the business realities of the complex business and other combinations referenced in proposed § 4.14(b)(1)(iv). Based on its supervisory experience, the OCC understands that if a supervised entity can share CSI with a potential counterparty but not with that counterparty's consultants or attorneys, then individuals who are critical to evaluating the potential transaction and have a business need to know the information would not have access to relevant CSI. The OCC proposes, however, to limit this provision to U.S.-based consultants and U.S.-based attorneys. As discussed above, the OCC declined to propose this geographic location limitation when sharing CSI with affiliates. (*See* the discussion about proposed § 4.14(b)(1)(i)). The agency has reached a different conclusion here, however, because a supervised entity has control over whom it hires as a consultant or attorney (and there are many U.S.-based options). In contrast, a supervised entity's affiliates are oftentimes established by a parent entity, not the supervised entity itself. When the OCC considered this fact in the context to the different levels of protection accorded to information in foreign legal regimes, challenges with enforcing confidentiality agreements in foreign jurisdictions, and the possibility of conflict between U.S. and foreign privacy laws, the agency determined that the potential risks of disclosing CSI to a foreign-based consultant or attorney outweighed the benefits. A supervised entity that wants to share CSI with a foreign-based consultant or foreign-based attorney of a potential counterparty could seek approval, however, under proposed § 4.17, which would be assessed on a case-by-case basis.

Proposed § 4.14(b)(1)(vi), Disclosure to a Not-for-Profit Entity. Under this proposed provision, a supervised entity can disclose CSI to a not-for-profit entity (including a not-for-profit trade

association)[44] when necessary or appropriate for a supervisory purpose, if the purpose of the disclosure is to enable the not-for-profit to: (1) aggregate the anonymized CSI of entities supervised by the OCC, Board, or FDIC; and (2) either make the aggregated information publicly available or, in the case of a trade association, advocate for the best interests of its members, including with respect to the fairness, effectiveness, and efficiency of the OCC's regulatory and supervisory processes. In addition, the supervised entity would be required to (1) have a qualifying confidentiality agreement with the not-for-profit entity; (2) have a written agreement with the entity describing in detail a discrete and time-limited information collection for purposes of either the specific information aggregation or advocacy activities; and (3) disclose no more CSI than described in the written agreement. The not-for-profit entity could not further disclose the non-anonymized CSI without OCC prior approval under proposed § 4.13(a)(1)(i)(B).

Through its supervisory experience, the OCC has seen the value of aggregated data to supervised entities and other stakeholders (*e.g.,* aggregated data public welfare investments). This information can allow interested persons to identify emerging trends, thereby directly or indirectly helping supervised entities avoid problems or lessen their effects. The OCC is, however, proposing to limit this disclosure-for-aggregation provision to not-for-profit entities for two main reasons. First, these entities are more commonly established for analysis and, particularly in the case of banking trade associations, for advocacy in support of consistent, efficient, and effective treatment of certain supervised entities, and they use this data in the service of their important role in the financial services ecosystem. For example, under this provision, supervised entities could share CSI with a not-for-profit university or think-tank that uses anonymized, aggregated data to identify, evaluate, and publish research about emerging risks associated with novel technologies. This research would benefit not only individual supervised entities but the financial system and national economy as a whole. Second, a not-for-profit entity may be less likely to use the CSI in contravention of the subpart than a for-profit entity, which could use the data for its own financial benefit at the expense of the supervised entity.

The OCC seeks comment on whether the provision should contain additional safeguards. For example, should the supervised entity be required to specify a particular purpose for sharing the CSI, beyond what would be required under the proposal? Should the provision expressly state that the OCC can require that the CSI be destroyed or returned if the agency determines that the specific purpose does not further the broader purpose? Are there entities not covered by this provision that should be added because of the nature of their work or their interests? The agency invites the public to comment on these issues.

Other possible exceptions: The OCC is also considering other exceptions that it could add to § 4.14(b). One such exception that OCC is considering would permit a supervised entity to disclose CSI to a shareholder that owns greater than 50 percent of the voting shares of the supervised entity. The OCC believes that this type of disclosure is often important for the prompt remediation of supervisory concerns because shareholders owning the majority of the shares of a supervised entity are often intimately involved in efforts at the institution to remediate supervisory concerns. In the OCC's experience, open, direct, and timely communication about the problems at the supervised entity is often important for the majority shareholder to provide remediation support. Moreover, understanding significant OCC concerns at the supervised entity could also be important for the majority shareholder to choose directors for the supervised entity that have the proper qualifications and expertise to provide the leadership necessary to address the concerns. If the OCC did decide to include such an exception, it might require the majority shareholder to have a qualifying confidentiality agreement in place and to have a business need for the information. The OCC is seeking comment on whether it should include this exception and, if so, whether it should place additional controls on the disclosure of information to majority shareholders.

Another possible exception that the OCC is considering adopting would allow a supervised entity to share CSI with another supervised entity or, possibly, with the holding company of another supervised entity, for the purpose of promoting the best interests of the financial institutions, including informing best practices or promoting government accountability. If the OCC does implement such an exception, it might require that the receiving party have a signed qualifying confidentiality agreement in place and that the supervised entity making the disclosure provides notice to the OCC after the disclosure and a copy of the CSI disclosed under this provision within 15 calendar days of making the disclosure. The OCC is seeking comment on whether such an exception would be helpful or whether it would be overly broad and permit supervised entities to pressure each other into disclosing CSI in situations that could chill candid information exchange between the OCC and its institutions. The OCC further seeks comment on whether there are other exceptions that it should adopt.

Proposed § 4.14(b)(2), Disclosure of CSI to Government Agencies. Proposed § 4.14(b)(2) sets forth a supervised entity's authority to disclose CSI to certain government agencies, with three sets of requirements based on the recipient of the disclosure. Specifically, the proposal would include separate requirements for a supervised entity's disclosure of CSI to (1) the Board (which includes the Federal Reserve Banks); (2) the FDIC; and (3) an agency other than the Board or the FDIC.[45]

With respect to the Board, under proposed § 4.14(b)(2)(i), a supervised entity would be permitted to disclose CSI if necessary for the Board's performance of its statutory duties, provided the supervised entity notifies the OCC in writing of the proposed disclosure and includes a copy of the CSI it proposes to disclose.[46] The OCC would have 15 calendar days after acknowledging receipt of the notice to object to the proposed disclosure. The supervised entity may disclose the CSI if the OCC does not object within 15 days or sooner or if expressly permitted to do so in writing by the OCC. The OCC could always waive the 15-day period or share the CSI itself, if appropriate, in the case of an imminent receivership or other circumstances. The proposal provides that disclosure of CSI to the Board under this provision is done with the understanding that the Board will not further disclose the information, except as otherwise permissible under this subpart. (If the Board wants to

[44] A ''trade association'' is an association of tradesmen, businessmen, or manufacturers in a particular trade or industry for the protection and advancement of their common interests. *See* Definition of Trade Association by Merriam-Webster, *https://www.merriam-webster.com/dictionary/trade%20association, last accessed* June 12, 2026. For example, a banking trade association would be an organization comprised of banks for the purpose of protecting and advancing the banking industry's common interests.

[45] For the purposes of this provision, agency is defined in 5 U.S.C. 551(1) and includes ''each authority of the Government of the United States.''

[46] As discussed below, proposed § 4.18 describes where to send a notice of proposed disclosure.

further disclose the CSI, the provisions in proposed § 4.17 would apply.)

The OCC has included this provision to ensure that the current requirement for agency approval prior to sharing NPOI with the Board does not interfere with supervisory communications between the supervised entity's Board-regulated holding company (if any) and the Board's supervision of such holding company. The OCC recognizes the importance of timely communication with the Board, including for the Board's compliance with section 5(c) of the Bank Holding Company and section 10(b) of the Home Owners' Loan Act. For example, supervised entities are often asked questions by the Board for information that cannot be answered without providing CSI. Although the OCC generally approves a supervised entity's request to disclose this information to the Board, this provision would allow for more efficient disclosure. Based on its supervisory experience, the OCC believes that the proposed 15-day period described above is appropriate.

For disclosure of CSI to the FDIC, § 4.14(b)(2)(ii) of the proposal provides that a supervised entity may disclose CSI if four conditions are met. First, the supervised entity must receive a demand from the FDIC for the information. Second, the information is necessary for performance of the FDIC's statutory duties related to its authority to carry out resolution-related activities, deposit insurance assessments, or backup supervisory activities. Third, the supervised entity notifies the OCC in writing of the demand and provides the OCC with a copy of the information disclosed. Fourth, the supervised entity may disclose the CSI if the OCC does not object within 15 days or sooner or if expressly permitted to do so in writing by the OCC. The OCC can always waive the 15-day period or share the information itself, in the case of an imminent receivership or other circumstances. Lastly, the supervised entity makes the disclosure with the understanding that the FDIC will not further disclose the information without authorization from the OCC. As with CSI disclosed to the Board, if the FDIC wants to further disclose the CSI, the provisions in proposed § 4.17 would apply. The OCC also notes that records or other information provided to the FDIC in a failing bank or other resolution-related context is typically a supervised entity's own records or other information and not CSI as defined in § 4.12(b).

The OCC believes that these requirements would strike the appropriate balance between the FDIC's need for access to CSI in the specified circumstances and the OCC's obligation to protect the information. In making this determination, the OCC recognized that it would often know that the FDIC would need this information and why (*e.g.,* the pending receivership of a supervised entity). For any other Federal agency,[47] under proposed § 4.14(b)(2)(iii), a supervised entity can disclose CSI to an agency (1) only in response to a demand from the agency; and (2) if the supervised entity notifies the OCC in writing of the proposed disclosure and includes a copy of the CSI it proposes to disclose. The notification must include a copy of a written agreement between the supervised entity and the agency in which the agency agrees to not disclose the CSI and expressly provides that the OCC is (1) an intended third-party beneficiary of the agreement; and (b) permitted to enforce its terms through a civil action in the U.S. District Court for the District of Columbia or any other court with jurisdiction and in which venue is appropriate. The OCC would have 30 calendar days after acknowledging receipt of the notice to object to the proposed disclosure. If the OCC does not object within 30 days, the supervised entity may disclose the CSI (or sooner if expressly permitted by the OCC). If an agency wants to further disclose the CSI, the provisions in proposed § 4.17 would apply.

The OCC has included this provision in recognition that sharing CSI with a Federal agency (other than the Board and FDIC) can be necessary and appropriate and the current requirement for OCC prior approval can result in unnecessary delays. That said, the OCC proposes to include additional safeguards because the reasons for which a supervisory entity would want to share with an agency other than the Board are less obvious and more infrequent. For these reasons, the OCC believes that the proposed 30-day period described above is appropriate to provide the agency with additional time to consider the demand. The OCC is seeking comment on whether this exception should be expanded to include other circumstances or to include demands from State agencies.

c. Qualifying Confidentiality Agreement

This subsection would set out the requirements for a qualifying confidentiality agreement, as that term is used in proposed § 4.14. Specifically, a qualifying confidentiality agreement would be an agreement between a supervised entity and a person that receives CSI pursuant to § 4.14 that (1) is written; (2) states the recipient's awareness of and agreement to abide by the prohibitions on the disclosure of CSI in § 4.13 (including the prohibition on further disclosure of the information without OCC approval); (3) is governed by the laws of the United States or a State of the United States; (4) prohibits the use of the information by the recipient for any purpose other than as permitted by the relevant provision of proposed § 4.14 (b) as expressly identified in the confidentiality agreement; (5) for recipients that are not individuals, limits access to the information at the recipient to directors, officers, or employees with a business need to know the information; (6) requires the information to be destroyed or returned to the supervised entity either at the end of the relevant relationship with the supervised entity (*e.g.,* consultancy, service provider) or at the conclusion of the purpose for which it was shared; (7) expressly provides that the OCC is an intended third-party beneficiary of the agreement and is permitted to enforce the terms of the agreement through a civil action filed in the U.S. District Court for the District of Columbia and any other court having jurisdiction and venue over disputes arising from the agreement; (8) expressly provides that the OCC must be informed of any violation of the agreement by either party; and (9) for a qualifying confidentiality agreement required when CSI is disclosed to a supervised entity's service provider, the agreement provides that the person performing the service (A) acknowledges and consents to regulation and enforcement by the OCC to the same extent as if the service was being performed by the supervised entity itself; and (B) acknowledges itself to be an institution-affiliated party as defined in 12 U.S.C. 1813(u)(4).

The first criteria (in writing), third criteria (governed by domestic laws), and seventh criteria (enforceable by the OCC) would help ensure that the agreement is judicially enforceable in the event of breach. The second criteria (awareness of prohibitions on disclosure and further disclosure) and fourth criteria (limitation on use of the disclosed CSI) would help ensure that the parties to the agreement understand the purpose of and limitations on the CSI disclosure. The fifth criteria (access limited to those with need to know), sixth criteria (treatment of CSI at end of relevant relationship), eighth criteria (inform the OCC of violations of the agreement), and ninth criteria (service

[47] This proposed provision would apply to an agency as defined in 5 U.S.C. 551(1), other than the Board or the FDIC.

providers)[48] would help the OCC to ensure control over the disclosed CSI, including when disclosed to a service provider, the purpose for which it was disclosed has ended, or the agreement is breached. In addition to inviting public comment generally on this provision, the OCC seeks feedback on whether to require that all individuals with access to the disclosed information be listed in an appendix to the agreement. The OCC also seeks comment on whether the ninth criteria is too burdensome on service providers and whether this requirement would interfere with supervised entities receiving outside assistance from service providers for remediation efforts.

6. Proposed § 4.15, Restrictions on Current and Former OCC Employees or Agents; Former OTS Employees or Agents

Proposed § 4.15 incorporates provisions from current § 4.37(a), which set out the restrictions on current OCC and former OCC and OTS employees disclosing NPOI other than to OCC employees or agents for use in the performance of their duties, along with clarifying, conforming, and technical revisions. For example, current § 4.37(a)(2) addresses certain individuals who are ''subpoenaed'' for NPOI. Proposed § 4.15(b)(1) uses the defined term ''demand'' to clarify that the section applies to a broader category of legal processes that require information to be provided. Current § 4.37(a)(2) also states that if an individual receives a subpoena and is required to appear or produce NPOI, that individual must appear ''[i]f necessary.'' To address any confusion about when the individual must appear, proposed § 4.15(b)(2) replaces ''[i]f necessary with ''[i]f ordered by a court or otherwise compelled by law.'' The changes in this proposed section are not intended to substantively alter the provisions addressed.

7. Proposed § 4.16, Requesting Nonexempt Information Under the FOIA and Available Nonpublic Information

Proposed § 4.16 primarily addresses the process for requesting the disclosure of records under the FOIA and NPOI. The provisions on disclosure under FOIA are based primarily on current § 4.15 but include the substantive changes discussed below, as well as technical and conforming edits.

As proposed, § 4.16(a) explains that the disclosure of nonexempt information will be governed by the FOIA and in accordance with proposed § 4.18 (where to submit a request.) Proposed § 4.16(b) explains that NPOI that is authorized to be disclosed pursuant to proposed § 4.13(b) will be disclosed in accordance with this section. Section 4.16(c) carries forward the current rule's exceptions for requests to disclose FDIC and other agency's records.

Proposed § 4.16(d)(1) carries over from the current rule the provisions on what a records request must include. Proposed § 4.16(d)(2) addresses the OCC's initial determination to grant a request for information, clarifying the current rule by stating that in making this determination, the agency will only withhold information if, (1) it reasonably foresees that disclosure would harm an interest protected by an applicable exemption described in 5 U.S.C. 552(b) of the FOIA; or (2) the disclosure is prohibited by law. For consistency with other proposed provisions, § 4.16(d)(2)(iii) also provides that the OCC has the discretion to make disclosures of NPOI on a case-by-case basis. Sections 4.16(d)(3) and (4) carry over provisions from the current rule about when the OCC grants and denies a request.

Section 4.16(d)(5) memorializes a process for the expedited processing of requests for information that the OCC has previously followed, consistent with statutory requirements. The FOIA provides that, in connection with a request for nonexempt information, a person may request expedited processing or a waiver of the fees associated with the request.[49] The statute also establishes the timeframes that apply to expedited processing, addresses appeals rights, and defines ''compelling need.''[50] The FOIA also directs the OCC to promulgate an implementing rule on expedited records requests and fee waivers,[51] specifying that the rule should provide for expedited processing when the requestor demonstrates a compelling need or in other cases determined by the agency.[52] The OCC's current FOIA rule does not address expedited review, although it is OCC policy to comply with the statutory time frames.[53] To comply with these provisions in the FOIA, the OCC is proposing to memorialize its expedited processing framework.[54] By setting out this process in a rule, stakeholders will have a clear understanding of how the process works.

Proposed § 4.16(d)(5) would codify the OCC's existing practices for handling expeditated processing requests, and proposed § 4.16(d)(5)(ii) explains the three scenarios in which the OCC will grant a request. First, it will grant the request if the requestor sufficiently demonstrates that the lack of expedited processing could reasonably be expected to pose an imminent threat to the life or physical safety of an individual. Second, it will grant the request if the requestor sufficiently demonstrates that (1) the requested records pertain to a matter of current exigency to the public; (2) a processing delay would compromise a significant recognized interest to and throughout the general public; (3) the request involves an actual or alleged Federal government activity; and (4) the requestor is primarily engaged in disseminating information. Third, it will grant a request if the requestor demonstrates that expedited review is necessary to prevent the loss of substantial due process rights, such as when delayed access to the requested records could impair the requestor's ability to participate in an administrative or judicial proceeding.

The proposed provision also explains that the OCC will (1) notify the requestor of its decision on the expediated processing request within 10 calendar days of receiving the request; (2) base its decision solely on the information in the initial request; and (3) process grants of expedited processing as soon as practicable. Finally, the proposal provides in § 4.16(d)(5)(v) and (vi) that the requestor may appeal a denial and the OCC will

[48] If the CSI is being disclosed by a supervised entity to allow a service provider to assist in remediating an OCC supervisory concern, only those individuals associated with the service provider who are directly involved in remediating the concern and who need to know the information to assist in the remediation may have access to the information. The OCC intends this provision, as proposed, to prevent the release of CSI to subcontractors without OCC approval.

[49] Fees are discussed in greater detail below under proposed § 4.23.

[50] 5 U.S.C. 552(a)(6)(E).

[51] 5 U.S.C. 552(a)(6)(E)(i) and (a)(4)(A)(i).

[52] 5 U.S.C. 552(a)(6)(E).

[53] 5 U.S.C. 552(a)(6)(E)(i)(I). As noted above, the OCC proposed to amend its FOIA regulations in 2024 but the proposal was not finalized. Those amendments would have incorporated this requirement.

[54] The OCC currently grants requests for expedited processing when a requestor submits a certified statement demonstrating compelling need by showing that (1) the request involves circumstances in which the lack of expedited processing could reasonably be expected to pose an imminent threat to the life or physical safety of an individual; (2) the records requested pertain to a matter of current exigency to the public; or (3) the request involves the loss of substantial due process rights. The OCC evaluates requests against the established criteria, notifies requestors of its determination, and, when expedited processing is granted, the OCC processes the request as soon as practicable.

expeditiously consider the appeal and notify the requestor of its determination.

Proposed § 4.16(e) would clarify a person's right to appeal a denial of a request, including denials of requests for records, expedited processing, and fee waivers. Proposed §§ 4.16(f) (judicial review), 4.16(g) (time limits for responding to FOIA requests), 4.16(h) (date of receipt of request or appeal), 4.16(i) (dispute resolution services), and 4.16(j) (segregability) are carried over from the current subpart B, with limited conforming, streamlining, and clarifying changes.[55]

8. Proposed § 4.17, Requesting Non-Public OCC Information

Proposed § 4.17 consolidates and clarifies current §§ 4.33; 4.35(a)(3); and 4.40(b). These provisions set out the current rules for seeking disclosure of NPOI from the OCC and address form requests, expedited requests, requests arising from adversarial matters, records requests, additional information that the OCC may require, and testimony requests. The proposal also includes clarifying, conforming, and technical edits.

9. Proposed § 4.18, Where To Submit a Request for Nonexempt Information Under the FOIA, a Request for Non-Public OCC Information, or a Notice Under This Subpart

Proposed § 4.18 combines and streamlines the provisions in §§ 4.15(b) and 4.34 of current rule. The section (1) specifies where to submit a request for nonexempt information under the FOIA or a request for NPOI (including a combination of NPOI and nonexempt information); and (2) address requests for authentication of a record or notice under this subpart. These revisions are intended to reduce duplication by consolidating provisions in current subparts B and C on where to send requests and notices and make the provisions easier to use; they are not intended to include substantive changes.

10. Proposed § 4.19, Disclosing and Using OCC Records in Litigation

Proposed § 4.19 would republish current § 4.39, which addresses disclosing and using OCC records in litigation, with minor technical and conforming changes.

11. Proposed § 4.20, Predisclosure Notice for Confidential Commercial Information

Proposed § 4.20 incorporates the current § 4.16 provisions on predisclosure notice for confidential commercial information, specifying when the OCC would be required to notify submitters of records containing confidential commercial information that the agency received a FOIA request for the information and may be required to disclose it. The changes to this section are technical and conforming, except with respect to the definition of ''confidential commercial information.''

The OCC proposes to define this term as commercial or financial information obtained by the OCC from a submitter that may be exempt from disclosure under FOIA Exemption 4 (5 U.S.C. 552(b)(4)).[56] This definition reflects two substantive changes from the current rule. First, it does not reference the competitive harm standard, thereby reflecting the Supreme Court's 2019 decision the *Food Marketing Institute* v. *Argus Leader Media* (*Argus*).[57] In *Argus,* the Court overruled the longstanding substantial competitive harm standard for information provided to the government on an involuntary basis, holding that commercial or financial information submitted to the government will be considered ''confidential'' for purposes of FOIA Exemption 4 at least where the information is ''both customarily and actually treated as private by its owner and provided to the government under an assurance of privacy.'' [58] To conform the definition to *Argus,* the OCC is proposing to remove the requirement that disclosure of the information reasonably could cause substantial competitive harm to the submitter. Second, the proposal replaces the term ''record'' in the current definition with ''commercial or financial information obtained from a [submitter].'' [59] This change would provide a clear link between the rule and the FOIA. As a conforming amendment, the OCC also proposes to replace the term ''person'' (which is used in the FOIA) with the term ''submitter.''

12. Proposed § 4.21, Consideration of Requests for Non-Public OCC Information

Proposed § 4.21 carries forward the provisions in current § 4.35 which address the OCC's consideration of requests to disclose NPOI, including (1) decisions on requests; (2) the timeframe and process for responding to requests; (3) OCC employee testimony in private matters; and (4) the authorization of others to disclose the NPOI. The proposal includes conforming and clarifying changes that are not intended to be substantive.

13. Proposed § 4.22, Public Inspection in an Electronic Format Under the FOIA

Proposed § 4.22 incorporates the provisions in current § 4.14, which address the public inspection of information that the OCC makes available in an electronic format under the FOIA. The changes to this section are technical in nature and not intended to be substantive, except for the update to the address where the information discussed herein is located.

14. Proposed § 4.23, Fees for Requesting Nonexempt Information Under the FOIA

Proposed § 4.23 addresses fees for requesting nonexempt information under FOIA and carries forward the provisions in current § 4.17, with certain technical, conforming, and clarifying changes. For example, proposed § 4.23(b)(2) clarifies that the OCC may charge reasonable standard fees for a document search, duplication, or review to requestors of nonexempt information under the FOIA.

In addition, the proposal would clarify the mandatory nature of fee waivers under the FOIA. The FOIA requires that records subject to disclosure be furnished to a requestor either at a cost below the agency's fee schedule or free of charge when the applicable standard is met.[60] However, current § 4.17(b)(4) states that the OCC ''may'' waive or reduce a fee when it determines the standard is met.

The history of this provision is informative. In 1992, the OCC amended its FOIA rules to implement the FOIA amendments in the Freedom of Information Reform Act of 1986

[55] The provisions related to the denial of fee waiver requests are addressed in the discussion of proposed § 4.23.

[56] FOIA Exemption 4 protects trade secrets and commercial or financial information obtained from a person and privileged or confidential.

[57] 588 U.S. 427.

[58] *Id.* at 440.

[59] The proposed definition of ''submitter'' is consistent with the current rule with certain technical revisions. Specifically, ''submitter'' would mean a state agency, tribal agency, Federal agency, foreign government, or other person that provides confidential commercial information to the OCC.

[60] Under 5 U.S.C. 552(a)(4)(A)(iii), a fee waiver must be granted when disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requestor.

(FOIRA)[61] and stated in the new rule that the ''[t]he OCC will waive or reduce fees'' when the required standard was met. In 1995, the OCC again revised its FOIA rules, this time stating that the agency ''may'' waive or reduce fees.[62] This change was described, however, as reorganizing and streamlining in nature and not intended to materially affect the OCC standards, policies, or procedures.[63] Notably, the OCC's practices with respect to fee waivers did not change in 1995, and it continued to waive fees as required by the FOIA.

To address any confusion that the 1995 change caused, the OCC is now proposing to clarify the rule by aligning it with the statutory standard and the agency's practice. Thus, proposed § 4.23(b)(4) states that the OCC ''must'' grant a request for a fee waiver if the applicable standard is met. The proposal would also address the right to appeal an OCC decision regarding a request for a fee waiver or reduction, which is not addressed in the agency's current FOIA rules. While the statute does not specifically state that a fee decision can be appealed, it allows persons requesting records to appeal ''adverse determinations.''[64] And, although the FOIA does not detail what constitutes an adverse determination, it specifies that in any action involving a fee waiver request, ''a court shall determine the matter de novo,'' which suggests that a fee decision is appealable.[65]

Taken together, these provisions are generally understood to provide a person with the right to appeal the denial of a fee waiver or reduction request. In fact, the FDIC, Treasury, and DOJ have rules expressly granting the right to appeal a fee waiver denial.[66] In addition, the DOJ's Office of Information Policy's model FOIA rule provides that agencies should include in their FOIA rules an affirmative statement that the denial of a ''request''—which would include a records, expedited processing, or fee waiver request—can be appealed and sets out the appeal requirements.[67]

After considering the statutory language and how other government agencies have interpreted it, the OCC proposes to state in § 4.23(b)(4)(iii) that a requestor may appeal the OCC's determination not to grant a request for a fee waiver or reduction. The appeal procedure would be in proposed § 4.16(e), which would (1) state that the denial of a fee waiver constitutes an adverse determination that can be appealed; and (2) set forth the OCC's administrative appeal procedures.

15. Proposed § 4.24, Tracking Requests for Nonexempt Information Under the FOIA

Lastly, proposed § 4.24 carries forward the provisions in current § 4.18, which addresses tracking requests for nonexempt information under the FOIA. The proposed section includes technical and conforming changes, as well as updated contact information for checking the status of a request.

III. Request for Comments

The OCC invites the public to comment on all aspects of the proposed rule, including the following:

Question 1: Are there additional considerations that the OCC should consider in determining whether or when to allow the disclosure of NPOI?

Question 2: Should any of the content from the current regulation that the proposed regulation omits be reconsidered for inclusion?

Question 3: Is the organization of subpart B straightforward and does it facilitate finding information? Are there any sections that are proposed to be combined that would be better separated? Are the sections in logical order, and do any provisions need to be moved from their proposed section to a different, more appropriate section?

Question 4: The OCC is seeking comment on its proposed definition of ''service provider.'' As an alternative to the proposed definition, the OCC is considering defining service provider as an entity that:

(1) has a contractual relationship with a depository institution and

(2) provides:

(i) products or services to the institution that are used in connection with the provision of financial products or services to the depository institution's customers;

(ii) advisory or consulting services related to the management or operations of the depository institution; or

(iii) technological infrastructure to the depository institution.

The OCC seeks comment on which definition would be clearer.

Question 5: Are the proposed definitions of CSI and NPOI appropriate? Does the proposal's approach regarding the extent to which the OCC may assert property rights over NPOI, including CSI, strike the proper balance between permitting appropriate disclosures and ensuring the OCC has the ability to protect the confidentiality of the information? Are there alternative approaches that would more appropriately strike this balance, such as maintaining OCC property rights (1) for NPOI except when disclosed pursuant to proposed § 4.14; or (2) for all NPOI unless expressly released in response to a request for NPOI under proposed § 4.17?

Question 6: Are the existing bases for denying a request for release of non-public OCC information, as reflected in proposed 12 CFR 4.21(a)(2), appropriate? Should additional bases be added or the existing bases clarified?

Question 7: Are the controls on the exception for disclosing CSI to service providers sufficient to prevent the disclosed information from being used for purposes not intended by the exception, such as the potential risk that service providers with greater leverage over supervised entities could force the supervised entities to provide CSI as a condition of providing services?

Question 8: Should the exception for disclosing information to potential incoming senior executive officers be extended to potential board candidates or to candidates for positions not covered by the proposed definition of ''senior executive officer'' but which are often directly involved in and responsible for the remediation of supervisory concerns, such the chief compliance officer or chief Bank Secrecy Act officer? Should the disclosure be limited to certain categories of CSI?

Question 9: Should the OCC adopt different or additional restrictions on the exception for disclosure to a potential counterparty to a business combination? For instance, should the OCC limit such authorization to three potential counterparties over a five-year period or require that the disclosure be made only to directors, officers,

[61] *See* 57 FR 32415 (July 22, 1992). The preamble to the rule implementing the FOIRA stated that ''the FOIRA amended the FOIA with respect to waiver or reduction of fees. Under FOIRA, documents are to be furnished without a fee or with a reduced fee if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requestor. Prior to the FOIRA, the waiver or reduction of fees occurred when an agency determined that such waiver or reduction was in the public interest because furnishing the information can be considered as primarily benefiting the general public. Section 4.17(h) incorporates the OCCs new schedule for charging and waiving fees.'' (internal quotes omitted).

[62] *See* 60 FR 15705, 15708 (Mar. 27, 1995).

[63] *Id.*

[64] *See* 5 U.S.C. 552(a)(6)(A)(i)(III)(aa).

[65] 5 U.S.C. 552(a)(4)(A)(vii).

[66] *See* 12 CFR 309.5(f)(x) (FDIC); 31 CFR 1.4(h)–(i), 1.6(a) (Treasury); 28 CFR 16.6(d)–(e), 16.8(a) (DOJ).

[67] *See* DOJ, Office of Information Policy, *Template for Agency FOIA Regulations,* section VI. Responses to Requests, *https://www.justice.gov/oip/template-agency-foia-regulations#Responses%20to%20Requests* (last updated Dec. 2, 2022).

employees and legal counsel with a need to know the confidential information for the purposes of performing their own reasonable due diligence or other duties related to the transaction or series of transactions?

Question 10: Should the OCC extend the business counterparty exception to additional types of business combinations beyond those covered by the proposed exception or to other types of corporate transactions, such as the purchase or sale of assets or other acquisitions?

Question 11: Should the OCC adopt an exception allowing the parent holding company of a supervised entity to disclose CSI to the same extent as the supervised entity can under the exceptions in 12 CFR 4.14(b)? For instance, should the parent holding company be allowed to disclose OCC CSI to its own service providers, affiliates, potential merger partners, etc. without prior OCC approval?

Question 12: Should the OCC permit a supervised entity to disclose CSI without prior approval to another supervised entity or that entity's holding company? If so, what safeguards should be placed on the disclosure? For example, should the OCC permit such disclosure if (1) it is for the purpose of promoting the best interests of the financial institution entities, including by informing best practices and promoting government accountability; (2) the recipient of the CSI has signed a qualifying confidentiality agreement; and (3) the disclosing entity provides the OCC with after-the-fact notice of the disclosure and a copy of the disclosed CSI?

Question 13: Is it appropriate that a ''qualifying confidentiality agreement'' required pursuant to proposed 12 CFR 4.14(b)(2) provide that any person performing a service for a supervised entity acknowledges and consents to regulation and examination by the OCC to the same extent as if the service was being performed by the supervised entity itself? Is this requirement too burdensome on service providers such that it would interfere with supervised entities receiving outside assistance from service providers for remediation efforts?

Question 14: Should the requirements for a qualifying confidentiality agreement include that all individuals with access to the disclosed information be listed in an appendix to the agreement?

Question 15: Should the proposed exception allowing for disclosure of CSI by supervised entities to other agencies as defined in 5 U.S.C. 551(1) with prior notice and opportunity for the OCC to object to such disclosure be expanded to include other circumstances? Should it include demands from State agencies?

Question 16: Are the exceptions for when supervised entities can disclose CSI without prior approval appropriate and useful? Should any of the exceptions be expanded? Are there other situations for which the OCC should permit supervised entities to disclose CSI without prior notice or approval? For instance, should the OCC include an exception for the disclosure of information to a shareholder that owns in excess of 50 percent of the voting stock of the institution or for supervised entities to share CSI with other supervised entities and their holding companies when necessary for reasons of government accountability?

Question 17: Should the OCC require approval by the supervised entity's board for all disclosures of CSI under the exceptions in 12 CFR 4.14(b)?

Question 18: Does the proposed rule provide adequate controls to prevent its abuse? What other controls should be added that are also consistent with the balance the agency is seeking to achieve between protecting confidentiality and permitted limited disclosure?

Question 19: Should the OCC publicly disclose certain CSI (*e.g.,* matters requiring attention or ratings) once it has reached a certain age? Should this data be aggregated or anonymized before it is released? What would be the appropriate age for such data to be released? Should this disclosure be in addition to or in place of permitting supervised entities' disclosure to trade associations? Are there other types of information that the OCC should publicly disclose?

Question 20: The OCC recognizes the inherent tension between the part 4 restrictions on the release of NPOI and the requirements for the disclosure of certain information in the securities laws and regulations. What changes, if any, to proposed subpart B would better reconcile this tension? Should the OCC allow banks to disclose NPOI to the SEC in the course of their regular reporting to investors and, if so, what categories of CSI should banks be able to disclose?

Question 21: Should the OCC make any changes to proposed part B with respect to its treatment of NPOI from when the OTS had supervisory responsibility for Federal savings associations?

IV. Regulatory Analysis

A. Paperwork Reduction Act

This notice of proposed rulemaking has been reviewed for compliance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501 *et seq.*). In accordance with the PRA, the OCC may not conduct or sponsor, and an organization is not required to respond to, an information collection unless the information collection displays a currently valid Office of Management and Budget (OMB) control number. The OCC has reviewed the notice of proposed rulemaking and determined the action contains the following proposed amendments to the existing information collection requirements previously approved under OMB Control Number 1557–0200 as well as new information collection requirements. Pursuant to the PRA, the OCC has submitted these information collection requirements to OMB for review and approval.

Title: Release of Non-Public OCC Information.

OMB Control No.: 1557–0200.

Type of Review: Regular.

Affected Public: Businesses or other for-profit, not-for-profit.

Description: This information collection pertains to the reporting and recordkeeping requirements for OCC-supervised institutions and other entities subject to the requirements of 12 CFR part 4 when seeking to obtain or disclose OCC non-public information. As indicated in the Section-by-Section Discussion, the framework for the proposed rule was derived from the current rule. Information collection requirements subject to the PRA in proposed §§ 4.13(a), (c), and (e), 4.15(b), 4.17(a), (b), and (d), 4.19(d), and 4.21, are codified in current §§ 4.33(a), (b), and (d), 4.37(a) and (b), 4.38(a) and (b), and 4.39(d), and approved under OMB Control No. 1557–0200.

New or amended information requirements under this proposed rule are associated with proposed modifications that would expand the ability of OCC-supervised institutions to share CSI without prior OCC approval.

Recordkeeping Requirements

Proposed § 4.14(b)(1)(ii), Exceptions for supervised entities—Service provider: A supervised entity may disclose CSI without OCC approval to a service provider that has a qualifying confidentiality agreement, and for which the supervised entity keeps a log of the general categories of information being disclosed.

Proposed § 4.14(b)(1)(iii), Exceptions for supervised entities—Prospective senior executive officer: A supervised entity may disclose confidential supervisory information without OCC approval to an individual that is not yet employed by the supervised entity but is under consideration to serve as a

senior executive officer if the individual has a qualifying confidentiality agreement.

Proposed § 4.14(b)(1)(iv), Exceptions for supervised entities—Potential Counterparty: A supervised entity may disclose confidential supervisory information without OCC approval to a potential counterparty to a transaction or series of transactions involving a business combination or other combination: Agreement. If the potential counterparty agrees in writing not to reference the confidential supervisory information in any agreement with the supervised entity.

Proposed § 4.14(b)(1)(v), Exceptions for supervised entities—Potential Counterparty: A supervised entity may disclose confidential supervisory information without OCC approval to the U.S.-based consultant or U.S.-based attorney of a potential counterparty: Agreement. If the U.S.-based consultant or U.S.-based attorney to which the supervised entity discloses confidential supervisory information has a qualifying confidentiality agreement with the supervised entity.

Proposed § 4.14(b)(1)(vi), Exceptions for supervised entities—Not-for-Profit/Trade Association: A supervised entity may disclose confidential supervisory information without OCC approval to a not-for-profit entity, including a trade association: Agreement. If the receiving not-for-profit entity has signed a qualifying confidentiality agreement, and the supervised entity and the not-for-profit entity have a written agreement describing in detail a discrete and time-limited (not to exceed three months) collection of information for purposes of the specific aggregation of information or advocacy activities.

Reporting Requirements

Proposed § 4.14(b)(1)(iv), Exceptions for supervised entities—Potential Counterparty: A supervised entity may disclose confidential supervisory information without OCC approval to a potential counterparty to a transaction or series of transactions involving a business combination or other combination: Acknowledgement. If the OCC receives written acknowledgement from the potential counterparty regarding the purpose and use of the confidential supervisory information. Waiver. If the OCC receives a written waiver from the potential counterparty of any and all potential claims the potential counterparty may have against the OCC arising from the confidential supervisory information.

Proposed § 4.14(b)(2)(i), Disclosure to a government agency—Federal Reserve: A supervised entity may disclose confidential supervisory information to the Federal Reserve if the supervised entity notifies the OCC in writing of its proposed disclosure of confidential supervisory information and the notification includes a copy of the confidential supervisory information proposed to be disclosed.

Proposed § 4.14(b)(2)(ii), Disclosure to a government agency—Federal Deposit Insurance Corporation (FDIC): A supervised entity may disclose confidential supervisory information to the FDIC if the supervised entity receives a demand and notifies the OCC in writing of its proposed disclosure of confidential supervisory information and the notification includes a copy of the confidential supervisory information proposed to be disclosed.

Proposed § 4.14(b)(2)(iii), Disclosure to an agency—Other than the Federal Reserve or FDIC: A supervised entity may disclose confidential supervisory information to an agency as defined in 5 U.S.C. 551(1) if the supervised entity notifies the OCC in writing of its proposed disclosure of confidential supervisory information; the notification includes a copy of the confidential supervisory information proposed to be disclosed; and the notification includes a copy of a written agreement between the supervised entity and the agency in which the agency agrees to not disclose the confidential supervisory information and expressly provides that the OCC is an intended third-party beneficiary of the agreement and is permitted to enforce the terms of the agreement through a civil action.

The OCC's estimated burden hours reflect total hours associated with retained information collection requirements in part 4, as well as the proposed requirements. In calendar year 2025, the OCC received 102 CSI-related requests. The estimated burden hours are based on those historical requests received, along with a slight increase in anticipated respondents due to the proposed expanded exceptions. The OCC seeks comments on the proposed information collection.

Estimated Frequency of Response: On occasion.

Estimated Number of Respondents: 114.

Estimated Total Annual Burden: 442 hours.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record.

Comments are invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the OCC, including whether the information has practical utility;

(b) The accuracy of the OCC'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 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.

B. Regulatory Flexibility Act

As part of our analysis, the OCC considers whether the proposed rule would have a significant economic impact on a substantial number of small entities, pursuant to the Regulatory Flexibility Act. The OCC currently supervises approximately 602 small entities, all of which would be subject to the proposed rule.[68]

In general, the OCC classifies the economic impact on an individual small entity as significant if the total estimated impact in one year is greater than 5 percent of the small entity's total annual salaries and benefits or greater than 2.5 percent of the small entity's total non-interest expense. Furthermore, the OCC considers 5 percent or more of OCC-supervised small entities to be a substantial number. Thus, at present, 30 OCC-supervised small entities would constitute a substantial number.

Though all small OCC-supervised institutions would be subject to the rule, we believe the rule would be a potential net cost savings to small OCC-supervised banks, not a net cost.[69]

[68] The OCC bases its estimate of the number of small entities on the Small Business Administration's size thresholds for commercial banks and savings institutions, and trust companies, which are $850 million and $47 million, respectively. Consistent with the General Principles of Affiliation 13 CFR 121.103(a), we count the assets of affiliated financial institutions when determining if we should classify an OCC-supervised institution as a small entity. The OCC uses December 31, 2025, to determine size because a ''financial institution's assets are determined by averaging the assets reported on its four quarterly financial statements for the preceding year.'' *See* footnote 8 of the U.S. Small Business Administration's *Table of Size Standards.*

[69] 5 U.S.C. 603(b) describes the elements that are to be considered when conducting an initial regulatory flexibility analysis (IRFA). Particularly relevant is 5 U.S.C. 603(b)(4), which specifies the type of impacts that agencies should account for in any IRFA include ''. . . projected reporting, recordkeeping and other compliance requirements of the proposed rule, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills

Therefore, the OCC believes that, if implemented, the proposed rule would not have a significant economic impact on a substantial number of OCC-supervised small entities.

The OCC also considers the potential impacts of the rulemaking on small non-OCC-bank entities that may be a recipient of CSI shared by an OCC bank. Service providers, potential incoming senior executive officers, potential merger and consolidation counterparties, and OCC-supervised bank holding companies would be subject to additional costs under the proposed rule. Given the number of entities this may include, it is possible that the rule would impact a substantial number of small non-bank entities. Costs on these small non-bank entities include those pertaining to reviewing and signing a QCA for all four categories; a written contract requirement for service providers; and a written acknowledgement regarding due diligence, a written waiver of claims against the OCC, and a written confirmation not to reference the CSI in transaction agreements from each potential counterparty. Not-for-profits would also incur costs to review and sign a written agreement with an OCC bank for each CSI sharing instance. However, the OCC expects the costs associated with these collective requirements would be, at most, a few hours to several days' worth of time and resources. Therefore, the OCC believes the proposed rule would not have a significant economic impact on a substantial number of small non-OCC entities.

Last, the OCC consider the implications of the proposed changes to FOIA processes on the general public. The public incurs compliance costs if they elect to appeal a denied expedited processing request or a fee waiver denial. However, the OCC expects that these compliance costs to submit an appeal would be low. Furthermore, OCC FOIA data from the last five calendar years suggests the counts of potential denials are extremely low. Therefore, the OCC expects that the proposed rule would not have a significant economic impact on a substantial number of small entities of the general public.

necessary for preparation of the report or record.'' A narrow economic understanding of this language is to only account for administrative costs related to ensuring compliance with a rulemaking. A broader economic understanding of this language is to account for any and all direct costs that may be incurred to ensure compliance with a rulemaking. We use the broader understanding here and believe RFA impact to mean any and all direct costs of ensuring compliance with a given rulemaking.

C. Unfunded Mandates Reform Act

The OCC has analyzed the proposed rule under the factors in the Unfunded Mandates Reform Act of 1995 (UMRA).[70] Under this analysis, the OCC considered whether the proposed rule includes a Federal mandate that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year, ($193 million as adjusted annually for inflation). Pursuant to section 202 of the UMRA,[71] if a proposed rule meets this UMRA threshold, the OCC would need to prepare a written statement that includes, among other things, a cost-benefit analysis of the proposal.

There are no mandated costs associated with the proposed rule. Therefore, there are no UMRA costs associated with the proposed rule, as it would not result in an expenditure of $193 million or more annually by state, local, and tribal governments, or by the private sector.

D. Riegle Community Development and Regulatory Improvement Act of 1994

Pursuant to section 302(a) of the Riegle Community Development and Regulatory Improvement Act of 1994, 12 U.S.C. 4802(a), in determining the effective date and administrative compliance requirements for new regulations that impose additional reporting, disclosure, or other requirements on insured depository institutions, the agencies will consider, consistent with principles of safety and soundness and the public interest: (1) any administrative burdens that the proposed rule would place on depository institutions, including small depository institutions and customers of depository institutions; and (2) the benefits of the proposed rule. The OCC requests comment on any administrative burdens that the proposed rule would place on depository institutions, including small depository institutions, and their customers, and the benefits of the proposed rule that the agencies should consider in determining the effective date and administrative compliance requirements for a final rule.

E. Providing Accountability Through Transparency Act of 2023

The Providing Accountability Through Transparency Act of 2023 [72] requires that a notice of proposed rulemaking include the internet address of a summary of not more than 100 words in length of a proposed rule, in plain language, that shall be posted on the internet website *www.regulations.gov.*

The OCC is proposing to amend its regulations governing the disclosure of OCC information to streamline the regulation, provide for more efficient business operations by OCC supervised entities, and promote government transparency and accountability, as well as other minor amendments.

The proposal and the required summary can be found for the OCC at *https://www.regulations.gov* by searching for Docket ID OCC–2026–0133 and *https://occ.gov/topics/laws-and-regulations/occ-regulations/proposed-issuances/index-proposed-issuances.html.*

F. Executive Order 12866 (as Amended)

Executive Order 12866, titled ''Regulatory Planning and Review,'' as amended, requires the Office of Information and Regulatory Affairs (OIRA), OMB, to determine whether a proposed rule is a ''significant regulatory action'' prior to the disclosure of the proposed rule to the public. If OIRA finds the proposed rule to be a ''significant regulatory action,'' Executive Order 12866 requires the OCC to conduct a cost-benefit analysis of the proposed rule and for OIRA to conduct a review of the proposed rule prior to publication in the **Federal Register**. Executive Order 12866 defines a ''significant regulatory action'' to mean a regulatory action that is likely to (1) have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866.

OIRA has determined that this proposed rule is not a significant regulatory action under section 3(f)(1) of Executive Order 12866 and, therefore, is not subject to review under Executive Order 12866.

G. Executive Order 14192

Executive Order 14192, titled ''Unleashing Prosperity Through Deregulation,'' was issued on January

[70] 2 U.S.C. 1531 *et seq.*

[71] 2 U.S.C. 1532.

[72] 5 U.S.C. 553(b)(4).

31, 2025. Section 3(a) of Executive Order 14192 requires an agency, unless prohibited by law, to identify at least ten existing regulations to be repealed when the agency publicly proposes for notice and comment or otherwise promulgates a new regulation. In furtherance of this standard, section 3(c) of Executive Order 14192 requires that the 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 ten prior regulations.

The OCC expects the proposal, if finalized, will be a deregulatory action under Executive Order 14192 because it would result in potential cost savings for OCC-supervised banks.

List of Subjects

12 CFR Part 4

Administrative practice and procedure, Freedom of information, Individuals with disabilities, Minority businesses, organization and functions (Government agencies), Reporting and recordkeeping requirements, Women.

12 CFR Part 5

Administrative practice and procedure, National banks, Reporting and recordkeeping requirements, Savings associations, Securities.

12 CFR Part 7

Bonds, Computer technology, Credit, Insurance, Investments, Metals, National banks, Reporting and recordkeeping requirements, Savings associations, Securities, Surety bonds, Usury.

12 CFR Part 21

Crime, Currency, National banks, Reporting and recordkeeping requirements, Security measures.

12 CFR Part 163

Accounting, Administrative practice and procedure, Advertising, Conflicts of interest, Crime, Currency, Investments, Mortgages, Reporting and recordkeeping requirements, Savings associations, Surety bonds.

Authority and Issuance

For the reasons set forth in the preamble, the OCC proposes to amend chapter I of title 12 of the Code of Federal Regulations as follows:

PART 4—ORGANIZATION AND FUNCTIONS, AVAILABILITY AND RELEASE OF INFORMATION, CONTRACTING OUTREACH PROGRAM, POST-EMPLOYMENT RESTRICTIONS FOR SENIOR EXAMINERS

■ 1. The authority citation for part 4 is revised to read as follows:

Authority: 5 U.S.C. 301, 552; 12 U.S.C. 1, 93a, 161, 481, 482, 484(a), 1442, 1462a, 1463, 1464, 1817(a), 1818, 1820, 1821, 1831m, 1831p–1, 1831o, 1833e, 1867, 1951 *et seq.,* 2601 *et seq.,* 2801 *et seq.,* 2901 *et seq.,* 3101 *et seq.,* 3401 *et seq.,* 4806, 5321, 5412, 5414; 15 U.S.C. 77uu(b), 78q(c)(3); 18 U.S.C. 641, 1905, 1906; 29 U.S.C. 1204; 31 U.S.C. 5318(g)(2), 9701; 42 U.S.C. 3601; 44 U.S.C. 3506, 3510; E.O. 12600 (3 CFR, 1987 Comp., p. 235).

■ 2. Revise subpart B to read as follows:

Subpart B—Availability of OCC Information

Sec.

4.10 Purpose and scope.
4.11 Definitions.
4.12 Disclosure of OCC information in general; categories of OCC information.
4.13 Disclosure of non-public OCC information or confidential supervisory information, in general.
4.14 Disclosure of confidential supervisory information by recipient.
4.15 Restrictions on current and former OCC employees or agents; former OTS employees or agents.
4.16 Requesting nonexempt information under the FOIA and available non-public information.
4.17 Requesting non-public OCC information.
4.18 Where to submit a request for nonexempt information under the FOIA, a request for non-public OCC information, or a notice under this subpart.
4.19 Disclosing and using OCC records in litigation.
4.20 Predisclosure notice for confidential commercial information.
4.21 Consideration of requests for non-public OCC information.
4.22 Public inspection in an electronic format under the FOIA.
4.23 Fees for requesting nonexempt information under the FOIA.
4.24 Tracking requests for nonexempt information under the FOIA.

§ 4.10 Purpose and scope.

(a) *Purpose.* The purposes of this subpart are to:

(1) Set forth the standards, policies, and procedures that the OCC applies in administering the Freedom of Information Act (FOIA) (5 U.S.C. 552) to facilitate the OCC's interaction with supervised entities and the public.

(2) Afford an orderly mechanism for the OCC to:

(i) Process expeditiously requests for limited disclosure of non-public OCC information to specific entities;

(ii) Address the disclosure of non-public OCC information without a request; and

(iii) When appropriate, assert evidentiary privileges in litigation.

(3) Recognize the public's interest:

(i) In obtaining access to relevant and necessary information, including to allow greater insight into the supervisory process and, in turn, greater government accountability; and

(ii) Of maintaining the effectiveness of the OCC supervisory process through appropriate confidentiality of OCC supervisory information.

(4) Recognize supervised entities' interest in efficient disclosure of confidential supervisory information without a request when necessary or appropriate for a business purpose or other purpose listed in this paragraph (a).

(5) Ensure that OCC information is used in a manner that supports the public interest and the interests of the OCC.

(6) Ensure that OCC resources are used in the most efficient manner consistent with the OCC's statutory mission.

(7) Minimize burden on supervised entities, the public, and the OCC.

(8) Limit the expenditure of government resources for private purposes.

(9) Maintain the OCC's impartiality among private litigants.

(10) Recognize the importance of confidentiality to supervised entities and the OCC's supervisory process.

(11) Further the common interest in frank discussions of supervisory concerns regarding a supervised entity between it, the OCC, and potential counterparties to business combinations.

(12) Further the common interest in the iterative and informal supervisory process of comment by the OCC and response by a supervised entity that exists on a general level between the OCC and all its supervised entities, and in certain circumstances, those representing the interests of those entities.

(b) *Exclusions from scope.* This subpart does not apply to:

(1) A request for records pursuant to the Privacy Act of 1974 (5 U.S.C. 552a). A person requesting records from the OCC pursuant to the Privacy Act should refer to 31 CFR part 1, subpart C, and appendix J of subpart C of this part.

(2) A request for a record or testimony in a proceeding in which the OCC is a party.

(3) The OCC's decision to disclose records or testimony involving a Suspicious Activity Report (SAR) filed pursuant to the rules implementing 12 U.S.C. 5318(g), or any information that would reveal the existence of a SAR.

(4) A request outside of the FOIA for a record from Congressional committees or current members of Congress, including pursuant to a congressional subpoena and any other formal or informal process for requesting records.

(5) Requests for non-public OCC information filed with the Office of Thrift Supervision (OTS) before July 21, 2011. These requests are subject to the rules of the OTS in effect on July 20, 2011.

§ 4.11 Definitions.

For purposes of this subpart:

Affiliate means any person that controls, is controlled by, or is under common control with another company, and includes any employee, officer, director, or agent thereof. An affiliate of a branch or agency of a foreign bank also includes the foreign bank.

Confidential supervisory information has the meaning set forth in § 4.12(b).

Control means:

(1) The person directly or indirectly or acting through one or more other persons owns, controls, or has power to vote 25 percent or more of any class of voting securities of the supervised entity;

(2) The person controls in any manner the election of a majority of the directors or trustees of the supervised entity; or

(3) The OCC determines, after notice and opportunity for hearing, that the person directly or indirectly exercises a controlling influence over the management or policies of the supervised entity.

Complete request means a request containing sufficient information to allow the OCC to make an informed decision.

Demand means a written request, subpoena, order, motion to compel, civil investigative demand, search warrant, or other judicial or administrative process to provide information covered by this subpart.

Disclose, with respect to information, means to directly or indirectly make information available in any manner, including any action or inaction that causes or permits access to the information.

Government agency means an agency, other than the OCC or OTS, of the federal, a state, a tribal, or a foreign government and any person officially connected with the agency, such as employee, officer, director, or agent thereof.

Nonexempt information means information, including a record or a portion of a record, that does not meet the definition of non-public OCC information.

Non-public OCC information (1) means a record, or portion of a record, that the OCC may withhold from disclosure under the FOIA (5 U.S.C. 552(b)).

(2) Notwithstanding paragraph (1), *non-public OCC information* does not include final orders, amendments, or modifications of final orders, or other actions or documents that (i) are specifically required to be published or disclosed to the public pursuant to 12 U.S.C. 1818(u) or 12 U.S.C. 2906 or (ii) the OCC is specifically required to publish, publicly disclose, or otherwise make available to the public pursuant to other applicable laws or rules.

Person means an individual, company, trust, joint venture, pool, syndicate, sole proprietorship, unincorporated organization, or any other form of entity (other than the OCC or OTS), and any person officially connected with the person (other than the OCC or OTS), such as employee, officer, director, or agent thereof.

Predecessor agency means, with respect to the OCC, the Office of Thrift Supervision (OTS), or Federal Home Loan Bank Board or any other predecessor to these agencies.

Qualifying confidentiality agreement has the meaning set forth in § 4.14(c).

Record has the meaning provided at 5 U.S.C. 552(f)(2).

Relevant means could contribute substantially to the resolution of one or more specifically identified issues in the case or matter.

Service provider means an unaffiliated person, and includes any employee, officer, director, or agent thereof, hired by or partnered with the supervised entity to perform specific, specialized functions for or on behalf of the supervised entity related to the supervised entity's operations or provision of services. This includes persons performing consulting services, legal services, and auditing services. This does not include customers or financial counterparties.

Show a compelling need means, in support of a request for testimony, demonstrate with as much detail as is necessary under the circumstances, that the requested information is relevant and that the relevant information contained in the testimony is not available from any other source. Sources, without limitation, include the books and records of other persons or entities and non-public OCC information that have been, or might be, disclosed.

Supervised entity means:

(1) A national bank or Federal savings association, a subsidiary of a national bank or Federal savings association, or a Federal branch or agency of a foreign bank licensed by the OCC as defined under 12 CFR 28.11(g) and (h), any permitted payment stablecoin issuer or foreign payment stablecoin issuer for whom the OCC has regulatory or enforcement authority pursuant to the Guiding and Establishing National Innovation for U.S. Stablecoins Act (12 U.S.C. 5901 *et seq.*), or any other entity supervised by the OCC; and

(2) Any individual officially connected with the entity, such as employee, officer, director, or agent thereof.

Testimony means a transcribed interview or a sworn statement regardless of it being provided orally or in writing and regardless of it being provided before a court, another tribunal, or another officer (*e.g.,* at a deposition).

Unusual circumstances has the meaning provided at 5 U.S.C. 552(a)(6)(B)(iii).

§ 4.12 Disclosure of OCC information, in general; categories of OCC information.

(a) *General.* The OCC will disclose an OCC record to a supervised entity, government agency, or other person in accordance with this subpart.

(1) The OCC will disclose nonexempt information contained in an OCC record to a supervised entity, government agency, or other person upon specific request in accordance with § 4.16 of this subpart and the FOIA.

(2) The OCC will not disclose non-public OCC information, including confidential supervisory information, other than as provided in this subpart or otherwise required by law.

(b) *Confidential supervisory information.* (1) Confidential supervisory information is non-public OCC information that is exempt from disclosure under:

(i) FOIA Exemption 5 (5 U.S.C. 552(b)(5)) in connection with the bank examination privilege; or

(ii) FOIA Exemption 8 (5 U.S.C. 552(b)(8)).

(2) Confidential supervisory information includes:

(i) A record created or obtained:

(A) By the OCC in connection with the OCC's performance of its responsibilities, such as a record concerning supervision, licensing, regulation, and examination of a supervised entity; or

(B) By the OTS in connection with the OTS's performance of its

responsibilities, such as a record concerning supervision, licensing, regulation, and examination of a Federal savings association, a savings and loan holding company, or an affiliate of either of the foregoing;

(ii) A record compiled by the OCC or the OTS in connection with either agency's enforcement responsibilities;

(iii) A report of examination, supervisory correspondence, an investigatory file compiled by the OCC or OTS in connection with an investigation, and any internal agency memorandum, whether the information is in the possession of the OCC or another person; and

(iv) A sworn statement or deposition testimony from a current or former OCC employee, officer, or agent or a former OTS employee, officer, or agent concerning information acquired by that person in the course of his or her performance of official duties with the OCC or OTS or due to that person's official status at the OCC or OTS.

(3) Notwithstanding paragraph (b)(1) of this section, confidential supervisory information does not include information created or collected by a supervised entity for its own business purposes that is:

(i) In its own possession;

(ii) Not prepared for the OCC, Board of Governors of the Federal Reserve System, Federal Deposit Insurance Corporation, or Consumer Financial Protection Bureau in response to the applicable agency's supervisory or enforcement activities; and

(iii) Not supervisory feedback from the OCC, Board of Governors of the Federal Reserve System, Federal Deposit Insurance Corporation, or Consumer Financial Protection Bureau or information on enforcement activities of any of these agencies, including summaries of such information;

(c) *Non-public OCC information and confidential supervisory information obtained by third parties.*

(1) Non-public OCC information obtained by a third party or otherwise incorporated in the records of a third party, including another government agency, remains non-public OCC information.

(2) Confidential supervisory information obtained by a third party or otherwise incorporated in the records of a third party, including another government agency, remains confidential supervisory information.

§ 4.13 Disclosure of non-public OCC information or confidential supervisory information, in general.

(a) *Unauthorized disclosure of non-public OCC information prohibited.*

(1) A supervised entity, government agency, or other person to whom non-public OCC information is disclosed may not further disclose—

(i) Confidential supervisory information unless

(A) The disclosure is otherwise permitted by this subpart;

(B) The supervised entity, government agency, or other person has received the prior written permission of the OCC to disclose the confidential supervisory information; or

(C) The disclosure is in published statistical material or an anonymized anecdote that does not disclose, either directly or when used in conjunction with other publicly available information, the affairs of any person.

(ii) Non-public OCC information that is not confidential supervisory information, to the extent the OCC prohibited the further disclosure as a condition of disclosing the non-public OCC information.

(iii) Notwithstanding paragraphs (a)(1)(i) and (ii) of this section, a supervised entity, government agency, or other person to whom non-public OCC information is disclosed may further disclose the non-public OCC information when ordered by a federal court in a judicial proceeding in which the OCC has had the opportunity to appear and oppose the disclosure.

(2) No supervised entity, government agency, or other person that

(i) Obtains access to non-public OCC information that is prohibited from further disclosure under this paragraph may disclose the information to another person except as authorized by the subpart or otherwise by the OCC.

(ii) Obtains access to non-public OCC information that is not authorized either by this subpart or otherwise by the OCC may further disclose or make a copy of the information.

(3) If the OCC determines that a supervised entity, government agency, or other person has obtained access to, as provided in paragraph (a)(2), or is disclosing non-public OCC information, including confidential supervisory information, pursuant to this subpart for reasons other than the purpose provided in the relevant provision or otherwise in contravention of the objectives of this subpart, the OCC maintains the discretion to

(i) Order the cessation of use of the disclosed non-public OCC information; and

(ii) Require that all of the disclosed non-public OCC information is returned to the OCC or require the disclosed non-public OCC information to be destroyed.

(b) *Discretionary disclosure of non-public OCC information by the OCC.*

(1) Notwithstanding any other provisions in this subpart, the OCC may disclose or permit the further disclosure of non-public OCC information to a supervised entity, government agency, or other person if, in the sole discretion of the OCC, disclosure may be necessary or appropriate, with or without a request for information under § 4.17.

(2) In responding to a request for information under § 4.16, the OCC will not withhold from release records that were created or received 25 years or more before the date on which the records were requested on the grounds that they contain non-public OCC information unless the OCC determines there is good cause to withhold the record. The OCC may determine that good cause exists if disclosure conflicts with the purposes of this subpart as set out in § 4.10 or is otherwise prohibited by law.

(3) The OCC's decision to make a disclosure under paragraph (b)(1) of this section has no precedential significance to any other record or request.

(c) *Conditions and limitations.*

(1) The OCC may impose any conditions or limitations, including those described in paragraphs (c)(2) through (c)(4) of this section, on disclosures of non-public OCC information that it determines are necessary to give effect to the purposes of this subpart.

(2) The OCC may condition approval for disclosure of non-public OCC information on the entry of a protective order by the court or administrative tribunal presiding in the particular case or, in non-adversarial matters, on a written agreement of confidentiality.

(3) In a case in which a protective order has already been entered, the OCC may condition approval for disclosure of non-public OCC information on the inclusion of additional or amended provisions in the protective order.

(4)(i) Whenever the OCC authorizes a deposition testimony, the OCC may

(A) Condition its authorization of deposition testimony on an agreement of the parties to appropriate limitations, such as an agreement to keep the transcript of the testimony under seal or to make the transcript available only to the parties, the court, and the jury.

(B) Upon request or on its own initiative, allow use of a transcript in other litigation.

(C) Require the person making the request under (c)(4)(i)(B) to furnish the OCC with a copy of a transcript, at the person's expense.

(ii) The OCC employee whose deposition was transcribed does not waive his or her right to review the transcript and to note errors.

(d) *Nature of non-public OCC information.*

(1) *Non-public OCC information, in general.* (i) All non-public OCC information is the property of the OCC to the extent that the OCC is in possession of the information.

(ii) All non-public OCC information that a supervised entity, government agency or other person receives, regardless of whether such disclosure is authorized by this subpart, is the property of the OCC to the extent that the information is restricted from further disclosure under this subpart.

(2) *Confidential supervisory information.* (i) For confidential supervisory information subject to the bank examination privilege, only the OCC can waive that privilege.

(ii) Confidential supervisory information remains confidential supervisory information whether the supervised entity is operating or no longer operating.

(e) *Duty of person served.* Any person, other than a current or former OCC or OTS employee as discussed in § 4.15, served with a demand must:

(1) Immediately notify the OCC as set forth in § 4.18(b) and inform the OCC of all relevant facts, including the documents and information requested, so that the OCC may intervene in the judicial or administrative action if appropriate;

(2) Inform the requester of the substance of these rules and, in particular, of the obligation to follow the request procedures in § 4.17; and

(3) At the appropriate time, inform the court or tribunal that issued the process of the substance of these rules.

(f) *Intention of OCC not to waive rights.* The possession by any supervised entity, government agency, or other person of non-public OCC information as permitted by this subpart does not constitute a waiver by the OCC of its right to control, or impose limitations on, the subsequent use and disclosure of the information.

§ 4.14 Disclosure of confidential supervisory information by recipient.

(a) *OCC's disclosure of confidential supervisory information.* The OCC may disclose confidential supervisory information:

(1) About a supervised entity to that supervised entity;

(2) To a government agency, unless prohibited by law; or

(3) As otherwise permitted under this subpart.

(b) *Supervised entity's disclosure of confidential supervisory information.*

(1) *Disclosure to persons other than government agencies.* When necessary or appropriate for the efficacy of the supervision process, a supervised entity may disclose confidential supervisory information without OCC approval to:

(i) An affiliate of the supervised entity.

(ii) A service provider:

(A) That is incorporated in the United States, including any territory of the United States;

(B) That has a business need for the information;

(C) That has a formal agreement with, or is under a written contract to provide services to, the supervised entity;

(D) That has a qualifying confidentiality agreement; and

(E) For which the supervised entity keeps a log of the general categories of information being disclosed under (b)(ii) of this section.

(iii) A person that is not yet employed by the supervised entity or the supervised entity's top-tier holding company but that is under consideration to serve as a senior executive officer (*i.e.,* the president, chief executive officer, chief operating officer, chief financial officer, chief lending officer, chief investment officer, chief risk officer, and any other individual the OCC identifies in writing) of the supervised entity or the supervised entity's top-tier holding company, if all of the following three conditions are met:

(A) The individual has a qualifying confidentiality agreement.

(B) The supervised entity does not disclose information under this subsection with more than one potential candidate at a time per open position. The supervised entity or the supervised entity's top-tier holding company must have formally terminated hiring discussions with a potential senior executive officer before the supervised entity can make a disclosure under this subsection to another potential candidate for the same position.

(C) The Board of the supervised entity has approved the sharing of the information with the potential candidate.

(iv) A potential counterparty to a transaction or series of transactions involving a business combination or other combination described in 12 CFR 5.33(d)(2)(i), (ii), (iii), or (iv) or (d)(10)(i) or (ii) if the:

(A) Potential counterparty is engaged in good faith negotiations regarding the potential transaction or series of transactions with the supervised entity;

(B) Supervised entity provides the confidential supervisory information to the potential counterparty solely to enable each person to perform reasonable due diligence or other duties related to the transaction or series of transactions;

(C) Potential counterparty to which the supervised entity discloses confidential supervisory information has a qualifying confidentiality agreement with the supervised entity;

(D) OCC receives written acknowledgement from the potential counterparty that the confidential supervisory information was not created for the purpose of aiding in due diligence of the potential counterparty and that the potential counterparty will perform its own diligence and make its own financial decisions regarding the transaction or series of transactions;

(E) OCC receives a written waiver from the potential counterparty of any and all potential claims the potential counterparty may have against the OCC arising from the confidential supervisory information, including the accuracy and completeness thereof;

(F) Supervised entity has not disclosed confidential supervisory information under this paragraph to three or more other potential counterparties to the transaction or series of transactions; and

(G) Potential counterparty agrees in writing not to reference the confidential supervisory information in any agreement with the supervised entity or any affiliate of the supervised entity.

(v) U.S.-based consultants and U.S.-based attorneys of a potential counterparty identified in paragraph (b)(iv) of this section if:

(A) The supervised entity is permitted to share the confidential supervisory information with the potential counterparty pursuant to paragraph (b)(iv) of this section; and

(B) The U.S.-based consultant or U.S.-based attorney of the potential counterparty to which the supervised entity discloses confidential supervisory information has a qualifying confidentiality agreement with the supervised entity.

(vi) A not-for-profit entity, including a trade association, if:

(A) The disclosure is for the purpose of enabling the not-for-profit entity to anonymize and aggregate confidential supervisory information about the supervised entity with confidential supervisory information about other entities supervised by the OCC, Board of Governors of the Federal Reserve System, or Federal Deposit Insurance Corporation and making such aggregated information publicly available or, in the case of a trade association, advocating for the best interests of the members of the trade association, including with respect to the fairness, effectiveness, and

efficiency of the OCC's regulatory and supervisory processes;

(B) The supervised entity has a qualifying confidentiality agreement with the not-for-profit entity;

(C) The supervised entity and the not-for-profit entity have a written agreement describing in detail a discrete and time-limited (not to exceed three months) collection of information for purposes of the specific aggregation of information or advocacy activities; and

(D) The confidential supervisory information disclosed is no more than what is described in the written agreement.

(2) *Disclosure of confidential supervisory information to government agencies.*

(i) A supervised entity may disclose confidential supervisory information to the Federal Reserve (*i.e.,* the Board of Governors of the Federal Reserve System and the Reserve Banks) if:

(A) The disclosure is necessary for performance of the statutory duties of the Board of Governors of the Federal Reserve System;

(B) The supervised entity notifies the OCC in writing of its proposed disclosure of confidential supervisory information as provided in § 4.18(b);

(C) The notification includes a copy of the confidential supervisory information proposed to be disclosed;

(D) The supervised entity has not received the OCC's objection to the proposed disclosure within 15 calendar days of the OCC's acknowledgement of receipt of the proposed disclosure or such shorter period as specified in writing by the OCC; and

(E) The disclosure is made with the understanding that the Federal Reserve will not further disclose the confidential supervisory information outside of the Federal Reserve, other than as permitted under this subpart.

(ii) A supervised entity may disclose confidential supervisory information to the Federal Deposit Insurance Corporation if:

(A) The supervised entity receives a demand from the Federal Deposit Insurance Corporation for the confidential supervisory information;

(B) The confidential supervisory information is necessary for performance of the Federal Deposit Insurance Corporation's statutory duties related to its authority to carry out resolution-related activities, deposit insurance assessments, or backup supervisory activities;

(C) The supervised entity notifies the OCC in writing of the demand for disclosure of the confidential supervisory information as provided in § 4.18(b);

(D) The notification includes a copy of the confidential supervisory information disclosed to the Federal Deposit Insurance Corporation;

(E) (*1*) The supervised entity has not received the OCC's objection to the proposed disclosure within 15 calendar days of the OCC's acknowledgement of receipt of the proposed disclosure, or

(*2*) The OCC has provided blanket approval or has waived this requirement and communicated such approval or waiver in writing to the supervised entity; and

(F) The supervised entity makes the disclosure with the understanding that the Federal Deposit Insurance Corporation will not further disclose the confidential supervisory information without authorization from the OCC.

(iii) A supervised entity may disclose confidential supervisory information to an agency as defined in 5 U.S.C. 551(1) other than as provided in paragraph 4.14(b)(2)(i) and (ii), under a demand from the agency if:

(A) The supervised entity notifies the OCC in writing of its proposed disclosure of confidential supervisory information as provided in § 4.18(b);

(B) The notification includes a copy of the confidential supervisory information proposed to be disclosed;

(C) The notification includes a copy of a written agreement between the supervised entity and the agency in which the agency agrees to not disclose the confidential supervisory information and expressly provides that the OCC is an intended third-party beneficiary of the agreement and is permitted to enforce the terms of the agreement through a civil action filed in the U.S. District Court for the District of Columbia and any other court having jurisdiction and venue over disputes arising from the agreement; and

(D) The supervised entity has not received the OCC's objection to the proposed disclosure within 30 calendar days of the OCC's acknowledgement of receipt of the proposed disclosure or such shorter period as specified in writing by the OCC regarding the specific demand.

(c) *Qualifying confidentiality agreement.* Qualifying confidentiality agreement means an agreement between a supervised entity and a person that receives confidential supervisory information pursuant to § 4.14(b) that:

(1) Is written;

(2) States the recipient's awareness of, and agreement to abide by, the prohibition on the disclosure of confidential supervisory information contained in § 4.13, including the prohibition on further disclosure of the information without OCC approval in § 4.13(a)(1);

(3) Is governed by the laws of the United States or a State of the United States;

(4) Prohibits the use of the information by the recipient for any purpose other than as permitted by the relevant provision of paragraph (b) of this section, as expressly identified in the confidentiality agreement;

(5) For recipients that are not individuals, limits access to the information at the recipient to those directors, officers, or employees who have a business need to know the information;

(6) Requires the information to be destroyed or returned to the supervised entity at the earlier of the end of the consultant, service provider, or other relevant relationship with the supervised entity or at the conclusion of the purpose for which it was shared;

(7) Expressly provides that the OCC is an intended third-party beneficiary of the agreement and is permitted to enforce the terms of the agreement through a civil action filed in the U.S. District Court for the District of Columbia and any other court having jurisdiction and venue over disputes arising from the agreement;

(8) Expressly provides that the OCC must be informed of any violation of the agreement by either party; and

(9) For qualifying confidentiality agreements required pursuant to § 4.14(b)(1)(ii), provides that any person performing a service for a supervised entity

(A) Acknowledges and consents to regulation and enforcement by the OCC to the same extent as if the service was being performed by the supervised entity itself; and

(B) Acknowledges itself to be an institution-affiliated party as defined in 12 U.S.C. 1813(u)(4).

§ 4.15 Restrictions on current and former OCC employees or agents; former OTS employees or agents.

(a) *Generally.* Except as authorized by this subpart or otherwise by the OCC, no current or former OCC employee or agent or former OTS employee or agent, may, in any manner, disclose or permit the disclosure of any non-public OCC information to anyone other than an employee or agent of the OCC for use in the performance of OCC duties.

(b) *Duty of person served and potential OCC actions.*

(1) Any current or former OCC employee or agent or former OTS employee or agent that receives a demand must immediately notify the OCC if they receive a demand for non-

public OCC information by notifying the OCC's Chief Counsel by mail at the following address: Chief Counsel, Office of the Comptroller of the Currency, 400 Seventh Street SW, Washington, DC 20219 or other method of notification to which the Chief Counsel's Office has agreed.

(2) If ordered by a court or otherwise compelled by law, the current or former employee or agent must appear as required and respectfully decline to produce the information sought, citing this subpart as authority and *United States ex rel. Touhy* v. *Ragen,* 340 U.S. 462 (1951).

(3) The OCC may, among other actions, intervene, attempt to have the demand withdrawn, and register appropriate objections when a current or former OCC employee or agent or former OTS employee or agent receives a demand that requires the current or former employee or agent to appear or produce OCC information.

§ 4.16 Requesting nonexempt information under the FOIA and available non-public information.

(a) *Available nonexempt information.* The OCC will disclose a record, or portion of a record, containing nonexempt information to a person upon specific request under FOIA in accordance with this section and § 4.18(a).

(b) *Available non-public information.* The OCC will disclose a record, or portion of a record, containing non-public information that is authorized for disclosure under § 4.13(b) in accordance with this section.

(c) *Exceptions—*

(1) *Records at the Federal Deposit Insurance Corporation.* A person requesting any of the following records, other than blank forms (see § 4.22(a)(7)), must submit the request to the Federal Deposit Insurance Corporation, Legal Division, FOIA/PA Group, 550–17th Street NW, Washington, DC 20429, or fax to (703) 562–2797:

(i) Consolidated Report of Condition and Income (FFIEC 031, 032, 033, 034);

(ii) Annual Report of Trust Assets (FFIEC 001);

(iii) Uniform Bank Performance Report; and

(iv) Special Report.

(2) *Records of another agency.* When the OCC receives a request for records in its possession that another government agency either generated or provided to the OCC, the OCC promptly informs the requester and forwards the request to that government agency for processing in accordance with that government agency's rules.

(d) *Request for records—*

(1) *Contact information and what the request for records must include.* A person requesting records under this section must state, in writing:

(i) The requester's full name, address, telephone number, and, at the requester's option, electronic mail address;

(ii) A reasonable description of the records sought (including sufficient detail to enable OCC employees who are familiar with the subject matter of the request to locate the records with a reasonable amount of effort);

(iii) A statement agreeing to pay all fees that the OCC assesses under § 4.23;

(iv) A description of how the requester intends to use the records, if a requester seeks placement in a lower fee category (*i.e.,* a fee category other than ''commercial use requester'') under § 4.23; and

(v) Whether the requester prefers the OCC to deliver a copy of the records or to allow the requester to inspect the records at the appropriate OCC office.

(2) *Initial determination and discretionary disclosure of records.*

(i) The OCC initially determines whether to grant a request for OCC records and notifies the requester, in accordance with the time limits set forth in paragraph (f) of this section, of the determination and the reasons therefore and of the right to seek assistance from the OCC's FOIA Public Liaison.

(ii) In making its determination, the OCC will only withhold information if:

(A) it reasonably foresees that disclosure would harm an interest protected by an applicable exemption described in 5 U.S.C. 552(b); or

(B) disclosure is prohibited by law.

(iii) Except where disclosure is prohibited by law, the OCC may, on a case-by-case basis and in its discretion, disclose information where an arguable basis for withholding is available. The OCC's decision to make a discretionary disclosure has no precedential significance to any other record.

(3) *If request is granted.* If the OCC grants a request for records, in whole or in part, the OCC promptly discloses the records in one of two ways, depending on the requester's stated preference:

(i) The OCC may deliver a copy of the records to the requester. If the OCC delivers a copy of the records to the requester, the OCC duplicates the records at reasonable and proper times that do not interfere with their use by the OCC or preclude other persons from making inspections; or

(ii) The OCC may allow the requester to inspect the records at reasonable and proper times that do not interfere with their use by the OCC or preclude other persons from making inspections. If the OCC allows the requester to inspect the records, the OCC may place a reasonable limit on the number of records that a person may inspect during a day.

(4) *If request is denied.* If the OCC denies a request for records, in whole or in part, the OCC will notify the requester in writing. The notification is dated and contains a brief statement of the reasons for the denial, sets forth the name and title or position of the official making the decision, advises the requester of the right to seek dispute resolution services from the OCC's FOIA Public Liaison or the Office of Government Information Services, and advises the requester of the right to appeal to the Comptroller of the Currency in accordance with paragraph (d) of this section.

(5) *Expedited processing requests.*

(i) A person may submit a request for expedited processing, either with the request for records or at any time thereafter, if:

(A) The request is submitted in writing; and

(B) In cases where the request is submitted on paper, both the envelope and the request itself must be clearly marked, ''Expedited Processing Requested.''

(ii) The OCC will grant a request for expedited processing when it determines that:

(A) The request involves circumstances in which the lack of expedited processing could reasonably be expected to pose an imminent threat to the life or physical safety of an individual;

(B) (*1*) The records requested pertain to a matter of current exigency to the public;

(*2*) Delaying a response to a request for the records would compromise a significant recognized interest to and throughout the general public;

(*3*) The request involves an actual or alleged federal government activity; and

(*4*) The individual that made the request is primarily engaged in disseminating information; or

(C) The request involves the loss of substantial due process rights.

(iii) A requester who seeks expedited processing must submit a statement, certified to be true and correct, demonstrating the compelling need for expedited processing that meets at least one criterion identified in paragraph (5)(ii) of this section unless the OCC waives this certification requirement as a matter of administrative discretion.

(iv) (A) The OCC will notify the requester of the determination to grant or deny the request within 10 calendar days after the date of receipt of the request for expedited processing.

(B) The OCC will grant or deny a request for expedited processing solely on the information contained in the initial letter requesting expedited treatment.

(C) When the OCC grants a request for expedited processing, the OCC will process the request as soon as practicable.

(v) If the OCC denies a request for expedited processing, the requester may appeal the denial in accordance with this section. If the requester submits an appeal on paper, both the envelope and the appeal itself must be clearly marked, ''Appeal for Expedited Processing.''

(vi) The OCC will expeditiously consider the appeal and notify the requester of the determination.

(e) *Administrative appeal of a denial—*

(1) *Procedure.*

(i) A requester may appeal an adverse determination, including denials of requests for records, requests for expedited processing, and requests for fee waivers or reductions, pursuant to the requirements of this paragraph (e)(1).

(ii) The appeal must be submitted in writing within 90 calendar days after the date of the initial determination.

(iii) The appeal must include the circumstances and arguments supporting disclosure of the requested records.

(iv) An appeal of an initial determination to deny expedited processing must also follow the procedure set forth in paragraph (d)(5)(v) of this section.

(2) *Appellate determination.* The OCC determines whether to grant an appeal of a denial of:

(i) A request for OCC records;

(ii) A request for expedited processing; or

(iii) A waiver or reduction of fees.

(3) *If appeal is granted.* If the OCC grants an appeal, in whole or in part, the OCC treats the request as if it were originally granted, in whole or in part, by the OCC in accordance with paragraph (d)(3) of this section.

(4) *If appeal is denied.* If the OCC denies an appeal, in whole or in part, the OCC notifies the requester in writing. The notification contains a brief statement of the reasons for the denial, sets forth the name and title or position of the official making the decision, and advises the requester of the right to judicial review of the denial under 5 U.S.C. 552(a)(4)(B).

(f) *Judicial review—*

(1) *General.* If the OCC denies an appeal pursuant to paragraph (e) of this section, or if the OCC fails to make a determination within the time limits specified in paragraph (g) of this section, the requester may commence an action to compel disclosure of records, pursuant to 5 U.S.C. 552(a)(4)(B), in the United States district court in the:

(i) District where the requester resides;

(ii) District where the requester's principal place of business is located;

(iii) District where the records are located; or

(iv) the District of Columbia.

(2) *Service of process.* In commencing an action described in paragraph (f)(1) of this section, the requester, in addition to serving the United States as described in Federal Rule of Civil Procedure 4(i)(1) must send a copy of the summons and of the complaint by registered or certified mail to: Chief Counsel, Office of the Comptroller of the Currency, 400 Seventh Street SW, Washington, DC 20219.

(g) *Time limits for responding to FOIA requests—*

(1) *Initial determinations.* The OCC makes an initial determination to grant or deny a request for records within 20 business days after the date of receipt of the request, as described in paragraph (h) of this section, except as stated in paragraph (g)(3) of this section.

(2) *Appeal.* The OCC makes a determination to grant or deny an administrative appeal within 20 business days after the date of receipt of the appeal, as described in paragraph (h) of this section, except as stated in paragraph (g)(3) of this section.

(3) *Extension of time.* The time limits set forth in paragraphs (g)(1) and (2) of this section may be extended as follows:

(i) *In unusual circumstances.* The OCC may extend the time limits as described in paragraph (g)(4) of this section when the OCC requires additional time due to unusual circumstances;

(ii) *By agreement.* A requester may agree to extend the time limits for any amount of time;

(iii) *By judicial action.* If a requester commences an action pursuant to paragraph (f) of this section for failure to comply with the time limits set forth in this paragraph (g), a court with jurisdiction may, pursuant to 5 U.S.C. 552(a)(6)(C), allow the OCC additional time to complete the review of the records requested; or

(iv) *Tolling of time limits.*

(A) The OCC may toll the 20 business-day time period in paragraph (g)(1) of this section to:

(*1*) Make one request for additional information from the requester; or

(*2*) Clarify the applicability or amount of any fees, if necessary, with the requester.

(B) The tolling period ends upon the OCC's receipt of requested information from the requester or resolution of the fee issue.

(4) *Time of extensions for unusual circumstances.* If the OCC determines additional time is necessary pursuant to paragraph (g)(3)(i) of this section, the OCC will

(i) Provide written notice to the person making the request or appeal, containing the reason for the extension and the date on which the OCC expects to make a determination; and

(ii) If the OCC determines it cannot respond to the request within 10 business days, the OCC will:

(A) Notify the requester that the request cannot be processed within the time limit set forth in paragraph (g)(3)(i) of this section;

(B) Provide the requester with an opportunity to limit the scope of the request so that it may be processed within that 10 business day period or to arrange with the OCC an alternative time frame for processing the request or a modified request;

(C) Make available the FOIA Public Liaison, who shall assist in the resolution of any disputes between the requester and the OCC; and

(D) Notify the requester of the right of the requester to seek dispute resolution services from the Office of Government Information Services.

(h) *Date of receipt of request or appeal.* The date of receipt of a request for records or an appeal is the date that the OCC receives a request that satisfies the requirements of paragraph (d)(1) or (e)(1) of this section, except as provided in 4.23(d).

(i) *Dispute resolution services.* Requesters with concerns about the handling of their FOIA requests may contact the FOIA Public Liaison or the Office of Government Information Services for dispute resolution services.

(1) To apply for dispute resolution assistance from the FOIA Public Liaison, requesters should submit a written request to the FOIA Public Liaison, Office of the Comptroller of the Currency, 400 Seventh Street SW, Washington, DC 20219.

(2) For dispute resolution services through the Office of Government Services, requesters should contact the Office of Government Services as set forth at 36 CFR 1250.32.

(i) *Segregability—*

(1) If, in responding to a request under this section, the OCC determines that a requested record contains non-public OCC information, the OCC will consider whether partial disclosure of the record is possible and take reasonable steps

necessary to segregate and disclose nonexempt information.

(2) The OCC will note the location, basis, and extent of any redaction and identify the categories of non-public OCC information redacted from the disclosed record unless doing so would harm an interest protected by this subpart or the FOIA.

§ 4.17 Requesting non-public OCC information.

(a) *Generally*—

(1) *Form of request.* A person seeking non-public OCC information, including confidential supervisory information, must submit a request in writing to the OCC explaining, in as detailed a description as is necessary under the circumstances, the bases for the request and how the requested non-public OCC information relates to the issues in the matter.

(2) *Expedited request.* A requester seeking a response in less than 60 days must explain in writing why the request was not submitted earlier and why the OCC should expedite the request.

(3) *Request arising from adversarial matters.* Where the requested information is to be used in connection with a lawsuit or other adversarial matter:

(i) The OCC generally will require that the lawsuit or an administrative action related to the matter has been filed before it will consider the request;

(ii) The request must include:

(A) A copy of the complaint or other pleading setting forth the assertions in the case;

(B) The caption and docket number of the case;

(C) The name, address, and phone number of counsel to each party in the case; and

(D) A description of any prior judicial decisions or pending motions in the case that may bear on the asserted relevance of the requested information;

(iii) The request must also:

(A) Show that the information is relevant to the purpose for which it is sought;

(B) Show that other evidence reasonably suited to the requester's needs is not available from any other source;

(C) Show that the need for the information outweighs the public interest considerations in maintaining the confidentiality of the OCC information and outweighs the burden on the OCC to produce the information;

(D) Explain how the issues in the case and the status of the case warrant that the OCC allow disclosure; and

(E) Identify any other issue that may bear on the question of waiver of privilege by the OCC.

(b) *Request for records.* If the request is for a record, the requester must adequately describe the record or records sought by type and date.

(c) *Additional information.* (1) A requester must submit a complete request.

(2) The OCC may:

(i) Require the requester to provide additional information to complete a request; and

(ii) Consistent with the purposes stated in § 4.10, inquire into the circumstances of any case underlying the request and rely on sources of information other than the requester, including other parties.

(d) *Request for testimony*—

(1) *Generally.* A requester seeking testimony:

(i) Must show a compelling need for the requested information; and

(ii) Should request OCC testimony with sufficient time to obtain the testimony in deposition form.

(2) *Trial or hearing testimony.* A requester seeking testimony at a trial or hearing must show that a deposition would not suffice.

(3) *Witness fees and mileage.* A person whose request for testimony of a current OCC employee is approved must, upon completion of the testimonial appearance, tender promptly to the OCC payment for the witness fees and mileage. The litigant must compute these amounts in accordance with 28 U.S.C. 1821. A litigant whose request for testimony of a former OCC employee is approved must tender promptly to the witness any witness fees or mileage due in accordance with 28 U.S.C. 1821.

§ 4.18 Where to submit a request for nonexempt information under the FOIA, a request for non-public OCC information, or a notice under this subpart.

(a) *Request for nonexempt information.* Except as provided in § 4.16(c)(1), a person requesting nonexempt information through the FOIA or filing an administrative appeal described in § 4.16 must submit the request or appeal:

(1) Through the OCC's FOIA Web portal at *https://www.occ.gov/about/connect-with-us/foia/index-foia.html;*

(2) Through the consolidated online request portal maintained by the Office of Management and Budget pursuant to 5 U.S.C. 552(m)(1); or

(3) Through registered or certified mail to the OCC's FOIA Officer and, separately, the OCC's Chief Counsel, both located at Office of the Comptroller of the Currency, 400 Seventh Street SW, Washington, DC 20219.

(b) *Request for non-public OCC information.* A person requesting non-public OCC information under this subpart (including a combination of nonexempt and non-public OCC information), requesting authentication of a record under § 4.19(d), or submitting a notification of a demand under § 4.13, shall send the request or notification to: Chief Counsel, Office of the Comptroller of the Currency, 400 Seventh Street SW, Washington, DC 20219.

§ 4.19 Disclosing and using OCC records in litigation.

(a) *Responsibility of litigants to notify parties of a request for testimony.* Upon submitting a request to the OCC for the testimony of an OCC employee or former OCC or OTS employee, the requester must notify all other parties to the case that a request has been submitted.

(b) *Responsibility of litigants regarding disclosed records.* The requester must promptly notify other parties to a case of the disclosure of non-public OCC information obtained pursuant to this subpart, and, upon entry of a protective order, must provide copies of OCC information, including OCC information obtained pursuant to § 4.16, to the other parties.

(c) *Retrieval and destruction of disclosed records.* At the conclusion of an action:

(1) The requester must retrieve any non-public OCC information from the court's file as soon as the court no longer requires the information;

(2) Each party must destroy the non-public OCC information covered by the protective order; and

(3) Each party must certify to the OCC that the non-public OCC information covered by the protective order has been destroyed.

(d) *Authentication for use as evidence.* Upon request, the OCC authenticates disclosed records to facilitate their use as evidence. Requesters who require authenticated records or certificates of nonexistence of records should, as early as possible, request certificates from the OCC, pursuant to § 4.18.

§ 4.20 Predisclosure notice for confidential commercial information.

(a) *Definitions.* For purposes of this section, the following definitions apply:

(1) *Confidential commercial information* means commercial or financial information obtained by the OCC from a submitter that may be exempt from disclosure under FOIA Exemption 4, 5 U.S.C. 552(b)(4).

(2) *Submitter* means any state agency, tribal agency, Federal agency, foreign government, or other person that

provides confidential commercial information to the OCC.

(b) *Notice to submitter*—

(1) *When provided.* When the OCC receives a request under § 4.16(d) or an appeal under § 4.16(e) for disclosure of confidential commercial information, the OCC provides a submitter with prompt written notice of the receipt of that request (except as provided in paragraphs (b)(2) and (b)(4) of this section) in the following circumstances:

(i) With respect to confidential commercial information submitted to the OCC or to a predecessor agency prior to January 1, 1988, if the information is subject to a prior express commitment of confidentiality from the OCC or the predecessor agency; and

(ii) With respect to confidential commercial information submitted to the OCC or a predecessor agency on or after January 1, 1988, if:

(A) The submitter in good faith designated the information as confidential commercial information; or

(B) The OCC or the predecessor agency, designated the class of information to which the requested information belongs as confidential commercial information.

(2) *Exceptions.* Notwithstanding paragraph (b)(1) of this section, the OCC generally does not provide notice thereunder if the OCC determines that:

(i) It will not disclose the information;

(ii) The information already has been disclosed officially to the public;

(iii) The OCC is required by law (other than the FOIA) to disclose the information;

(iv) The OCC or a predecessor agency acquired the information in the course of a lawful investigation of a possible violation of criminal law;

(v) The submitter had an opportunity to designate the requested information as confidential commercial information at the time of submission of the information or a reasonable time thereafter and did not do so; or

(vi) The OCC determines that the submitter's designation under paragraph (b)(1)(ii)(A) of this section is frivolous; in such case, however, the OCC will provide the submitter with written notice of any final administrative determination to disclose the information at least 10 business days prior to the date that the OCC intends to disclose the information.

(3) *Content of notice.* The OCC either describes in the notice the exact nature of the confidential commercial information requested or includes with the notice copies of the records or portions of records containing that information.

(4) *Expiration of notice period.* The OCC provides notice under this paragraph (b) with respect to information that the submitter designated as confidential commercial information under paragraph (b)(1)(ii)(A) of this section for the longer of:

(i) A period of 10 years after the date of the submitter's designation; and

(ii) Any period of time requested by the submitter and approved by the OCC.

(5) *Certification of confidentiality.* The submitter should support the claim of confidentiality with a statement or certification that:

(i) States the requested information is confidential commercial information that the submitter has not disclosed to the public and

(ii) Is prepared by an officer or authorized representative if the submitter is a corporation or other entity.

(c) *Notice to requester.* If the OCC provides notice to a submitter under paragraph (b) of this section, the OCC:

(1) Notifies the requester that it has provided notice to the submitter.

(2) Advises the requester that, if there is a delay in its decision whether to grant or deny access to the information sought, the delay may be considered a denial of access to the information and that the requester may proceed with an administrative appeal or seek judicial review.

(d) *Voluntary extension.* The requester may agree to a voluntary extension of time to allow the OCC to review the submitter's disclosure as provided by § 4.16(g)(3)(ii).

(e) *Opportunity to object to disclosure.* Within 10 business days after receiving notice under paragraph (b) of this section, the submitter may provide the OCC with a detailed statement of objection to disclosure of the information. That statement must specify the grounds for withholding any of the information under any FOIA exemption. Any statement that the submitter provides under this paragraph (e) may be subject to disclosure under the FOIA.

(f) *Notice of intent to disclose.* The OCC considers a submitter's objection and specific grounds for nondisclosure prior to determining whether to disclose the requested information. If the OCC decides to disclose information over the objection of the submitter, the OCC provides to the submitter, with a copy to the requester, a written notice that includes:

(1) A statement of the OCC's reasons for not sustaining the submitter's objections to disclosure;

(2) A description of the information to be disclosed;

(3) The anticipated disclosure date, which is not less than 10 business days after the OCC mails the written notice required under this paragraph (f); and

(4) A statement that the submitter must notify the OCC immediately if the submitter intends to seek injunctive relief.

(f) *Notice of requester's lawsuit.* Whenever the OCC receives service of process indicating that a requester has brought suit seeking to compel the OCC to disclose information covered by paragraph (b)(1) of this section, the OCC promptly notifies the submitter.

§ 4.21 Consideration of requests for non-public OCC information.

(a) *In general*—

(1) *OCC discretion.* The OCC decides whether to disclose non-public OCC information based on its weighing of all appropriate factors including the requester's fulfilling of the requirements enumerated in § 4.17.

(2) *Bases for denial.* The OCC may deny a request for non-public OCC information for reasons that include the following:

(i) The requester was unsuccessful in showing that the information is relevant to the pending matter;

(ii) The requester seeks testimony and the requester did not show a compelling need for the information;

(iii) The request arises from an adversarial matter and other evidence suited to the requester's need is available from another source;

(iv) A lawsuit or administrative action has not yet been filed and the request was made in connection with potential litigation;

(v) The production of the information would be contrary to the public interest or unduly burdensome to the OCC; or

(vi) When prohibited by law.

(3) *Final agency decision.* OCC action on a request for non-public OCC information is a final agency decision and exhausts administrative remedies for discovery of the information.

(4) *Decision in writing.* The OCC will notify the requester in writing of the final decision.

(5) *Time required by the OCC to respond.*

(i) The OCC generally will process requests in the order in which they are received.

(ii) Absent unusual circumstances as defined in § 4.11, the OCC will respond to a request within 60 days from the date that the OCC receives a request that it deems a complete request.

(iii) Consistent with § 4.17(a)(2), the OCC weighs a request to respond to

provide information in less than 60 days against the unfairness to other requesters whose pending requests may be delayed and the burden imposed on the OCC by the expedited processing.

(6) *Notice to subject supervised entities.*

(i) Following receipt of a request for non-public OCC information, the OCC generally notifies the supervised entity that is the subject of the requested information, unless the OCC, in its discretion, determines that to do so would advantage or prejudice any of the parties in the matter at issue.

(ii) Notification under paragraph (a)(7)(i) of this section does not apply to disclosures governed by § 4.20.

(b) *Testimony.*

(1) The OCC generally will not authorize a current OCC employee to provide expert or opinion evidence for a private party.

(2) The OCC may restrict the scope of any authorized testimony and may act to ensure that the scope of testimony given by the OCC employee adheres to the scope authorized by the OCC.

(3) Once a request for testimony has been submitted, and before the requested testimony occurs, a party to the relevant case, who did not join in the request and who wishes to question the witness beyond the scope of testimony sought by the request, must timely submit the party's own request for OCC information pursuant to this subpart.

(4) The OCC may offer the requester the employee's written declaration in lieu of testimony.

(c) *Disclosure of non-public OCC information by others.*

(1) In appropriate cases, the OCC may respond to a request for information by authorizing a party that is in possession of non-public OCC information to disclose the information to the requester.

(2) An OCC authorization to disclose records does not preclude the party in possession from:

(i) Asserting its own privilege,

(ii) Arguing that the records are not relevant, or

(iii) Asserting any other argument for which it has standing to protect the records from disclosure.

§ 4.22 Public inspection in an electronic format under the FOIA.

(a) *Available information.* Subject to the provisions on the disclosure of non-public OCC information provided in this subpart or otherwise required by law, the OCC makes the following information available for public inspection in an electronic format:

(1) Any final order, agreement, or other enforceable document issued in the adjudication of an OCC enforcement case, including a final order published pursuant to 12 U.S.C. 1818(u);

(2) Any final opinion issued in the adjudication of an OCC enforcement case;

(3) Any statement of general policy or interpretation of general applicability not published in the **Federal Register**;

(4) Any administrative staff manual or instruction to staff that may affect a member of the public as such;

(5) A current index identifying the information referred to in paragraphs (a)(1) through (a)(4) of this section issued, adopted, or promulgated after July 4, 1967;

(6) A list of available OCC publications;

(7) A list of forms available from the OCC, and specific forms and instructions, except that some forms and instructions that supervised entities use are not available from the OCC. The OCC will provide information on where to obtain these forms and instructions upon request;

(8) Any public Community Reinvestment Act performance evaluation;

(9) Any public securities-related filing required under part 11 or 16 of this chapter;

(10) Any public comment letter regarding a proposed rule;

(11) Any records, regardless of form or format, that have been disclosed to any person under 5 U.S.C. 552(a)(3) provided that:

(i) The OCC determines that, because of the nature of their subject matter, the records are or are likely to become the subject of subsequent requests for substantially the same records; or

(ii) The records have been requested three or more times;

(12) Reference materials or a guide for requesting records or information from the OCC, including an index of all major OCC information systems, a description of major information and record locator systems maintained by the OCC, and a handbook for obtaining various types and categories of public information from the OCC pursuant to the FOIA and chapter 35 of title 44;

(13) The public file (as defined in 12 CFR 5.9) with respect to a pending application described in part 5 of this chapter; and

(14) Any OTS information similar to that listed in paragraphs (a)(1) through (a)(13) of this section, to the extent this information is in the possession of the OCC.

(b) *Redaction of identifying details.* To the extent necessary to prevent an invasion of personal privacy, the OCC may redact identifying details from any information described in paragraph (a) of this section before making the information available for public inspection in an electronic format.

(c) *Addresses.* The information described in paragraphs (a)(1) through (14) of this section is available from: FOIA Officer, Office of the Comptroller of the Currency, 400 Seventh Street SW, Washington, DC 20219.

§ 4.23 Fees for requesting nonexempt information under the FOIA.

(a) *Definitions.* For purposes of this section, the following definitions apply:

(1) *Actual costs* means those expenditures that the OCC incurs in providing services (including searching for, reviewing, and duplicating records) in response to a request for records under §§ 4.16 and 4.17.

(2) *Search* means the process of locating a record in response to a request, including page-by-page or line-by-line identification of material within a record. The OCC may perform a search manually or by electronic means.

(3) *Review* means the process of examining a record located in response to a request to determine which portions of that record should be disclosed. It also includes processing a record for disclosure.

(4) *Duplication* means the process of copying a record in response to a request. A copy may take the form of a paper copy, microform, audiovisual materials, or machine-readable material (*e.g.,* magnetic tape or disk), among others.

(5) *Commercial use requester* means a person who seeks records for a use or purpose that furthers the commercial, trade, or profit interests of the requester or the person on whose behalf the request is made.

(6) *Educational institution requester* means a person who seeks records on behalf of a public or private educational institution, including a preschool, an elementary or secondary school, an institution of undergraduate or graduate higher education, an institution of professional education, or an institution of vocational education that operates a program of scholarly research.

(7) *Noncommercial scientific institution requester* means a person who is not a ''commercial use requester,'' as that term is defined in paragraph (a)(5) of this section, and who seeks records on behalf of an institution operated solely for the purpose of conducting scientific research, the results of which are not intended to promote any particular product or industry.

(8) *Requester who is a representative of the news media* means any person

who, or entity that, gathers information of potential interest to a segment of the public, uses editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience. A freelance journalist will be regarded as working for a news media entity if the person can demonstrate a solid basis for expecting publication through that entity, whether or not the journalist is actually employed by that entity. A publication contract is one example of a basis for expecting publication that ordinarily would satisfy this standard. The OCC also may consider the past publication record of the requester in determining whether she or he qualifies as a ''representative of the news media.''

(b) *Fees*—

(1) *Fees authorized.* The OCC may charge fees to requesters of nonexempt information under the FOIA representing reasonable standard charges for document search, duplication, or review as applicable.

(2) *General.* The hourly and per page rate that the OCC generally charges requesters is set forth in the ''Notice of Comptroller of the Currency Fees'' (Notice) described in 12 CFR 8.8. Any interested person may request a copy of the Notice from the OCC by mail or may obtain a copy at the location described in § 4.22(c). The OCC may contract with a commercial service to search for, duplicate, or disseminate records, provided that the OCC determines that the fee assessed upon a requester is no greater than if the OCC performed the tasks itself. The OCC does not contract out responsibilities that the FOIA provides that the OCC alone may discharge, such as determining the applicability of an exemption or whether to waive or reduce a fee.

(3) *Fee categories.* The OCC assesses a fee based on the fee category in which the OCC places the requester. If the request states how the requester intends to use the requested records pursuant to § 4.16(d)(1)(iv), the OCC may place the requester in a lower fee category; otherwise, the OCC categorizes the requester as a ''commercial use requester.'' If the OCC reasonably doubts the requester's stated intended use, or if that use is not clear from the request, the OCC may place the requester in the ''commercial use'' category or may seek additional clarification. The fee categories are as follows:

(i) *Commercial use requesters.* The OCC assesses a fee for a requester in this category for the actual cost of search, review, and duplication. A requester in this category does not receive any free search, review, or duplication services.

(ii) *Educational institution requesters, noncommercial scientific institution requesters, and requesters who are representatives of the news media.* The OCC assesses a fee for a requester in this category for the actual cost of duplication. A requester in this category receives 100 free pages.

(iii) *All other requesters.* The OCC assesses a fee for a requester who does not fit into either of the above categories for the actual cost of search and duplication. A requester in this category receives 100 free pages and two hours of free search time.

(3) *Special services.* The OCC may, in its discretion, accommodate a request for special services. The OCC may recover the actual cost of providing any special services.

(4) *Waiving or reducing a fee.* The OCC must waive or reduce a fee under this section whenever, in its opinion, disclosure of records is in the public interest because the disclosure:

(i) Is likely to contribute significantly to public understanding of the operations or activities of the government; and

(ii) Is not primarily in the commercial interest of the requester.

(iii) A requester may appeal the OCC's determination not to grant a request for a waiver or reduction of fees under the procedure set forth in § 4.16(e).

(5) *Fee for unsuccessful search.* The OCC may assess a fee for time spent searching for records, even if the OCC does not locate the records requested.

(6) *No fee if the time limit passes and the OCC has not responded to the request.* The OCC will not assess search or duplication fees, as applicable, if it fails to respond to a requester's FOIA request within the time limits specified under 5 U.S.C. 552(a)(6) and § 4.16(g) of this subpart, except as follows:

(i) *Unusual circumstances*—

(A) *General.* The OCC may assess search or duplication fees, as applicable, for an additional 10 business days if:

(1) the OCC has determined that unusual circumstances apply,

(2) the OCC provides timely written notice to the requester in accordance with 5 U.S.C. 552(a)(6)(B), and

(3) the OCC complies with the extended 10 business-day time limit.

(B) *Voluminous Requests.* The OCC may assess search or duplication fees, as appropriate, for more than 10 additional business days if:

(1) the OCC has determined that unusual circumstances (as defined in § 4.11 of this subpart) apply,

(2) the OCC has determined that more than 5,000 pages are necessary to respond to the request,

(3) the OCC provides a timely written notice to the requester in accordance with 5 U.S.C. 552(a)(6)(B), and

(4) the OCC discusses with the requester via written mail, electronic mail, or telephone (or makes not less than three good-faith attempts to do so) how the requester could effectively limit the scope of the request in accordance with 5 U.S.C. 552(a)(6)(B)(ii).

(ii) *In exceptional circumstances.* If a court has determined that exceptional circumstances apply to the processing of a request for purposes of 5 U.S.C. 552(a)(6)(C) (*i.e.,* a delay that does not result from a predictable agency workload of requests under this section, unless the agency demonstrates reasonable progress in reducing its backlog of pending requests), the OCC may assess search or duplication fees, as applicable, for the length of time provided by the court order.

(c) *Payment of fees*—

(1) *General.* The OCC generally assesses a fee when it delivers the records in response to the request, if any. A requester must send payment within 30 calendar days of the billing date to: Financial Management, Accounts Receivable, Office of the Comptroller of the Currency, 400 Seventh Street SW, Washington, DC 20219.

(2) *Fee likely to exceed $25.* If the OCC estimates that a fee is likely to exceed $25, the OCC notifies the requester of the estimated fee, unless the requester has indicated in advance a willingness to pay a fee as high as the estimated fee. If so notified by the OCC, the requester may confer with OCC employees to revise the request to reflect a lower fee.

(3) *Fee likely to exceed $250.* If the OCC estimates that a fee is likely to exceed $250, the OCC notifies the requester of the estimated fee. In this circumstance, the OCC may require, as a condition to processing the request, that the requester:

(i) Provide satisfactory assurance of full payment, if the requester has a history of prompt payment; or

(ii) Pay the estimated fee in full, if the requester does not have a history of prompt payment.

(4) *Failure to pay a fee.* If the requester fails to pay a fee within 30 days of the date of the billing, the OCC may require, as a condition to processing any further request, that the requester pay any unpaid fee, plus interest (as provided in paragraph (c)(5) of this section), and any estimated fee in full for that further request.

(5) *Interest on unpaid fee.* The OCC may assess interest charges on an unpaid fee beginning on the 31st day

following the billing date. The OCC charges interest at the rate prescribed in 31 U.S.C. 3717.

(d) *Tolling of time limits.* Under the circumstances described in paragraphs (c) (2), (3), and (4) of this section, the time limits set forth in § 4.16(g) begin only after the OCC receives a revised request under paragraph (c)(2) of this section, an assurance of payment under paragraph (c)(3)(i) of this section, or the required payments under paragraph (c)(3)(ii) or (c)(4) of this section.

(e) *Aggregating requests.* When the OCC reasonably believes that a requester or group of requesters is attempting to break a request into a series of requests for the purpose of evading the assessment of a fee, the OCC may aggregate the requests and assess a fee accordingly.

§ 4.24 Tracking requests for nonexempt information under the FOIA.

(a) *Tracking number—*

(1) *internet requests.* The OCC will issue a tracking number to all FOIA requests automatically upon receipt of the request (as described in § 4.16(h)) by the OCC via the OCC's Freedom of Information Request Portal, *https://www.occ.gov/about/connect-with-us/foia/index-foia.html.*

(2) *If a requester does not have internet access.* If a requester specifically states in their request that they have no means to access the OCC's Freedom of Information Request Portal, the OCC will manually issue a tracking number to such FOIA request within 5 days of the OCC receipt of the request (as described in § 4.16(h)). The OCC will mail the tracking number to the requester's physical address as provided in the FOIA request.

(b) *Status of request.* FOIA requesters may track the progress of their requests via the OCC's Freedom of Information Request Portal, *https://www.occ.gov/about/connect-with-us/foia/index-foia.html.* Requesters with no means to access the OCC's Freedom of Information Request Portal may continue to contact the OCC's FOIA Officer at (202) 649–6700 to check the status of their FOIA request(s).

Appendix A to Subpart B of Part 4

I. Model Stipulation

Case Caption

Model Stipulation for Protective Order

Whereas, counsel for _____ have applied to the Comptroller of the Currency (hereinafter ''Comptroller'') pursuant to 12 CFR part 4, subpart B, for permission to have made available, in connection with the captioned action, certain records; and

Whereas, such records are deemed by the Comptroller to be confidential and privileged, pursuant to 12 U.S.C. 481, 1463(a)(1), 1464(a)(1) and 1464(d)(1)(B)(i); 5 U.S.C. 552(b)(8); 18 U.S.C. 641, 1906; and 12 CFR 4.11 and 4.12, and part 4, Subpart B; and

Whereas, following consideration by the Comptroller of the application of the above described party, the Comptroller has determined that the particular circumstances of the captioned action warrant making certain possibly relevant records as denoted in appendix ''A'' to this Stipulation [records to be specified by type and date] available to the parties in this action, provided that appropriate protection of their confidentiality can be secured;

Therefore, it is hereby stipulated by and between the parties hereto, through their respective attorneys that they will be bound by the following protective order which may be entered by the Court without further notice.

Dated this _____ day of _____, 19____.

Attorney for Plaintiff

Attorney for Defendant

II. Model Protective Order

Case Caption

Model Protective Order

Whereas, counsel for _____ have applied to the Comptroller of the Currency (hereinafter Comptroller'') pursuant to 12 CFR part 4, subpart B, for permission to have made available, in connection with the captioned action, certain records; and

Whereas, such records are deemed by the Comptroller to be confidential and privileged, pursuant to 12 U.S.C. 481, 1463(a)(1), 1464(a)(1) and 1464(d)(1)(B)(i); 5 U.S.C. 552(b)(8); 18 U.S.C. 1906; 12 CFR 4.11, and 12 CFR 4.12, and part 4, Subpart B;

Whereas, following consideration by the Comptroller of the application of the above described party, the Comptroller has determined that the particular circumstances of the captioned action warrant making certain possibly relevant records available to the parties in this action, provided that appropriate protection of their confidentiality can be secured;

Now, Therefore, it is Ordered That:

1. The records, as denoted in appendix ''A'' to the Stipulation for this Protective Order, upon being furnished [or released for use] by the Comptroller, shall be disclosed only to the parties to this action, their counsel, and the court [and the jury].

2. The parties to this action and their counsel shall keep such records and any information contained in such records confidential and shall in no way divulge the same to any person or entity, except to such experts, consultants and non-party witnesses to whom the records and their contents shall be disclosed, solely for the purpose of properly preparing for and trying the action.

3. No person to whom information and records covered by this Order are disclosed shall make any copies or otherwise use such information or records or their contents for any purpose whatsoever, except in connection with this action.

4. Any party or other person who wishes to use the information or records or their contents in any other action shall make a separate application to the Comptroller pursuant to 12 CFR part 4, subpart B.

5. Should any records covered by this Order be filed with the Court or utilized as exhibits at depositions in the captioned action, or should information or records or their contents covered by this Order be disclosed in the transcripts of depositions or the trial in the captioned action, such records, exhibits and transcripts shall be filed in sealed envelopes or other sealed containers marked with the title of this action, identifying each document and article therein and bearing a statement substantially in the following form:

Confidential

Pursuant to the Order of the Court dated _____ this envelope containing the above-identified papers filed by (the name of the party) is not to be opened nor the contents thereof displayed or revealed except to the parties to this action or their counsel or by further Order of the Court.

6. *For Jury Trial:* Any party offering any of the records into evidence shall offer only those pages, or portions thereof, that are relevant and material to the issues to be decided in the action and shall block out any portion of any page that contains information not relevant or material. Furthermore, the name of any person or entity contained on any page of the records who is not a party to this action, or whose name is not otherwise relevant or material to the action, shall be blocked out prior to the admission of such page into evidence. Any disagreement regarding what portion of any page that should be blocked out in this manner shall be resolved by the Court in camera, and the Court shall decide its admissibility into evidence.

7. At the conclusion of this action, all parties shall certify to the Comptroller that the records covered by this Order have been destroyed. Furthermore, counsel for _____, pursuant to 12 CFR 4.19(c), shall retrieve any records covered by this Order that may have been filed with the Court.

So Ordered:

Judge

Date

■ 3. Remove and reserve Subpart C.

Subpart C—[Reserved]

PART 5—RULES, POLICIES, AND PROCEDURES FOR CORPORATE ACTIVITIES

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

Authority: 12 U.S.C. 1 *et seq.,* 24a, 35, 93a, 214a, 215, 215a, 215a–1, 215a–2, 215a–3, 215c, 371d, 481, 1462a, 1463, 1464, 1817(j), 1831i, 1831u, 2901 *et seq.,* 3101 *et seq.,* 3907, and 5412(b)(2)(B).

■ 5. In § 5.9:

■ a. Amend paragraph (a) by removing ''12 CFR 4.17'' and adding in its place ''12 CFR 4.23''.

■ b. Amend paragraph (c) by removing ''12 CFR 4.12(b)'' and adding in its place ''12 CFR part 4''.

■ c. Amend paragraph (c) by removing ''12 CFR 4.16'' and adding in its place ''12 CFR 4.20''.

The revision reads as follows:

§ 5.9 Public availability.

(a) *In general.* The OCC provides a copy of the public file to any person who requests it. A requestor should submit a written request for the public file concerning a pending filing to the appropriate OCC licensing office. A requestor should submit a written request for the public file concerning a decided or closed filing to the OCC's Freedom of Information Act Officer, Communications Division, at the address listed on *www.occ.gov.* The OCC may impose a fee in accordance with 12 CFR 4.23 and at the rate the OCC publishes in the ''Notice of Comptroller of the Currency Fees,'' described in 12 CFR 8.8.

(b) * * *

(c) *Confidential treatment.* The filer or an interested person submitting information may request that specific information be treated as confidential under the Freedom of Information Act, 5 U.S.C. 552 (*see* 12 CFR part 4). A submitter should draft its request for confidential treatment narrowly to extend only to those portions of a document it considers confidential. If a submitter requests confidential treatment for information that the OCC does not consider to be confidential, the OCC may include that information in the public file after providing notice to the submitter. Moreover, at its own initiative, the OCC may determine that certain information should be treated as confidential and withhold that information from the public file. A person requesting information withheld from the public file should submit the request to the OCC's Freedom of Information Act Officer, Communications Division, under the procedures described in 12 CFR part 4, subpart B. That request may be subject to the predisclosure notice procedures of 12 CFR 4.20.

PART 7—ACTIVITIES AND OPERATIONS

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

Authority: 12 U.S.C. 1 *et seq.,* 25b, 29, 71, 71a, 92, 92a, 93, 93a, 95(b)(1), 371, 371d, 481, 484, 1462a, 1463, 1464, 1465, 1818, 1828, 3102(b), and 5412(b)(2)(B).

■ 7. Amend § 7.4000 by removing ''subpart C'' after ''12 CFR part 4'' in paragraph (a) and adding in its place ''subpart B''.

The revision reads as follows:

§ 7.4000 Visitorial powers with respect to national banks.

(a) *General rule.* (1) Under 12 U.S.C. 484, only the OCC or an authorized representative of the OCC may exercise visitorial powers with respect to national banks. State officials may not exercise visitorial powers with respect to national banks, such as conducting examinations, inspecting or requiring the production of books or records of national banks, or prosecuting enforcement actions, except in limited circumstances authorized by federal law. However, production of a bank's records (other than non-public OCC information under 12 CFR part 4, subpart B) may be required under normal judicial procedures.

* * * * *

PART 21—MINIMUM SECURITY DEVICES AND PROCEDURES, REPORTS OF SUSPICIOUS ACTIVITIES, AND BANK SECRECY ACT COMPLIANCE PROGRAM

■ 8. The authority citation for part 21 continues to read as follows:

Authority: 12 U.S.C. 1, 93a, 161, 1462a, 1463, 1464, 1818, 1881–1884, and 3401–3422; 31 U.S.C. 5318.9. Amend § 21.11(k)(2) by removing ''12 CFR 4.33'' after ''non-public OCC information under'' and adding in its place ''12 CFR 4.17''.

The revision reads as follows:

§ 21.11 Suspicious Activity Report.

* * * * *

(k) * * *

(2) *Prohibition on disclosure by the OCC.* The OCC will not, and no officer, employee or agent of the OCC, shall disclose a SAR, or any information that would reveal the existence of a SAR, except as necessary to fulfill official duties consistent with title II of the Bank Secrecy Act. For purposes of this section, official duties shall not include the disclosure of a SAR, or any information that would reveal the existence of a SAR, in response to a request for use in a private legal proceeding or in response to a request for disclosure of non-public OCC information under 12 CFR 4.17.

* * * * *

PART 163—SAVINGS ASSOCIATIONS—OPERATIONS

■ 10. The authority citation for part 163 continues to read as follows:

Authority: 12 U.S.C. 1, 93a, 1462a, 1463, 1464, 1467a, 1817, 1820, 1828, 1831o, 3806, 5101 *et seq.,* 5412(b)(2)(B); 31 U.S.C. 5318; 42 U.S.C. 4106.

■ 11. Amend § 163.180 by removing ''12 CFR 4.33'' after ''non-public OCC information under'' and adding ''12 CFR 4.17''.

The revision reads as follows:

§ 163.180 Suspicious Activity Reports and other reports and statements.

* * * * *

(d) * * *

(12) * * *

(iii) *Prohibition on disclosure by the appropriate Federal banking agency.* The appropriate Federal banking agency will not, and no officer, employee or agent of appropriate Federal banking agency shall disclose a SAR, or any information that would reveal the existence of a SAR, except as necessary to fulfill official duties consistent with title II of the Bank Secrecy Act. For purposes of this section, ''official duties'' shall not include the disclosure of a SAR, or any information that would reveal the existence of a SAR, in response to a request for use in a private legal proceeding or in response to a request for disclosure of non-public information under 12 CFR 4.17 or 12 CFR part 309, as appropriate.

* * * * *

Jonathan V. Gould,

Comptroller of the Currency.

[FR Doc. 2026–15867 Filed 8–4–26; 8:45 am]

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FEDERAL REGISTER

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Part III

The President

Proclamation 11051—To Facilitate Positive Adjustment to Competition From Imports of Quartz Surface Products

Federal Register
Vol. 91, No. 149
Wednesday, August 5, 2026

Presidential Documents

Title 3—

The President

Proclamation 11051 of July 31, 2026

To Facilitate Positive Adjustment to Competition From Imports of Quartz Surface Products

By the President of the United States of America

A Proclamation

1. On May 18, 2026, the United States International Trade Commission (ITC) transmitted to the President a report (ITC Report) on its investigation under section 202 of the Trade Act of 1974, as amended (Trade Act) (19 U.S.C. 2252), with respect to imports of quartz surface products (QSP), which are classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) in subheadings 6810.99.0020, 6810.99.0040, and 7020.00.6000.

2. The ITC reached an affirmative determination under section 202(b) of the Trade Act (19 U.S.C. 2252(b)) that QSP is being imported into the United States in such increased quantities as to be a substantial cause of serious injury to the domestic industry producing an article like or directly competitive with the imported article.

3. Pursuant to section 301(a) of the United States-Mexico-Canada Agreement Implementation Act (USMCA Implementation Act) (19 U.S.C. 4551(a)), the ITC made negative findings as to whether imports of Canada and Mexico, considered individually, account for a substantial share of total imports and contribute importantly to the serious injury caused by imports.

4. Pursuant to statutes implementing certain free trade agreements to which the United States is a party, the ITC further found that imports of QSP that are a product of Australia, each Dominican Republic-Central America-United States Free Trade Agreement country (*i.e.,* Costa Rica, the Dominican Republic, El Salvador, Guatemala, Honduras, and Nicaragua) (CAFTA–DR countries), as well as Colombia, Jordan, the Republic of Korea, Panama, Peru, and Singapore, individually, are not a substantial cause of serious injury or threat thereof.

5. Further, pursuant to section 403 of the Trade and Tariff Act of 1984 (Public Law 98–573, 98 Stat. 2948, 3016 (1984)) (19 U.S.C. 2112 note), the ITC found that the serious injury substantially caused by imports to the domestic industry producing a like or directly competitive article does not result from the reduction or elimination of any duty provided for under the United States-Israel Free Trade Agreement. The ITC also found, pursuant to section 213(e) of the Caribbean Basin Economic Recovery Act (CBERA) (Public Law 98–67, 97 Stat. 369 (1983)) (19 U.S.C. 2703(e)), that the serious injury substantially caused by imports to the domestic industry producing a like or directly competitive article does not result from duty-free treatment provided for under the CBERA provisions of the Caribbean Basin Initiative trade program or the Generalized System of Preferences program.

6. The ITC Commissioners who voted in the affirmative on serious injury transmitted to the President their individual conclusions that each of the recommendations considered would address the serious injury to the domestic industry and be most effective in facilitating the efforts of the domestic industry to make a positive adjustment to import competition.

7. On June 2, 2026, the United States Trade Representative (Trade Representative) requested additional information from the ITC under section 203(a)(5)

of the Trade Act (19 U.S.C. 2253(a)(5)). On July 2, 2026, the ITC provided a response that identified unforeseen developments that led to the importation of QSP into the United States in such increased quantities as to be a substantial cause of serious injury (ITC Supplemental Report). The ITC Supplemental Report also stated, among other things, that increased imports of QSP of all countries other than Australia, Canada, the CAFTA–DR countries, Colombia, Israel, Jordan, the Republic of Korea, Mexico, Panama, Peru, Singapore, and CBERA beneficiaries are a substantial cause of serious injury to the domestic industry.

8. Pursuant to section 203 of the Trade Act (19 U.S.C. 2253), and after taking into account the considerations specified in section 203(a)(2) of the Trade Act (19 U.S.C. 2253(a)(2)), the ITC Report, and the ITC Supplemental Report, I determine that it is appropriate and feasible to take action of a type described in section 203(a)(3) of the Trade Act (19 U.S.C. 2253(a)(3)) (safeguard measure) with regard to QSP described in the ITC's Notice of Institution, 90 FR 55165 (Dec. 1, 2025), listed in subdivision (a) of Note 41 in the Annex to this proclamation, and classifiable in the HTSUS in subheadings 6810.99.0020, 6810.99.0040, and 7020.00.6000.

9. Specifically, I determine that it is appropriate and feasible to impose a safeguard measure in the form of a tariff-rate quota on imports of QSP as described in paragraph 8 of this proclamation, for a period of 4 years, with annual increases in the within-quota quantities and reductions in the rates of duty applicable to goods entered within and in excess of those quantities in the second, third, and fourth years, as provided in the Annex to this proclamation.

10. The safeguard measure shall apply to imports of all countries, except as provided in paragraphs 11 through 14 of this proclamation.

11. The safeguard measure set forth in this proclamation shall not apply to imports of any product of a developing country, as listed in subdivision (c) of Note 41 in the Annex to this proclamation, as long as such a country's share of total imports of the product, based on imports during a recent representative period, does not exceed 3 percent, provided that imports that are the product of all such countries with less than 3 percent import share collectively account for not more than 9 percent of total imports of the product. If a surge in imports of a product described in paragraph 8 of this proclamation of a developing country that is a World Trade Organization (WTO) Member results in imports of that product from that developing country exceeding either of the thresholds described in this paragraph, this action shall be modified to apply to such product of such country, as further described in this proclamation.

12. Pursuant to section 302(a) of the USMCA Implementation Act (19 U.S.C. 4552(a)), I determine, after considering the ITC Report and the ITC Supplemental Report and after taking into account the considerations specified in section 203(a)(2) of the Trade Act (19 U.S.C. 2253(a)(2)), that imports of QSP that are the product of Canada and Mexico, considered individually, do not account for a substantial share of total imports and do not contribute importantly to the serious injury found by the ITC. Accordingly, pursuant to section 302(b) of the USMCA Implementation Act (19 U.S.C. 4552(b)), I exclude QSP that is the product of Canada or Mexico from the action taken in this proclamation under section 203 of the Trade Act (19 U.S.C. 2253).

13. After considering the ITC Report and the ITC Supplemental Report and after taking into account the considerations specified in section 203(a)(2) of the Trade Act (19 U.S.C. 2253(a)(2)), I also make the following determinations with regard to QSP that is the product of the following trading partners:

(a) I determine that imports of QSP that are the product of Australia are not a substantial cause of the serious injury found by the ITC. I determine that such imports that are the product of Australia shall be excluded from the action taken in this proclamation, pursuant to section 331(b) of the

United States-Australia Free Trade Agreement Implementation Act (Public Law 108–286, 118 Stat. 919, 949 (2004)) (19 U.S.C. 3805 note).

(b) In light of the ITC's finding that imports of QSP that are the product of each CAFTA–DR country individually are not a substantial cause of serious injury or threat thereof, I determine that such imports that are the product of each of the CAFTA–DR countries shall be excluded from the action taken in this proclamation, pursuant to section 331(b) of the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act (CAFTA–DR Implementation Act) (Public Law 109–53, 119 Stat. 462, 495 (2005)) (19 U.S.C. 4101(b)).

(c) In light of the ITC's finding that imports of QSP that are the product of Colombia are not a substantial cause of serious injury or threat thereof, I determine that such imports that are the product of Colombia shall be excluded from the action taken in this proclamation, pursuant to section 331(b) of the United States-Colombia Trade Promotion Agreement Implementation Act (Public Law 112–42, 125 Stat. 462, 494 (2011)) (19 U.S.C. 3805 note).

(d) In light of the ITC's finding that the serious injury substantially caused by imports to the domestic industry producing a like or directly competitive article does not result from the reduction or elimination of any duty provided for under the United States-Israel Free Trade Agreement, I determine, as part of the action taken in this proclamation under section 203 of the Trade Act (19 U.S.C. 2253), not to suspend the reduction or elimination of any duty on imports of QSP that are the product of Israel, pursuant to section 403 of the Trade and Tariff Act of 1984 (19 U.S.C. 2112 note).

(e) In light of the ITC's finding that imports of QSP that are the product of the Republic of Korea are not a substantial cause of serious injury or threat thereof, I determine that such imports that are the product of the Republic of Korea shall be excluded from the action taken in this proclamation, pursuant to section 341(b) of the United States-Korea Free Trade Agreement Implementation Act (Public Law 112–41, 125 Stat. 428, 459 (2011)) (19 U.S.C. 3805 note).

(f) In light of the ITC's finding that imports of QSP that are the product of Panama are not a substantial cause of serious injury or threat thereof, I determine that such imports that are the product of Panama shall be excluded from the action taken in this proclamation, pursuant to section 331(b) of the United States-Panama Trade Promotion Agreement Implementation Act (Public Law 112–43, 125 Stat. 497, 529 (2011)) (19 U.S.C. 3805 note).

(g) In light of the ITC's finding that imports of QSP that are the product of Peru are not a substantial cause of serious injury or threat thereof, I determine that such imports that are the product of Peru shall be excluded from the action taken in this proclamation, pursuant to section 331(b) of the United States-Peru Trade Promotion Agreement Implementation Act (Public Law 110–138, 121 Stat. 1455, 1486 (2007)) (19 U.S.C. 3805 note).

(h) In light of the ITC's finding that imports of QSP that are the product of Singapore are not a substantial cause of serious injury or threat thereof, I determine that imports of QSP that are the product of Singapore are not a substantial cause of the serious injury found by the ITC. I therefore determine that such imports that are the product of Singapore shall be excluded from the action taken in this proclamation, pursuant to section 331(b) of the United States-Singapore Free Trade Agreement Implementation Act (Public Law 108–78, 117 Stat. 948, 970 (2003)) (19 U.S.C. 3805 note).

(i) In light of the ITC's finding that the serious injury substantially caused by imports to the domestic industry producing a like or directly competitive article does not result from duty-free treatment provided under the CBERA provisions of the Caribbean Basin Initiative trade program, I determine, as part of the action taken in this proclamation under section 203 of the Trade Act (19 U.S.C. 2253), not to suspend duty-free treatment pursuant

to section 213(e)(1) of CBERA (19 U.S.C. 2703(e)(1)) with respect to imports of QSP that are the product of any CBERA beneficiary country or territory.

14. While the ITC recommended excluding Jordan from this action under the United States-Jordan Free Trade Area Implementation Act (Public Law 107–43, 115 Stat. 243 (2001)) (19 U.S.C. 2112 note), I instead determine that such imports that are the product of Jordan shall be excluded from the action taken in paragraph 9 of this proclamation because Jordan is a developing country.

15. Pursuant to section 203(a)(1)(A) of the Trade Act (19 U.S.C. 2253(a)(1)(A)), I determine that the safeguard measure will facilitate efforts by the domestic industry to make a positive adjustment to import competition and provide greater economic and social benefits than costs. If I determine that further action is appropriate and feasible to facilitate efforts by the domestic industry to make a positive adjustment to import competition and provide greater economic and social benefits than costs, or if I determine that the conditions under section 204(b)(1) of the Trade Act (19 U.S.C. 2254(b)(1)) are met, I shall reduce, modify, or terminate the action established in this proclamation accordingly. In addition, if I determine within 30 days of the date of this proclamation, as a result of consultations between the United States and one or more other WTO Members pursuant to Article 12.3 of the WTO Agreement on Safeguards, that it is necessary to reduce, modify, or terminate the safeguard measure, the corresponding reduction, modification, or termination of the safeguard measure shall be imposed within 40 days of the date of this proclamation.

16. In my judgment, and after taking into account the considerations specified in section 203(a)(2) of the Trade Act (19 U.S.C. 2253(a)(2)), the ITC Report, and the ITC Supplemental Report, I determine that the action taken in this proclamation, including its extent and duration, is appropriate and feasible and will facilitate efforts by the domestic industry to make a positive adjustment to import competition and provide greater economic and social benefits than costs.

17. Section 604 of the Trade Act (19 U.S.C. 2483) authorizes the President to embody in the HTSUS the substance of the relevant provisions of that Act, and of other acts affecting import treatment, and actions thereunder, including the removal, modification, continuance, or imposition of any rate of duty or other import restriction.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by the authority vested in me by the Constitution and the laws of the United States, including sections 201, 203, 204, and 604 of the Trade Act (19 U.S.C. 2251, 2253, 2254, and 2483); section 302 of the USMCA Implementation Act (19 U.S.C. 4552); section 331(b) of the United States-Australia Free Trade Agreement Implementation Act (19 U.S.C. 3805 note); section 331(b) of the CAFTA–DR Implementation Act (19 U.S.C. 4101(b)); section 331(b) of the United States-Colombia Free Trade Promotion Agreement Implementation Act (19 U.S.C. 3805 note); section 403 of the Trade and Tariff Act of 1984 (19 U.S.C. 2112 note); section 331(b) of the United States-Panama Trade Promotion Agreement Implementation Act (19 U.S.C. 3805 note); section 331(b) of the United States-Peru Trade Promotion Agreement Implementation Act (19 U.S.C. 3805 note); section 341(b) of the United States-Korea Free Trade Agreement Implementation Act (19 U.S.C. 3805 note); section 331(b) of the United States-Singapore Free Trade Agreement Implementation Act (19 U.S.C. 3805 note); section 213(e) of CBERA (19 U.S.C. 2703(e)); and section 301 of title 3, United States Code, do hereby proclaim that:

(1) To establish a tariff-rate quota on imports of the QSP products described in paragraph 8 of this proclamation, subchapter III of chapter 99 of the HTSUS is modified as provided in the Annex to this proclamation. Any merchandise subject to the safeguard measure that is admitted into U.S. foreign trade zones on or after 12:01 a.m. eastern time on August 15, 2026, must be admitted as ''privileged foreign status'' as defined in 19

CFR 146.41, and will be subject upon entry for consumption to any quantitative restrictions or tariffs related to the classification under the applicable HTSUS subheading.

(2) Except as otherwise provided in this proclamation, imports of QSP that are the product of Australia, Canada, the CAFTA–DR countries, CBERA beneficiary countries and territories, Colombia, the Republic of Korea, Israel, Mexico, Panama, Peru, or Singapore shall be excluded from the safeguard measure established in this proclamation, and such imports shall not be counted toward the tariff-rate quota.

(3) Except as provided in clause (4) of this proclamation, imports of QSP that are the product of developing countries, as listed in subdivision (c) of Note 41 in the Annex to this proclamation, shall be excluded from the safeguard measure established in this proclamation, and such imports shall not be counted toward the tariff-rate quota.

(4) The Trade Representative is authorized, upon publication of a notice in the *Federal Register*, to revise subdivision (c) of Note 41 in the Annex to this proclamation to remove a country from the list or suspend operation of that subdivision, as appropriate, if, after the safeguard measure established in this proclamation takes effect, I or the Trade Representative determines that:

(a) the share of total imports of the product of a country listed in subdivision (c) of Note 41 in the Annex to this proclamation, based on imports during a recent representative period, exceeds 3 percent;

(b) imports of the product from all listed countries with less than 3 percent import share collectively account for more than 9 percent of total imports of the product; or

(c) a country listed in subdivision (c) of Note 41 in the Annex to this proclamation is no longer a developing country for purposes of this proclamation.

(5) If, after the safeguard measure established in this proclamation takes effect, I determine, or the Trade Representative determines, that circumvention of the action taken in this proclamation is occurring, then the Trade Representative is authorized, at the direction of, or with the concurrence of, the President, to take additional action, including under sections 203 and 204(b)(2) of the Trade Act (19 U.S.C. 2253, 2254(b)(2)), as may be necessary to eliminate the circumvention. To implement any additional action to address circumvention, the Trade Representative is authorized, upon publication of a notice in the *Federal Register*, to revise Note 41 in the Annex to this proclamation, as appropriate.

(6) If, after the safeguard measure established in this proclamation takes effect, I determine, or the Trade Representative determines, that there is a surge in imports of QSP from any country excluded pursuant to clause (2) of this proclamation, then the Trade Representative shall extend the safeguard measure in this proclamation to imports of QSP from the country in which the surge is occurring. The Trade Representative is also authorized, at the direction of, or with the approval of, the President, to take any other additional appropriate and feasible action to address the import surge, including pursuant to section 302(c) of the USMCA Implementation Act (19 U.S.C. 4552(c)) or section 204(b)(2) of the Trade Act (19 U.S.C. 2254(b)(2)). The Trade Representative is authorized, upon publication of a notice in the *Federal Register*, to revise Note 41 in the Annex to this proclamation to address the import surge, as appropriate.

(7) The Trade Representative is authorized, at the direction of, or with the approval of, the President, to exercise the authority in section 302(c) of the USMCA Implementation Act (19 U.S.C. 4552(c)) with regard to imports of QSP from either Canada or Mexico, including upon publication of a notice in the *Federal Register*, to revise Note 41 in the Annex to this proclamation, as appropriate. Nothing in this clause shall be construed to limit the scope of clause (6) of this proclamation.

(8) I authorize the Trade Representative to negotiate agreements with foreign trade partners pursuant to section 203(a)(3)(E) and 203(f) of the Trade Act (19 U.S.C. 2253(a)(3)(E), (f)). Such agreements must include conditions limiting the export from foreign trading partners and the import into the United States of QSP. Such agreements may also include commitments to invest in QSP production, to include production of unfinished QSP slabs, in the United States. If the Trade Representative concludes an agreement that the Trade Representative, in consultation with any senior official he deems appropriate, determines will ensure that imports of a trading partner do not undermine the effectiveness of the action set forth in this proclamation, the Trade Representative is authorized, with the approval of the President and by publication of a notice in the *Federal Register*, to revise note 41 in the Annex to this proclamation to suspend application of that subdivision, in whole or in part, as appropriate, with respect to imports of such trading partner. If the Trade Representative subsequently determines, in consultation with any senior official he deems appropriate, that such an agreement is not effective, the Trade Representative is authorized, with the approval of the President and by publication of a notice in the *Federal Register*, to revise note 41 to terminate any previous suspension of the action with respect to imports of such trading partner.

(9) The modifications to the HTSUS made by this proclamation, including the Annex to this proclamation, shall be effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern time on August 15, 2026, and shall continue in effect as provided in the Annex to this proclamation, unless such actions are earlier expressly reduced, modified, or terminated.

(10) No later than 1 year from the termination of the safeguard measure established in this proclamation, the U.S. note and tariff provisions established in the Annex to this proclamation shall be deleted from the HTSUS.

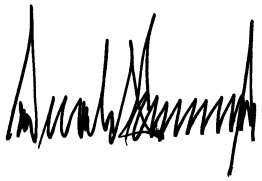
(11) The Trade Representative shall determine whether any modifications to the HTSUS are necessary or appropriate to effectuate or implement this proclamation or any actions taken pursuant to this proclamation, and shall make such modifications, if any, through notice in the *Federal Register*. The Trade Representative may also make any technical or ministerial corrections to the Annex to this proclamation.

(12) To the extent consistent with applicable law, the Trade Representative and the Secretary of Homeland Security are directed and authorized to take all actions that are appropriate to implement and effectuate this proclamation and any actions contemplated by this proclamation—including through amendment of regulations or through notices in the *Federal Register* and by adopting rules, regulations, or guidance—and to employ all powers granted to the President, including by sections 201, 203, and 204 of the Trade Act and section 302(c) of the USMCA Implementation Act (19 U.S.C. 4552(c)), as may be appropriate to implement and effectuate this proclamation and any actions contemplated by this proclamation, including to make any technical or ministerial corrections to the Annex to this proclamation. The head of each executive department and agency (agency) is authorized to and shall take all appropriate measures within the agency's authority to implement this proclamation. The head of each agency may, consistent with applicable law, including section 301 of title 3, United States Code, redelegate the authority to take such appropriate measures within the agency.

(13) Any provision of previous proclamations and Executive Orders that is inconsistent with the action taken in this proclamation is superseded to the extent of such inconsistency.

(14) If any provision of this proclamation or the application of any provision of this proclamation to any individual or circumstance is held to be invalid, the remainder of this proclamation and the application of its provisions to any other individual or circumstance shall not be affected.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of July, in the year of our Lord two thousand twenty-six, and of the Independence of the United States of America the two hundred and fifty-first.



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ANNEX

A. Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern time on August 15, 2026, subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States (HTSUS) is hereby modified as follows:

1. by inserting in numerical sequence the following new U.S. note 41 and provisions:

"41. (a) Headings 9903.45.30 and 9903.45.31 establish temporary modifications applicable to entries of quartz surface products. For the purposes of this note, the term quartz surface products ("QSP") means slabs and other surfaces created from a mixture of materials that includes predominately silica (*e.g.*, quartz, quartz powder, cristobalite, glass powder) as well as a resin binder (*e.g.*, an unsaturated polyester). The incorporation of other materials, including, but not limited to, pigments, cement, or other additives does not remove the merchandise from the scope of this note. However, the scope only includes products where the silica content is greater than any other single material, by actual weight. QSP is typically sold as rectangular slabs with a total surface area of approximately 45 to 60 square feet and a nominal thickness of one, two, or three centimeters. However, the scope includes surface products of all other sizes, thicknesses, and shapes. In addition to slabs, the scope includes, but is not limited to, other surfaces such as countertops, backsplashes, vanity tops, bar tops, work tops, tabletops, flooring, wall facing, shower surrounds, fireplace surrounds, mantels, and tiles. QSP may be polished or unpolished, cut or uncut, fabricated or not fabricated, cured or uncured, edged or not edged, finished or unfinished, thermoformed or not thermoformed, packaged or unpackaged, and may have any type of surface finish. In addition, QSP is covered by the scope whether or not it is imported attached to, or in conjunction with, non-subject merchandise such as sinks, sink bowls, vanities, cabinets, and furniture. If QSP is imported attached to, or in conjunction with, such non-subject merchandise, only the QSP is covered by the scope.

Subject merchandise includes material matching the above description that has been finished, packaged, or otherwise fabricated in a third country, including by cutting, polishing, curing, edging, thermoforming, attaching to, or packaging with another product, or any other finishing, packaging or fabrication that would not otherwise remove the merchandise from the scope if performed in the country of manufacture of the QSP. The scope does not cover quarried stone surface products, such as granite, marble, soapstone or quartzite.

The scope covers imported products provided for under HTSUS subheadings 6810.99.0020, 6810.99.0040, and 7020.00.6000.

(b) Imported goods provided for under headings 9903.45.30 and 9903.45.31 shall be subject to duties as provided herein, and such duties shall be cumulative and imposed in addition to the rate of duty established for any such goods in chapters 68 or 70 of the tariff schedule. All antidumping,

countervailing or other duties and charges applicable to such goods shall continue to be imposed.

(c) For the purposes of this note and headings 9903.45.30 and 9903.45.31, the products of the following countries shall not be subject to the rates of duty and tariff-rate quotas provided for therein:

(i) Canada and Mexico;

(ii) Australia, Colombia, Costa Rica, Dominican Republic, El Salvador, Guatemala, Honduras, Israel, Nicaragua, Panama, Peru, Singapore and South Korea;

(iii) The following developing countries:

Afghanistan, Albania, Algeria, Angola, Armenia, Azerbaijan, Belize, Benin, Bhutan, Bolivia, Bosnia and Hercegovina, Botswana, Brazil, Burkina Faso, Burma, Burundi, Cambodia, Cameroon, Cape Verde, Central African Republic, Chad, Comoros, Congo (Brazzaville), Congo (Kinshasa), Côte d'Ivoire, Djibouti, Dominica, Ecuador, Egypt, Eritrea, Eswatini, Ethiopia, Fiji, Gabon, The Gambia, Georgia, Ghana, Grenada, Guinea, Guinea-Bissau, Guyana, Haiti, Indonesia, Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kiribati, Kosovo, Kyrgyzstan, Lebanon, Lesotho, Liberia, Madagascar, Malawi, Maldives, Mali, Mauritania, Mauritius, Moldova, Mongolia, Montenegro, Mozambique, Namibia, Nepal, Niger, Nigeria, North Macedonia, Pakistan, Papua New Guinea, Paraguay, Philippines, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tomé and Principe, Senegal, Serbia, Sierra Leone, Solomon Islands, Somalia, South Africa, South Sudan, Sri Lanka, Suriname, Tanzania, Timor-Leste, Togo, Tonga, Tunisia, Tuvalu, Uganda, Ukraine, Uzbekistan, Vanuatu, Yemen (Republic of), Zambia and Zimbabwe; and

(iv) The following Caribbean Basin Economic Recovery Act beneficiary countries and territories:

Antigua and Barbuda, Aruba, the Bahamas, Barbados, Belize, British Virgin Islands, Curaçao, Dominica, Grenada, Guyana, Haiti, Jamaica, Montserrat, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, and Trinidad and Tobago.

(d) For the purposes of heading 9903.45.30, the maximum aggregate quantity of all QSP as defined in subdivision (a) in the periods enumerated below shall be as follows:

Annual	1st quarter August 15 through November 14	2nd quarter November 15 through February 13	3rd quarter February 14 through May 15	4th quarter May 16 through August 14
If entered during the period August 15,	3,251,606 meters square	3,251,606 meters square	3,251,606 meters square	3,251,606 meters square

2026, through August 14, 2027: 13,006,426 meters square				
If entered during the period August 15, 2027, through August 14, 2028: 14,771,583 meters square	3,692,896 meters square	3,692,896 meters square	3,692,896 meters square	3,692,896 meters square
If entered during the period August 15, 2028, through August 14, 2029: 15,236,099 meters square	3,809,025 meters square	3,809,025 meters square	3,809,025 meters square	3,809,025 meters square
If entered during the period August 15, 2029, through August 14, 2030: 15,700,614 meters square	3,925,153 meters square	3,925,153 meters square	3,925,153 meters square	3,925,153 meters square

No shipments of QSP shall be allowed to enter in an aggregate quantity under heading 9903.45.30, during any of the quarters above that is in excess of the quantity stated, except to the extent of any unused quantity carried forward from a prior quarter. U.S. Customs and Border Protection shall add any unused quantity of the total quota for a quarterly period to the total quota for the next quarterly period no later than 14 days after the last day of the prior quarterly period.

Entry of goods in excess of the quantities specified above, and any applicable quantity carried over from a prior quarter, shall be entered under the over-quota heading 9903.45.31.

The maximum aggregate quantities described above do not include products of countries enumerated in subdivision (c) of this note.

(e) For the purposes of this note and of headings 9903.45.30 and 9903.45.31, the duty rate in the Rates of Duty 1-

General subcolumn and the Rates of Duty 2 column for goods entered under such subheadings shall be as follows:

	9903.45.30	9903.45.31
If entered during the period August 15, 2026, through August 14, 2027	25%	50%
If entered during the period August 15, 2027, through August 14, 2028	23%	49%
If entered during the period August 15, 2028, through August 14, 2029	21%	48%
If entered during the period August 15, 2029, through August 14, 2030	19%	47%”

2. The following new headings are inserted in numerical sequence, with the material in each new heading inserted in the columns of the HTSUS labeled “Heading/Subheading”, “Article Description”, “Rates of Duty 1-General”, “Rates of Duty 1-Special” and “Rates of Duty 2”, respectively:

Heading / Subheading	**Article Description**	**Rates of Duty**		
		1		**2**
		General	**Special**	
“9903.45.30	Quartz surface products, as defined in U.S. note 41(a) to this subchapter, when the product of any country not exempt under U.S. note 41(c) to this subchapter, if entered in an aggregate quantity not exceeding the quantity defined in U.S. note 41(d) to this subchapter	25%		25%

9903.45.31	Quartz surface products, as defined in U.S. note 41(a) to this subchapter, when the product of any country not exempt under U.S. note 41(c) to this subchapter, if entered in an aggregate quantity exceeding the quantity defined in note 41(d) to this subchapter	50%		50%”

B. Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern time on August 15, 2027, subchapter III of chapter 99 of the HTSUS is modified as follows:

1. The “Rates of Duty 1-General” and “Rates of Duty 2” columns of heading 9903.45.30 are modified by deleting “25%” and inserting “23%” in lieu thereof; and

2. The “Rates of Duty 1-General” and “Rates of Duty 2” columns of heading 9903.45.31 are modified by deleting “50%” and inserting “49%” in lieu thereof.

C. Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern time on August 15, 2028, subchapter III of chapter 99 of the HTSUS is modified as follows:

1. The “Rates of Duty 1-General” and “Rates of Duty 2” columns of heading 9903.45.30 are modified by deleting “23%” and inserting “21%” in lieu thereof; and

2. The “Rates of Duty 1-General” and “Rates of Duty 2” columns of heading 9903.45.31 are modified by deleting “49%” and inserting “48%” in lieu thereof.

D. Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern time on August 15, 2029, subchapter III of chapter 99 of the HTSUS is modified as follows:

1. The “Rates of Duty 1-General” and “Rates of Duty 2” columns of heading 9903.45.30 are modified by deleting “21%” and inserting “19%” in lieu thereof; and

2. The “Rates of Duty 1-General” and “Rates of Duty 2” columns of heading 9903.45.31 are modified by deleting “48%” and inserting “47%” in lieu thereof.

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FEDERAL REGISTER

Vol. 91 Wednesday,

No. 149 August 5, 2026

Part IV

The President

Notice of August 3, 2026—Continuation of the National Emergency With Respect to the Advancement by Countries of Concern in Sensitive Technologies and Products Critical for the Military, Intelligence, Surveillance, or Cyber-Enabled Capabilities of Such Countries

Federal Register
Vol. 91, No. 149
Wednesday, August 5, 2026

Presidential Documents

Title 3—

The President

Notice of August 3, 2026

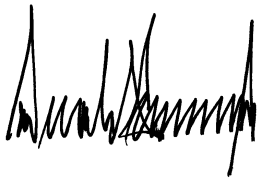
Continuation of the National Emergency With Respect to the Advancement by Countries of Concern in Sensitive Technologies and Products Critical for the Military, Intelligence, Surveillance, or Cyber-Enabled Capabilities of Such Countries

On August 9, 2023, by Executive Order 14105, the President declared a national emergency pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) to deal with the unusual and extraordinary threat to the national security of the United States constituted by the advancement by countries of concern in sensitive technologies and products critical for the military, intelligence, surveillance, or cyber-enabled capabilities of such countries. As described in Executive Order 14105, this threat to the national security of the United States has its source in whole or substantial part outside the United States, and certain United States investments risk exacerbating this threat.

Certain ongoing activities, such as the comprehensive, long-term strategies of countries of concern that direct, facilitate, or otherwise support advancements in sensitive technologies and products that are critical to such countries' military, intelligence, surveillance, or cyber-enabled capabilities, significantly enhance such countries' ability to conduct activities that threaten the national security of the United States. As part of this ongoing strategy of advancing the development of these sensitive technologies and products, countries of concern are exploiting or have the ability to exploit certain United States outbound investments, including certain intangible benefits that often accompany United States investments and that help companies succeed. Such investments risk exacerbating this threat to United States national security.

For this reason, the national emergency declared in Executive Order 14105 of August 9, 2023, must continue in effect beyond August 9, 2026. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency declared in Executive Order 14105 with respect to the threat posed by the advancement by countries of concern in sensitive technologies and products critical for the military, intelligence, surveillance, or cyber-enabled capabilities of such countries.

This notice shall be published in the *Federal Register* and transmitted to the Congress.



THE WHITE HOUSE,
August 3, 2026.

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