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Contents

Federal Register

Vol. 91, No. 155

Thursday, August 13, 2026

Agriculture Department
See Food Safety and Inspection Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 52276–52277

Army Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 52295

Centers for Medicare & Medicaid Services
RULES
Medicaid Program:
Prohibition on Federal Medicaid and Children's Health Insurance Program Funding for Sex-Rejecting Procedures Furnished to Children, 52406–52474
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 52303–52305
Medicare Program:
Alternative Payment Model Incentive Payment Advisory for Clinicians—Request for Current Billing Information for Qualifying Alternative Payment Model Participants, 52305

Coast Guard
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 52313–52314

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

Committee for Purchase From People Who Are Blind or Severely Disabled
NOTICES
Procurement List; Additions and Deletions, 52293–52295

Comptroller of the Currency
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Conversions from Mutual to Stock Form, 52398–52402

Copyright Office, Library of Congress
RULES
Group Registration of Updates to a News Website, 52239–52241

Defense Department
See Army Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 52297–52298
Demonstration Project:
Reimbursement for the Cryopreservation and Storage of Gametes of Certain Members of the Armed Forces, 52295–52297

Education Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
National Special Education Spending Study, 52298–52299

Energy Department
See Federal Energy Regulatory Commission
NOTICES
Hearings, Meetings, Proceedings, etc.:
Environmental Management Site-Specific Advisory Board, Paducah; Correction, 52299

Environmental Protection Agency
RULES
Air Quality State Implementation Plans; Approvals and Promulgations:
California; Determination of Attainment by the Attainment Date and Clean Data Determination for the 2012 Annual Fine Particulate Standard, 52249–52251
California; Determination of Attainment by the Attainment Date; 1997 Ozone Standards, 52241–52243
Illinois; Clean Data Determination for the Illinois portion of the St. Louis Area for the 2015 Ozone Standard, 52246–52248
Missouri; Clean Data Determination for the 2015 8-Hour Ozone Standard for the Missouri Portion of the St. Louis Nonattainment Area, 52243–52246
PROPOSED RULES
Air Quality State Implementation Plans; Approvals and Promulgations:
Virginia; Transfer of Authority and Requests for Certain Public Hearings on Air Permits, 52272–52275

Equal Employment Opportunity Commission
NOTICES
Meetings; Sunshine Act, 52303

Federal Aviation Administration
RULES
Airworthiness Directives:
Airbus Helicopters, 52219–52223, 52231–52236
BRP-Rotax GmbH and Co KG (formerly BRP-POWERTRAIN GMBH and CO KG and Bombardier-Rotax GmbH) Engines and Various Aircraft, 52236–52239
The Boeing Company Airplanes, 52223–52231
PROPOSED RULES
Airspace Designations and Reporting Points:
Havana, IL, 52271–52272
Airworthiness Directives:
Airbus SAS Airplanes, 52266–52271
Rolls-Royce Deutschland Ltd and Co KG Engines, 52263–52266

Federal Communications Commission
RULES
Empowering Broadband Consumers through Transparency, 52251–52261

Federal Energy Regulatory Commission
NOTICES
Combined Filings, 52299–52300, 52302
Dispute Resolution Procedures:
PJM Governance and Stakeholder Reforms, 52301–52302
Environmental Assessments; Availability, etc.:
Blue Earth County, 52302–52303
Southern California Edison Co., 52301
Licenses; Exemptions, Applications, Amendments, etc.:
Stone Ridge Hydro, LLC; Withdrawal, 52302

Federal Reserve System
NOTICES
Change in Bank Control:
Acquisitions of Shares of a Bank or Bank Holding Company, 52303

Fish and Wildlife Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Federal Fish and Wildlife Permit Applications and Reports—Migratory Birds, 52320–52329
North American Woodcock Singing Ground Survey, 52318–52320

Food and Drug Administration
NOTICES
Guidance:
Formal Meetings between the Food and Drug Administration and Sponsors or Applicants of Prescription Drug User Fee Act Products, 52305–52307
Withdrawal of Approval of Drug Application:
Kremers Urban Pharmaceuticals, Inc., Extended-Release Methylphenidate Tablets; Grant of Hearing Request, 52307–52310

Food Safety and Inspection Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Egg Products Hazard Analysis and Critical Control Point and Sanitation Standard Operating Procedures, 52277–52278

Foreign-Trade Zones Board
NOTICES
Application for Expansion of Subzone:
Motorambar, Inc., Foreign-Trade Zone 7, Subzone 7Q, Catano, PR, 52279
Application for Subzone:
Luis Garraton, LLC, Foreign-Trade Zone 7, Caguas, PR, 52278–52279

Health and Human Services Department
See Centers for Medicare & Medicaid Services
See Food and Drug Administration
See National Institutes of Health
See Substance Abuse and Mental Health Services Administration

Homeland Security Department
See Coast Guard

Housing and Urban Development Department
NOTICES
Community Development Block Grant Disaster Recovery Formula, 52314–52316
Privacy Act; Systems of Records, 52316–52318

Interior Department
See Fish and Wildlife Service
See Land Management Bureau
See National Park Service

International Trade Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Aluminum Import Monitoring and Analysis System, 52290
Antidumping or Countervailing Duty Investigations, Orders, or Reviews:
Carbon and Alloy Steel Wire Rod from the Republic of Korea, 52282–52284
Certain Frozen Fish Fillets from the Socialist Republic of Vietnam, 52286–52289
Organic Soybean Meal from India, 52279–52282
Utility Scale Wind Towers from Indonesia, 52284–52286
Quarterly Update:
Annual Listing of Foreign Government Subsidies on Articles of Cheese Subject to an In-Quota Rate of Duty, 52289–52290

International Trade Commission
NOTICES
Investigations; Determinations, Modifications, and Rulings, etc.:
Choline Salts from China, 52349–52350

Land Management Bureau
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Information Required to Cross Private Land for Access to BLM Lands, 52329–52330

Library of Congress
See Copyright Office, Library of Congress

National Archives and Records Administration
NOTICES
Records Schedules, 52350–52351

National Highway Traffic Safety Administration
NOTICES
Petition for Decision of Inconsequential Noncompliance:
Toyota Motor North America, Inc.; Approval, 52396–52398

National Institutes of Health
NOTICES
Hearings, Meetings, Proceedings, etc.:
Center for Scientific Review, 52311–52312
National Eye Institute, 52310–52311
Licenses; Exemptions, Applications, Amendments, etc.:
Government Owned Inventions, 52310

National Oceanic and Atmospheric Administration
RULES
Fisheries off West Coast States:
Modification of the West Coast Salmon Fisheries; Inseason Action 23–24, 52261–52262
NOTICES
Taking or Importing of Marine Mammals:
Geophysical Surveys Related to Oil and Gas Activities in the Gulf of America, 52290–52293

National Park Service
NOTICES
Intended Disposition:
U.S. Department of Agriculture, Forest Service, Cherokee National Forest, Cleveland, TN, 52348–52349
U.S. Department of the Interior, National Park Service, Cape Cod National Seashore, Wellfleet, MA, 52338–52339
U.S. Department of the Interior, National Park Service, Petersburg National Battlefield, Petersburg, VA, 52331–52333
Inventory Completion:
Autry Museum of the American West, Los Angeles, CA, 52344–52345
Bruce Museum Greenwich, CT, 52348
Sonoma State University, Rohnert Park, CA, 52341–52342
Texas Parks and Wildlife Department, Austin, TX, 52337–52338
The University of Tennessee, Department of Anthropology, Knoxville, TN, and the Frank H. McClung Museum of Natural History and Culture, Knoxville, TN, 52342–52343
U.S. Department of the Interior, Bureau of Land Management, California State Office, Sacramento, CA, 52341, 52343–52344
U.S. Department of the Interior, National Park Service, Cumberland Island National Seashore, St. Marys, GA, 52336–52337
University of Alabama at Birmingham, Birmingham, AL, 52333–52334
University of Wisconsin Oshkosh, Oshkosh, WI, 52334–52336
Repatriation of Cultural Items:
Autry Museum of the American West, Los Angeles, CA, 52339–52340
Beloit College, Logan Museum of Anthropology, Beloit, WI, 52330
Diablo Valley College, Pleasant Hill, CA, 52346–52347
History Colorado, Denver, CO, 52330–52331
Ohio History Connection, Columbus, OH, 52337
U.S. Department of the Interior, National Park Service, Mesa Verde National Park, CO, 52346
University of California, Davis, Davis, CA, 52345–52346
University of Michigan, Ann Arbor, MI, 52332

Postal Regulatory Commission
NOTICES
Inbound EMS 2, 52351
New Postal Products, 52352

Securities and Exchange Commission
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 52352–52354
Application:
AMG BBH Asset-Backed Credit Fund, LLC, et al., 52386–52387
Filing and Order:
NYSE American LLC, Cboe BZX Exchange, Inc. et al., 52365–52372
Meetings; Sunshine Act, 52392
Request for Exemptive Relief Pursuant to the Securities Exchange Act, 52354–52357
Self-Regulatory Organizations; Proposed Rule Changes:
LCH SA, 52357–52361
MEMX LLC, 52384–52386
Nasdaq GEMX, LLC, 52380–52384
Nasdaq ISE, LLC, 52376–52380, 52387–52392
Nasdaq MRX, LLC, 52361–52365
Nasdaq PHLX LLC, 52372–52376, 52392–52395

Small Business Administration
NOTICES
Disaster Declaration:
Louisiana, 52395–52396
Louisiana; Public Assistance Only, 52395
West Virginia, 52395

Substance Abuse and Mental Health Services Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Data Security Requirements for Accessing Confidential Data, 52312–52313

Transportation Department
See Federal Aviation Administration
See National Highway Traffic Safety Administration

Treasury Department
See Comptroller of the Currency

Veterans Affairs Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Application for Assumption Approval and/or Release from Personal Liability to the Government on a Home Loan, 52403
Mandatory Verification of Dependents, 52402–52403

Separate Parts In This Issue

Part II
Health and Human Services Department, Centers for Medicare & Medicaid Services, 52406–52474

Reader Aids

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

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CFR PARTS AFFECTED IN THIS ISSUE

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

14 CFR
39 (5 documents) 52219, 51121, 52223, 52231, 52236
Proposed Rules:
39 (3 documents) 52263, 52266, 52269
71.....52271

37 CFR
202.....52239

40 CFR
52 (4 documents) 52241, 52243, 52246, 52249
81.....52249
Proposed Rules:
52.....52272

42 CFR
441.....52406
457.....52406

47 CFR
8.....52251

50 CFR
660.....52261

Rules and Regulations

Federal Register
Vol. 91, No. 155
Thursday, August 13, 2026

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

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–3880; Project Identifier MCAI–2025–01428–R; Amendment 39–23434; AD 2026–16–04]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all Airbus Helicopters Model EC 155 B and EC 155 B1 helicopters. This AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. This AD requires revising the airworthiness limitations section (ALS) of the existing maintenance manual (MM) or instructions for continued airworthiness (ICA) and the existing approved maintenance or inspection program, as applicable. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective September 17, 2026.

The Director of the Federal Register approved the incorporation by reference of a certain publications listed in this AD as of September 17, 2026.

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2026–3880; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

- For European Union Aviation Safety Agency (EASA) material identified in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; phone: +49 221 8999 000; email: *ADs@easa.europa.eu;* website: *easa.europa.eu.* You may find the EASA material on the EASA website at *ad.easa.europa.eu.*
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 10101 Hillwood Parkway, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110. It is also available at *regulations.gov* under Docket No. FAA–2026–3880.

FOR FURTHER INFORMATION CONTACT: Zakaria Abdi, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (316) 946–4141; email: *zakaria.f.abdi@faa.gov*.

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all Airbus Helicopters Model EC 155 B and EC 155 B1 helicopters. The NPRM was published in the **Federal Register** on May 7, 2026 (91 FR 24757). The NPRM was prompted by an MCAI, issued by EASA, which is the Technical Agent for the Member States of the European Union. EASA issued EASA AD 2025–0191, dated September 4, 2025 (EASA AD 2025–0191) (also referred to as the MCAI). The MCAI states that new or more restrictive airworthiness limitations have been developed. Additionally, the MCAI states that the airworthiness limitations are identified as mandatory for continued airworthiness and that AH [Airbus Helicopters] has issued applicable ALS revisions to specify instructions to determine the compliance time for the replacement of the upper attach beam.

In the NPRM, the FAA proposed to require revising the ALS of the existing MM or ICA and the existing approved maintenance or inspection program, as applicable. The FAA is issuing this AD to address the unsafe conditions on these products.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2026–3880.

Discussion of Final Airworthiness Directive

Comments

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

Conclusion

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

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed EASA AD 2025–0191, which specifies procedures for replacing components before exceeding their life limits and accomplishing all applicable maintenance tasks within thresholds and intervals specified in the ALS as defined in EASA AD 2025–0191.

Additionally, EASA AD 2025–0191 specifies procedures for revising the Aircraft Maintenance Programme (AMP) by incorporating the limitations, tasks, and associated thresholds and intervals described in the specified ALS, as applicable. Revising the AMP constitutes a terminating action for the requirement to record accomplishment of the actions of replacing components before exceeding their life limits and accomplishing maintenance tasks within thresholds and intervals specified in the applicable ALS as specified in EASA AD 2025–0191 for demonstration of AD compliance on a continued basis.

This material is reasonably available because the interested parties have access to it through their normal course

of business or by the means identified in the **ADDRESSES** section.

Differences Between This AD and the MCAI

The MCAI requires revising the approved AMP within 12 months, whereas this AD requires revising the ALS of the existing approved MM or ICA and the existing approved maintenance or inspection program, as applicable, within 30 days, and clarifies that if an incorporated limitation or threshold therein is reached before 30 days after the effective date of the final rule of this-AD, you still have up to 30 days after the effective date of this final rule to accomplish the corresponding task.

Costs of Compliance

The FAA estimates that this AD affects 16 helicopters of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Revise the ALS	1 work-hour × $85 per hour = $85	$0	$85	$1,360

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2026–16–04 Airbus Helicopters: Amendment 39–23434; Docket No. FAA–2026–3880; Project Identifier MCAI–2025–01428–R.

(a) Effective Date

This airworthiness directive (AD) is effective September 17, 2026.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Airbus Helicopters Model EC 155 B and EC 155 B1 helicopters, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 05, Time Limits/Maintenance Checks.

(e) Unsafe Condition

This AD was prompted by new or more restrictive airworthiness limitations. The FAA is issuing this AD to prevent failure of certain parts and primary structural components, which if not addressed, could result in loss of control of the helicopter.

(f) Compliance

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

(g) Required Actions

Except as specified in paragraphs (h) and (i) of this AD, comply with all required actions and compliance times specified in, and in accordance with European Union Aviation Safety Agency AD 2025–0191, dated September 4, 2025 (EASA AD 2025–0191).

(h) Exceptions to EASA AD 2025–0191

(1) Where EASA AD 2025–0191 refers to its effective date, this AD requires using the effective date of this AD.

(2) This AD does not adopt paragraphs (1), (2), (4) and (5) of EASA AD 2025–0191.

(3) Where paragraph (3) of EASA AD 2025–0191 specifies ''Within 12 months after the effective date of this AD, revise the approved AMP'', this AD requires replacing that text with ''Within 30 days after the effective date of this AD, revise the airworthiness limitations section of the existing maintenance manual or instructions for continued airworthiness and the existing approved maintenance or inspection program, as applicable''.

(4) The initial compliance time for doing the tasks specified in paragraph (3) of EASA AD 2025–0191 is on or before the applicable ''limitations'' and ''associated thresholds'' as incorporated by the requirements of paragraph (3) of EASA AD 2025–0191 or within 30 days after the effective date of this AD, whichever occurs later.

(5) This AD does not adopt the ''Remarks'' section of EASA AD 2025–0191.

(i) Provisions for Alternative Actions and Intervals

After revising the airworthiness limitations section of the existing maintenance manual or instructions for continued airworthiness and the existing approved maintenance or inspection program as required by paragraph (g) of this AD, no alternative actions (*e.g.,* inspections) and associated thresholds and intervals, including life limits, are allowed unless they are approved as specified in the provisions of the Ref. Publications section of EASA AD 2025–0191.

(j) Alternative Methods of Compliance (AMOCs)

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

to the manager of the International Validation Branch, send it to the attention of the person identified in paragraph (k) of this AD and email to: *AMOC@faa.gov.*

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

(k) Additional Information

For more information about this AD, contact Zakaria Abdi, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (316) 946–4141; email: *zakaria.f.abdi@faa.gov.*

(l) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2025–0191, dated September 4, 2025.

(ii) [Reserved]

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

(4) You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 10101 Hillwood Parkway, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110.

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

Issued on July 30, 2026.

Steven W. Thompson,

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

[FR Doc. 2026–16506 Filed 8–12–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–4646; Project Identifier MCAI–2025–01763–R; Amendment 39–23435; AD 2026–16–05]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Airbus Helicopters Model AS350B2 helicopters. This AD was prompted by a report of magnetization on the solenoid valves for the three main servo-controls, the regulator block, and the tail servo-control due to a diode not properly installed in the hydraulic circuit. This AD requires performing a cut-off test of the rear rotor actuator valve and, depending on the results of the test, performing corrective actions. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective September 17, 2026.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of September 17, 2026.

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2026–4646; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

- For European Union Aviation Safety Agency (EASA) material identified in this AD, contact Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; phone: +49 221 8999 000; email: *ADs@easa.europa.eu;* website: *easa.europa.eu.*
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 10101 Hillwood Parkway, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110. It is also available at *regulations.gov* under Docket No. FAA–2026–4646.

FOR FURTHER INFORMATION CONTACT: Aryanna Sanchez, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (817) 222–4058; email: *aryanna.t.sanchez@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Airbus Helicopters Model AS350B2 helicopters. The NPRM was published in the **Federal Register** on May 28, 2026 (91 FR 31673). The NPRM was prompted by an MCAI, issued by EASA, which is the Technical Agent for the Member States of the European Union. EASA issued EASA AD 2025–0263, dated November 26, 2025; corrected December 9, 2025 (EASA AD 2025–0263) (also referred to as the MCAI). The MCAI states that during maintenance on a helicopter, magnetization was observed on the solenoid valves for the three main servo-controls, the regulator block, and the tail servo-control. The MCAI also states that after further investigation, it was determined that diode 43D2 was not installed in the hydraulic circuit. In the NPRM, the FAA proposed to require performing a cut-off test of the rear rotor actuator valve and depending on the results of the test, the FAA proposed to require performing corrective actions. The FAA is issuing this AD to address the unsafe condition on these products.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2026–4646.

Discussion of Final Airworthiness Directive

Comments

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

Conclusion

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

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed EASA AD 2025–0263, which specifies procedures for performing a cut-off test, and, if any discrepancy (failure of the test) is detected, replacing any affected diodes, or installing any missing diodes. This material is reasonably available because the interested parties have access to it through their normal course of business

or by the means identified in the **ADDRESSES** section.

Costs of Compliance

The FAA estimates that this AD affects 12 helicopters of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Perform cut-off test	3 work-hours × $85 per hour = $255	$0	$255	$3,060

The FAA estimates the following costs to do any installations or replacements that would be required based on the results of the test. The agency has no way of determining the number of helicopters that might need these installations or replacements.

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replace diode	1 work-hour × $85 per hour = $85	$180	$265
Install diode	5 work-hours × $85 per hour = $425	1,000	1,425

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2026–16–05 Airbus Helicopters: Amendment 39–23435; Docket No. FAA–2026–4646; Project Identifier MCAI–2025–01763–R.

(a) Effective Date

This airworthiness directive (AD) is effective September 17, 2026.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Airbus Helicopters Model AS350B2 helicopters as specified in European Union Aviation Safety Agency AD 2025–0263, dated November 26, 2025; corrected December 9, 2025 (EASA AD 2025–0263).

(d) Subject

Joint Aircraft System Component (JASC) Code 2900, Hydraulic power system.

(e) Unsafe Condition

This AD was prompted by a report of magnetization on the solenoid valves for the three main servo-controls, the regulator block, and the tail servo-control due to a diode not properly installed in the hydraulic circuit. The FAA is issuing this AD to prevent loss of the efficiency of the yaw load compensator and of hydraulic assistance for the three main servo-controls and the tail servo-control. The unsafe condition, if not addressed, could result in reduced control of the helicopter.

(f) Compliance

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

(g) Required Actions

Except as specified in paragraphs (h) and (i) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2025–0263.

(h) Exceptions to EASA AD 2025–0263

(1) Where EASA AD 2025–0263 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where EASA AD 2025–0263 requires compliance in terms of flight hours, this AD requires using hours' time-in-service.

(3) Where the material referenced in EASA AD 2025–0263 specifies ''remove the diode 43D2'', this AD requires replacing that text with ''remove the diode 43D2 from service''.

(4) This AD does not adopt the ''Remarks'' section of EASA AD 2025–0263.

(i) No Reporting Requirement

Although the material referenced in EASA AD 2025–0263 specifies to submit certain information to the manufacturer, this AD does not require that action.

(j) Alternative Methods of Compliance (AMOCs)

(1) The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the International Validation Branch, send it to the attention of the person identified in paragraph (k) of this AD and email to: *AMOC@faa.gov.*

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

(k) Additional Information

For more information about this AD, contact Aryanna Sanchez, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (817) 222–5110; email: *aryanna.t.sanchez@faa.gov.*

(l) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2025–0263, dated November 26, 2025; corrected December 9, 2025.

(ii) [Reserved]

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

(4) You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 10101 Hillwood Parkway, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110.

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

Issued on July 30, 2026.

Steven W. Thompson,

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

[FR Doc. 2026–16507 Filed 8–12–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–0023; Project Identifier AD–2025–00427–T; Amendment 39–23436; AD 2026–16–06]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is superseding Airworthiness Directive (AD) 2018–11–14, which applied to certain The Boeing Company Model 767–300 and –300F series airplanes with certain winglets installed. AD 2018–11–14 required high frequency eddy current (HFEC) inspections for cracking of the lower outboard wing skin and repair or modification if necessary. AD 2018–11–14 also required one of three follow-on actions: Repeating the HFEC inspections; modifying certain internal stringers and oversizing and plugging the existing fastener holes of the lower wing; or modifying the external doubler/tripler and doing repetitive post-modification inspections. This AD was prompted by reports of fatigue cracking in the lower outboard wing skin at the inboard fastener of stringer L–9.5, and the lower outboard wing skin of stringer L–6.5, on airplanes with winglets installed per Supplemental Type Certificate (STC) ST01920SE. This AD was also prompted by a determination that, for certain airplanes, the area of the lower wing skin in the vicinity of the critical inboard end fasteners of installed repair doublers must be inspected. This AD continues to require the actions in AD 2018–11–14, adds to the applicability airplanes that have had STC ST01920SE installed and the STC winglets removed, and, for certain airplanes, requires repetitive internal and external HFEC inspections of the lower outboard wing skin common to the external doubler repair at stringer L–9.5 and repair if necessary. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective September 17, 2026.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of September 17, 2026.

The Director of the Federal Register approved the incorporation by reference of certain other publications listed in this AD as of July 10, 2018 (83 FR 25885, June 5, 2018).

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2026–0023; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

- For Aviation Partners Boeing material identified in this AD, contact Aviation Partners Boeing, 555 Andover Park West, Suite 200, Tukwila, Washington 98188; telephone 206–830–7699; email *certification@aviationpartners.com;* website *aviationpartnersboeing.com.*
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available at *regulations.gov* under Docket No. FAA–2026–0023.

FOR FURTHER INFORMATION CONTACT: Sarah Illg, Aviation Safety Engineer, FAA, 3960 Paramount Boulevard, Lakewood, CA 90712; phone: 206–231–3517; email: *Sarah.A.Illg@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2018–11–14, Amendment 39–19302 (83 FR 25885, June 5, 2018) (AD 2018–11–14). AD 2018–11–14 applied to certain The Boeing Company Model 767–300 and –300F series airplanes with Aviation Partners Boeing (APB) winglets installed. The NPRM was published in the **Federal Register** on January 26, 2026 (91 FR 3084). The NPRM was prompted by reports of fatigue cracking in the lower outboard wing skin at the inboard fastener of stringer L–9.5, and the lower outboard wing skin of stringer L–6.5, on airplanes with winglets installed per STC ST01920SE. The NPRM was also prompted by a determination that, for certain airplanes, the area of the lower wing skin in the vicinity of the critical inboard end fasteners of installed repair doublers must be inspected. The FAA is issuing this AD to prevent fatigue cracking in the lower outboard wing skin. The

unsafe condition, if not addressed, could result in failure and subsequent separation of the wing and winglet and consequent reduced controllability of the airplane.

Discussion of Final Airworthiness Directive

Comments

The FAA received comments from United Airlines and two commenters who supported the NPRM without change.

The FAA received additional comments from five commenters, including APB, Boeing, Delta Air Lines (Delta), FedEx, and Obelisk Tech Systems Inc. The following presents the comments received on the NPRM and the FAA's response to each comment.

Request To Revise the Applicability

Boeing requested that the FAA revise paragraph (c) of the proposed AD by adding that the AD is not applicable to Model 767–300 and –300F series airplanes on which STC ST01920SE has never been installed. Boeing noted that paragraph (c) of the proposed AD refers to paragraph 1.A.1 of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025; and AP767–57–014, Revision 3, dated November 17, 2025; for the airplane applicability, but the service information lists airplane groups based on which APB kits have been installed instead of identifying individual airplanes. Boeing also stated that the referenced service information is unavailable to operators who have not purchased the APB STC. Boeing concluded this places a burden on operators to demonstrate that they are not affected by the proposed AD.

APB requested that the FAA revise paragraph (c) of the proposed AD by adding that the AD applies to Model 767–300 and –300F series airplanes with STC ST01920SE incorporated. APB stated this change addresses Boeing's request without adding an exemption to the applicability of the proposed rule.

The FAA agrees to clarify the applicability. The effectivity (paragraph 1.A.1) of the referenced APB service information specifies it applies to Model 767–300 and –300F airplanes provisioned for blended winglets modified in accordance with STC ST01920SE, with or without winglets installed. Therefore, the FAA has revised paragraph (c) of this AD to clarify that this AD is applicable to Model 767–300 and –300F airplanes provisioned for blended winglets modified in accordance with STC ST01920SE, with or without winglets installed.

Request To Reduce the Compliance Time

Obelisk Tech Systems Inc. requested that the FAA reduce the compliance time of the proposed AD. The commenter stated that the affected airplanes are not airworthy, and that non-compliant airplanes must be grounded within 30 days and not be given an extended compliance period.

Boeing requested that the FAA revise paragraph (k) of the proposed AD to require that the new requirements for Group 3 airplanes be accomplished within 3,000 flight cycles after the effective date of this AD. Boeing stated that the fleet finding showing additional inspection requirements were needed for Group 3 airplanes also showed the threshold to start the inspections was not adequate and should be reduced. Boeing asserted that limiting the threshold inspection to within 3,000 flight cycles after the effective date of the AD would adequately address this issue.

The FAA does not agree to change the compliance time. The FAA has determined that the threshold and intervals identified in the APB service information for Group 3 airplanes is adequate for addressing the unsafe condition. APB has not provided the FAA with any new analysis that showed those thresholds and intervals need to be adjusted if the repairs were installed correctly. The grace period of 3,000 flight cycles for those airplanes that are past the applicable thresholds identified in the service information is adequate. The FAA did not change this AD as a result of this comment.

Request To Clarify the Reporting Requirement

Delta requested that the FAA clarify whether certain notes in the APB service information require operators to report all inspection findings at the specified inspection interval or to only report if cracks are found. Delta stated that those notes are not identified as Required for Compliance (RC).

The FAA agrees that the notes in the APB service information that specify to report inspection results to APB are not identified as RC steps and, therefore, not required for compliance with this AD. If an operator wishes to voluntarily report findings, the FAA recommends they contact APB for clarification. The FAA did not change this AD as a result of this comment.

Request To Correct Certain Paragraph References

APB and FedEx requested that the FAA correct a typographical error in paragraph (m)(1) of the proposed AD by replacing the reference to paragraph (o)(3) with paragraph (m)(3). The commenters also requested the reference to paragraph (o)(3) be removed from paragraphs (m)(2)(ii) and (m)(3)(ii) of the proposed AD. FedEx stated that paragraph (o)(3) is not defined in the NPRM.

APB further requested that the FAA correct a typographical error in paragraph (m)(3) by replacing the reference to paragraph (m)(2)(ii) with paragraph (m)(3)(ii).

The FAA agrees and has revised paragraphs (m)(1), (m)(2)(ii), (m)(3), and (m)(3)(ii) of this AD, accordingly.

Request To Revise APB's Address

APB requested that the FAA revise paragraph (s)(5) of the proposed AD to reference APB's current address: 555 Andover Park West, Suite 200, Tukwila, Washington 98188.

The FAA agrees and has revised the **ADDRESSES** section and paragraph (s)(5) of this AD, accordingly.

Request To Require Other Methods of Compliance

Obelisk Tech Systems Inc. requested that the FAA recognize commercial-off-the-shelf (COTS) alternatives and engage small defense contractors with COTS solutions. The commenter stated that true cost of compliance, which includes revenue lost, maintenance repair operations (MRO) scheduling, parts procurement, and management time, is 1,500 to 3,300 percent above the FAA's disclosed estimate. The commenter further stated its drone-based nondestructive inspections (NDI) and artificial intelligence (AI) diagnostics reduce the per-airplane compliance time by 40 to 70 percent.

Obelisk Tech Systems Inc. demands sole-source engagement under 41 U.S.C. 3304(a)(1) and 10 U.S.C. 3204(a)(1) for drone-based NDI inspection, AI diagnostic technology, and compliance support via GSA commercial catalog. The commenter stated that it qualifies under the urgency exception of Federal Acquisitions Regulation (FAR) 6.302–2, and that the GSA catalog provides a compliant immediate procurement vehicle. The commenter also stated the ''DoD shall issue task orders to Obelisk for military Boeing AD compliance under OTA or rapid acquisition authority.'' Obelisk Tech Systems Inc. further stated that the proposed AD with understated expected harm and extended timeline violates State Farm, 463 U.S. 29 (1983).

The FAA does not agree to revise this AD to require a different method of compliance. Under the provisions of

paragraph (q) of this AD, anyone may request an alternative method of compliance (AMOC) for accomplishing the inspections required by this AD. Alternative inspections methods may be allowed if they provide an acceptable level of safety. Further, operators are private entities that may engage with the businesses and technologies they choose to work with.

The FAA infers that the commenter requests the FAA revise the Costs of Compliance section to account for indirect costs, such as airplane downtime, scheduling disruptions, and other administrative costs. The FAA recognizes that, in doing the actions required by an AD, operators might incur indirect costs in addition to the direct costs, but disagrees with revising the estimated costs. Since these costs vary significantly and the FAA lacks specific data on them, they are not included in the analysis. Additionally, the FAA considered the impact that this AD will have on affected operators and determined this AD will not trigger any downtime costs because the requirements of this AD can be performed during regularly scheduled maintenance. Since the FAA has assessed and disclosed the total known costs of the AD requirements in the Costs of Compliance section of the proposed AD, and the commenter did not provide additional cost data for the FAA to consider in its cost analysis, the FAA did not change this AD as a result of this comment.

Conclusion

The FAA reviewed the relevant data, considered any comments received, and determined that air safety requires adopting this AD as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on these products. Except for minor editorial changes, and any other changes described previously, this AD is adopted as proposed in the NPRM. None of the changes will increase the economic burden on any operator.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025. This material specifies procedures, for Group 1 and 2 airplanes, for an HFEC inspection for cracking of the external surface of the lower outboard wing skin at stringer L–9.5, and on-condition actions that include repetitive HFEC inspections, modification by oversizing and plugging the existing fastener holes of the wing skin, repair (modification) of the stringer with new stringer, and repair (modification) of the stringer with external doubler/tripler; repetitive post-repair inspections for cracking, and repair. This material also specifies procedures, for Group 3 airplanes, for repetitive internal and external HFEC inspections of the lower outboard wing skin common to the external doubler repair at stringer L–9.5 and repair. In addition, the effectivity of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025, was revised to specify airplanes provisioned for blended winglets modified in accordance with STC ST01920SE, with or without winglets installed.

The FAA also reviewed Aviation Partners Boeing Service Bulletin AP767–57–014, Revision 3, dated November 17, 2025. This material does not change the procedures but does change the effectivity to specify airplanes provisioned for blended winglets modified in accordance with STC ST01920SE, with or without winglets installed.

This AD also requires Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 11, dated April 3, 2017; and Aviation Partners Boeing Service Bulletin AP767–57–014, Revision 1, dated April 12, 2017, which the Director of the Federal Register approved for incorporation by reference as of July 10, 2018 (83 FR 25885, June 5, 2018).

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

Costs of Compliance

The FAA estimates that this AD affects 195 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
HFEC inspections	6 work-hours × $85 per hour = $510 per inspection cycle.	$0	$510 per inspection cycle	$99,450 per inspection cycle.
Internal and external HFEC inspections (Group 3 airplanes).	3 work-hours × $85 per hour = $255 per inspection cycle.	0	$255 per inspection cycle	$255 per inspection cycle (1 airplane).

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

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Post-repair inspections	6 work-hours × $85 per hour = $510	$0	$510 per inspection cycle.
Repair/modification	262 work-hours × $85 per hour = $22,270	0	$22,270.

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

Authority for This Rulemaking

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

detail the scope of the Agency's authority.

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:

■ a. Removing Airworthiness Directive (AD) 2018–11–14, Amendment 39–19302 (83 FR 25885, June 5, 2018); and

■ b. Adding the following new AD:

2026–16–06 The Boeing Company: Amendment 39–23436; Docket No. FAA–2026–0023; Project Identifier AD–2025–00427–T.

(a) Effective Date

This airworthiness directive (AD) is effective September 17, 2026.

(b) Affected ADs

This AD replaces AD 2018–11–14, Amendment 39–19302 (83 FR 25885, June 5, 2018) (AD 2018–11–14).

(c) Applicability

This AD applies to The Boeing Company Model 767–300 and –300F series airplanes, certificated in any category, provisioned for blended winglets modified in accordance with Supplemental Type Certificate (STC) ST01920SE, with or without winglets installed.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by reports of fatigue cracking in the lower outboard wing skin at the inboard fastener of stringer L–9.5, and the lower outboard wing skin of stringer L–6.5, on airplanes with winglets installed per Supplemental Type Certificate ST01920SE. This AD was also prompted by a determination that, for certain airplanes, the area of the lower wing skin in the vicinity of the critical inboard end fasteners of installed repair doublers must be inspected. The FAA is issuing this AD to prevent fatigue cracking in the lower outboard wing skin. The unsafe condition, if not addressed, could result in failure and subsequent separation of the wing and winglet and consequent reduced controllability of the airplane.

(f) Compliance

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

(g) Retained Repetitive Stringer L–9.5 Inspections, Modification, Repair (Modification), Repetitive Post-Repair Inspections, and Repair, With Revised Service Information

This paragraph restates the requirements of paragraph (g) of AD 2018–11–14, with revised service information.

(1) For Group 1 and Group 2 airplanes, identified in Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 11, dated April 3, 2017, with winglets installed: At the applicable time specified in paragraph 1.E., ''Compliance,'' of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 11, dated April 3, 2017, except as required by paragraph (j)(1) of this AD: Do a high frequency eddy current (HFEC) inspection for cracking of the lower outboard wing skin at stringer L–9.5, in accordance with Part 1 of the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 11, dated April 3, 2017; or Revision 14, dated November 17, 2025. As of the effective date of this AD, only Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025, may be used for performing the actions required by this paragraph.

(i) For airplanes on which ''Condition 1'' is found, as defined in the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 11, dated April 3, 2017, during any inspection required by paragraph (g)(1) or (g)(1)(i)(A) of this AD: Do the applicable actions required by paragraph (g)(1)(i)(A), (g)(1)(i)(B), (g)(1)(i)(C), or (g)(1)(i)(D) of this AD.

(A) Repeat the inspection specified in paragraph (g)(1) of this AD thereafter at the applicable times specified in paragraph 1.E., ''Compliance,'' of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 11, dated April 3, 2017.

(B) Do the applicable actions required by paragraphs (g)(1)(i)(B)(*1*), (g)(1)(i)(B)(*2*), and (g)(1)(i)(B)(*3*) of this AD.

(*1*) Before further flight, do actions (modifications and repair (modification)) in accordance with Part 2, Part 3, Part 4, and Part 5, as applicable, of the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 11, dated April 3, 2017; or Revision 14, dated November 17, 2025. As of the effective date of this AD, only Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025, may be used for performing the actions required by this paragraph.

(*2*) For airplanes on which the repair (modification) specified in Part 5 of Aviation Partners Boeing Service Bulletin AP767–57–010 was done: At the applicable time specified in paragraph 1.E., ''Compliance,'' of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 11, dated April 3, 2017, do a post-repair HFEC inspection for cracking, in accordance with Part 12 of the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 11, dated April 3, 2017; or Revision 14, dated November 17, 2025; and repeat the inspection thereafter at the applicable times specified in paragraph 1.E., ''Compliance,'' of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 11, dated April 3, 2017. As of the effective date of this AD, only Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025, may be used for performing the actions required by this paragraph.

(*3*) If any crack is found during any inspection required by paragraph (g)(1)(i)(B)(*2*) of this AD, repair before further flight using a method approved in accordance with the procedures specified in paragraph (q) of this AD.

(C) Do the actions required by paragraphs (g)(1)(i)(C)(*1*) and (g)(1)(i)(C)(*2*) of this AD, and do all applicable actions required by paragraph (g)(1)(i)(C)(*3*) of this AD.

(*1*) Before further flight, repair (modify) in accordance with Part 8 of the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 11, dated April 3, 2017; or Revision 14, dated November 17, 2025. As of the effective date of this AD, only Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025, may be used for performing the actions required by this paragraph.

(*2*) At the applicable time specified in paragraph 1.E., ''Compliance,'' of Aviation

Partners Boeing Service Bulletin AP767–57–010, Revision 11, dated April 3, 2017, do a post-repair HFEC inspection for cracking, in accordance with Part 9 of the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 11, dated April 3, 2017; or Revision 14, dated November 17, 2025; and repeat the inspection thereafter at the applicable times specified in paragraph 1.E., ''Compliance,'' of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 11, dated April 3, 2017. As of the effective date of this AD, only Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025, may be used for performing the actions required by this paragraph.

(*3*) If any crack is found during any inspection required by paragraph (g)(1)(i)(C)(*2*) of this AD, repair before further flight using a method approved in accordance with the procedures specified in paragraph (q) of this AD.

(D) Do the actions required by paragraphs (g)(1)(i)(D)(*1*) and (g)(1)(i)(D)(*2*) of this AD, and do all applicable actions required by paragraph (g)(1)(i)(D)(*3*) of this AD.

(*1*) Before further flight, repair (modify) in accordance with Part 11 of the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 11, dated April 3, 2017; or Revision 14, dated November 17, 2025. As of the effective date of this AD, only Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025, may be used for performing the actions required by this paragraph.

(*2*) At the applicable time specified in paragraph 1.E., ''Compliance,'' of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 11, dated April 3, 2017, do a post-repair HFEC inspection for cracking, in accordance with Part 13 of the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 11, dated April 3, 2017; or Revision 14, dated November 17, 2025; and repeat the inspection thereafter at the applicable times specified in paragraph 1.E., ''Compliance,'' of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 11, dated April 3, 2017; except as required by paragraph (j)(4) of this AD. As of the effective date of this AD, only Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025, may be used for performing the actions required by this paragraph.

(*3*) If any crack is found during any inspection required by paragraph (g)(1)(i)(D)(*2*) of this AD, repair before further flight using a method approved in accordance with the procedures specified in paragraph (q) of this AD.

(ii) For airplanes on which ''Condition 2'' is found, as defined in the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 11, dated April 3, 2017, during any inspection required by paragraph (g)(1) or (g)(1)(i)(A) of this AD: Do the actions required by paragraph (g)(1)(ii)(A) or (g)(1)(ii)(B) of this AD.

(A) Do the actions required by paragraphs (g)(1)(ii)(A)(*1*) and (g)(1)(ii)(A)(*2*) of this AD, and do all applicable actions required by paragraph (g)(1)(ii)(A)(*3*) of this AD.

(*1*) Before further flight, repair (modify) in accordance with Part 8 of the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 11, dated April 3, 2017; or Revision 14, dated November 17, 2025. As of the effective date of this AD, only Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025, may be used for performing the actions required by this paragraph.

(*2*) At the applicable time specified in paragraph 1.E., ''Compliance,'' of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 11, dated April 3, 2017, do a post-repair HFEC inspection for cracking, in accordance with Part 9 of the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 11, dated April 3, 2017; or Revision 14, dated November 17, 2025; and repeat the inspection thereafter at the applicable times specified in paragraph 1.E., ''Compliance.'' of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 11, dated April 3, 2017. As of the effective date of this AD, only Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025, may be used for performing the actions required by this paragraph.

(*3*) If any crack is found during any inspection required by paragraph (g)(1)(ii)(A)(*2*) of this AD, repair before further flight using a method approved in accordance with the procedures specified in paragraph (q) of this AD.

(B) Do the actions required by paragraphs (g)(1)(ii)(B)(*1*) and (g)(1)(ii)(B)(*2*) of this AD, and do all applicable actions required by paragraph (g)(1)(ii)(B)(*3*) of this AD.

(*1*) Before further flight, repair (modify) in accordance with Part 11 of the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 11, dated April 3, 2017; or Revision 14, dated November 17, 2025. As of the effective date of this AD, only Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025, may be used for performing the actions required by this paragraph.

(*2*) At the applicable time specified in paragraph 1.E., ''Compliance,'' of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 11, dated April 3, 2017, do a post-repair HFEC inspection for cracking, in accordance with Part 13 of the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 11, dated April 3, 2017; or Revision 14, dated November 17, 2025; and repeat the inspection thereafter at the applicable times specified in paragraph 1.E., ''Compliance,'' of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 11, dated April 3, 2017; except as required by paragraph (j)(4) of this AD. As of the effective date of this AD, only Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025, may be used for performing the actions required by this paragraph.

(*3*) If any crack is found during any inspection required by paragraph (g)(1)(ii)(B)(*2*) of this AD, repair before further flight using a method approved in accordance with the procedures specified in paragraph (q) of this AD.

(iii) For airplanes on which ''Condition 3'' is found, as defined in the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 11, dated April 3, 2017, during the actions specified in paragraph (g)(1)(i)(B)(*1*) of this AD: Do the actions required by paragraph (g)(1)(iii)(A) or (g)(1)(iii)(B) of this AD.

(A) Do the actions required by paragraphs (g)(1)(iii)(A)(*1*) and (g)(1)(iii)(A)(*2*) of this AD, and do all applicable actions required by paragraph (g)(1)(iii)(A)(*3*) of this AD.

(*1*) Before further flight, repair (modify) in accordance with Part 8 of the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 11, dated April 3, 2017; or Revision 14, dated November 17, 2025. As of the effective date of this AD, only Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025, may be used for performing the actions required by this paragraph.

(*2*) At the applicable time specified in paragraph 1.E., ''Compliance,'' of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 11, dated April 3, 2017, do a post-repair HFEC inspection for cracking, in accordance with Part 9 of the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 11, dated April 3, 2017; or Revision 14, dated November 17, 2025; and repeat the inspection thereafter at the applicable times specified in paragraph 1.E., ''Compliance,'' of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 11, dated April 3, 2017. As of the effective date of this AD, only Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025, may be used for performing the actions required by this paragraph.

(*3*) If any crack is found during any inspection required by paragraph (g)(1)(iii)(A)(*2*) of this AD, repair before further flight using a method approved in accordance with the procedures specified in paragraph (q) of this AD.

(B) Do the actions required by paragraphs (g)(1)(iii)(B)(*1*) and (g)(1)(iii)(B)(*2*) of this AD, and do all applicable actions required by paragraph (g)(1)(iii)(B)(*3*) of this AD.

(*1*) Before further flight, repair (modify) in accordance with Part 11 of the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 11, dated April 3, 2017; or Revision 14, dated November 17, 2025. As of the effective date of this AD, only Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025, may be used for performing the actions required by this paragraph.

(*2*) At the applicable time specified in paragraph 1.E., ''Compliance,'' of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 11, dated April 3, 2017, do a post-repair HFEC inspection for cracking, in accordance with Part 13 of the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–

010, Revision 11, dated April 3, 2017; or Revision 14, dated November 17, 2025; and repeat the inspection thereafter at the applicable times specified in paragraph 1.E., ''Compliance,'' of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 11, dated April 3, 2017; except as required by paragraph (j)(4) of this AD. As of the effective date of this AD, only Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025, may be used for performing the actions required by this paragraph.

(*3*) If any crack is found during any inspection required by paragraph (g)(1)(iii)(B)(*2*) of this AD, repair before further flight using a method approved in accordance with the procedures specified in paragraph (q) of this AD.

(iv) For airplanes on which ''Condition 4'' is found, as defined in the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 11, dated April 3, 2017, during any action specified in paragraph (g)(1)(i)(C)(*1*), (g)(1)(i)(D)(*1*), (g)(1)(ii)(A)(*1*), (g)(1)(ii)(B)(*1*), (g)(1)(iii)(A)(*1*), and (g)(1)(iii)(B)(*1*) of this AD: Repair before further flight using a method approved in accordance with the procedures specified in paragraph (q) of this AD.

(2) For Group 3 airplanes, identified in Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 11, dated April 3, 2017, with winglets installed: At the applicable time specified in paragraph 1.E., ''Compliance'' of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 11, dated April 3, 2017, or within 6 months after July 10, 2018 (the effective date of AD 2018–11–14), whichever occurs later, do an HFEC inspection for cracking of the lower outboard wing skin at stringer L–9.5, in accordance with Part 7 of the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 11, dated April 3, 2017. Repeat the inspections thereafter at the applicable time specified in paragraph 1.E., ''Compliance,'' of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 11, dated April 3, 2017. If any cracking is found during any inspection, repair before further flight using a method approved in accordance with the procedures specified in paragraph (q) of this AD. An approved repair terminates the repetitive inspections required by paragraph (g)(2) of this AD for the repaired area only. Doing the initial inspections required by paragraph (k) of this AD terminates the inspections required by paragraph (g)(2) of this AD.

(3) Group 4 airplanes, identified in Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 11, dated April 3, 2017, with winglets installed, are not affected by the actions required by paragraph (g) of this AD.

(h) Retained Repetitive Stringer L–6.5 Inspections, Repair (Modification), Repetitive Post-Repair Inspections, and Repair With No Changes

This paragraph restates the requirements of paragraph (h) of AD 2018–11–14, with no changes.

(1) For airplanes, identified in Aviation Partners Boeing Service Bulletin AP767–57–014, Revision 1, dated April 12, 2017, with winglets installed: At the applicable time specified in paragraph 1.E., ''Compliance,'' of Aviation Partners Boeing Service Bulletin AP767–57–014, Revision 1, dated April 12, 2017, except as required by paragraph (j)(2) of this AD: Do an HFEC inspection for cracking of stringer L–6.5 of the lower outboard wing skin, in accordance with Part 1 of Aviation Partners Boeing Service Bulletin AP767–57–014, Revision 1, dated April 12, 2017; or Aviation Partners Boeing Service Bulletin AP767–57–014, Revision 3, dated November 17, 2025. If no cracking is found, repeat the inspection thereafter at the applicable times specified in paragraph 1.E., ''Compliance,'' of Aviation Partners Boeing Service Bulletin AP767–57–014, Revision 1, dated April 12, 2017, except as provided by paragraph (h)(3) of this AD. As of the effective date of this AD, only Aviation Partners Boeing Service Bulletin AP767–57–014, Revision 3, dated November 17, 2025, may be used for performing the actions required by this paragraph.

(2) If any crack is found during any inspection required by paragraph (h)(1) of this AD, do the actions required by paragraphs (h)(2)(i) and (h)(2)(ii) of this AD, and do all applicable actions required by paragraph (h)(2)(iii) of this AD.

(i) Before further flight, repair (modify) stringer L–6.5, in accordance with Part 2 of the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–014, Revision 1, dated April 12, 2017; or Aviation Partners Boeing Service Bulletin AP767–57–014, Revision 3, dated November 17, 2025. As of the effective date of this AD, only Aviation Partners Boeing Service Bulletin AP767–57–014, Revision 3, dated November 17, 2025, may be used for performing the actions required by this paragraph.

(ii) Except as required by paragraph (j)(3) of this AD: At the applicable time specified in paragraph 1.E., ''Compliance,'' of Aviation Partners Boeing Service Bulletin AP767–57–014, Revision 1, dated April 12, 2017, except as required by paragraph (j)(2) of this AD, do an HFEC post-repair inspection for cracking, in accordance with Part 3 of the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–014, Revision 1, dated April 12, 2017; or Aviation Partners Boeing Service Bulletin AP767–57–014, Revision 3, dated November 17, 2025, and repeat the inspection thereafter at the applicable times specified in paragraph 1.E., ''Compliance,'' of Aviation Partners Boeing Service Bulletin AP767–57–014, Revision 1, dated April 12, 2017. As of the effective date of this AD, only Aviation Partners Boeing Service Bulletin AP767–57–014, Revision 3, dated November 17, 2025, may be used for performing the actions required by this paragraph.

(iii) If any crack is found during any inspection required by paragraph (h)(2)(ii) of this AD, repair before further flight using a method approved in accordance with the procedures specified in paragraph (q) of this AD.

(3) As an option to the repetitive inspections required by paragraph (h)(1) of this AD, do the actions required by paragraphs (h)(3)(i) and (h)(3)(ii) of this AD, and do all applicable actions required by paragraph (h)(3)(iii) of this AD.

(i) Before further flight after accomplishing the most recent inspection required by paragraph (h)(1) of this AD, repair (modify) stringer L–6.5, in accordance with Part 2 of the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–014, Revision 1, dated April 12, 2017; or Aviation Partners Boeing Service Bulletin AP767–57–014, Revision 3, dated November 17, 2025. As of the effective date of this AD, only Aviation Partners Boeing Service Bulletin AP767–57–014, Revision 3, dated November 17, 2025, may be used for performing the actions required by this paragraph.

(ii) Except as required by paragraph (j)(3) of this AD: At the applicable time specified in paragraph 1.E., ''Compliance,'' of Aviation Partners Boeing Service Bulletin AP767–57–014, Revision 1, dated April 12, 2017, except as required by paragraph (j)(2) of this AD, do a post-repair HFEC inspection for cracking, in accordance with Part 3 of the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–014, Revision 1, dated April 12, 2017; or Aviation Partners Boeing Service Bulletin AP767–57–014, Revision 3, dated November 17, 2025, and repeat the inspection thereafter at the applicable times specified in paragraph 1.E., ''Compliance,'' of Aviation Partners Boeing Service Bulletin AP767–57–014, Revision 1, dated April 12, 2017. As of the effective date of this AD, only Aviation Partners Boeing Service Bulletin AP767–57–014, Revision 3, dated November 17, 2025, may be used for performing the actions required by this paragraph.

(iii) If any crack is found during any inspection required by paragraph (h)(3)(ii) of this AD, repair before further flight using a method approved in accordance with the procedures specified in paragraph (q) of this AD.

(i) Retained Repair Approval, With New Service Information References

This paragraph restates the repair approval specified in paragraph (i) of AD 2018–11–14, with new service information references. Repairs of the lower outboard wing skin that were approved after June 15, 2017, and before July 10, 2018 (the effective date of AD 2018–11–14), by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) that has been authorized by the Manager, Seattle ACO Branch, FAA, are approved for the applicable repairs required by paragraphs (g) and (h) of this AD. The ODA repairs will have post installation inspection requirements in lieu of the post-inspection instructions specified in Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 11, dated April 3, 2017; Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025; Aviation Partners Boeing Service Bulletin AP767–57–014, Revision 1, dated April 12, 2017; and Aviation Partners Boeing Service Bulletin AP767–57–014, Revision 3, dated November 17, 2025.

(j) Retained Exceptions to Service Information Specifications With No Changes

This paragraph retains the exceptions specified in paragraph (j) of AD 2018–11–14, with no changes.

(1) Where paragraph 1.E., ''Compliance,'' of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 11, dated April 3, 2017, specifies a compliance time ''after the issue date of Revision 11 of this service bulletin,'' this AD requires compliance within the specified compliance time after July 10, 2018 (the effective date of AD 2018–11–14).

(2) Where paragraph 1.E., ''Compliance,'' of Aviation Partners Boeing Service Bulletin AP767–57–014, Revision 1, dated April 12, 2017, specifies a compliance time ''after the initial issue date of this service bulletin,'' this AD requires compliance within the specified compliance time after July 10, 2018 (the effective date of AD 2018–11–14).

(3) For Condition 1 and Condition 2 airplanes: Where paragraph 1.E., ''Compliance,'' of Aviation Partners Boeing Service Bulletin AP767–57–014, Revision 1, dated April 12, 2017, specifies a compliance time for accomplishing the Part 3 HFEC inspection of 18 months ''after the initial issue date of this service bulletin,'' the required compliance time is 6,000 flight cycles or 18,000 flight hours, whichever occurs first, after doing the Part 2 repair.

(4) For airplanes on which a stringer L–9.5 replacement was accomplished per Part 11 of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 11, dated April 3, 2017: Where Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 11, dated April 3, 2017, specifies repeating the post-repair HFEC inspection ''in Part 9,'' this AD requires repeating the post-repair HFEC inspection in Part 13.

(k) New Requirements for Group 3 Airplanes

For Group 3 airplanes identified in Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025: At the applicable time specified in paragraph 1.E., ''Compliance,'' of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025, or within 3,000 flight cycles after the effective date of this AD, whichever occurs later, do the initial internal and external HFEC inspections of the lower outboard wing skin common to the external doubler repair at stringer L–9.5, in accordance with Part 7 of the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025. Repeat the inspections thereafter at the applicable time specified in paragraph 1.E., ''Compliance,'' of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025. If any cracking is found during any inspection, repair before further flight using a method approved in accordance with the procedures specified in paragraph (q) of this AD. Doing the initial inspections required by this paragraph terminates the inspections required by paragraph (g)(2) of this AD.

(l) New Repetitive Stringer L–9.5 Inspections, Modification, Repair (Modification), Repetitive Post-Repair Inspections, and Repair

(1) For Group 1 and Group 2 airplanes identified in Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025, without winglets installed: At the applicable time specified in paragraph 1.E., ''Compliance,'' of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025, except as required by paragraph (o)(1) of this AD: Do a HFEC inspection for cracking of the lower outboard wing skin at stringer L–9.5, in accordance with Part 1 of the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025.

(i) For airplanes on which ''Condition 1'' is found, as defined in the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025, during any inspection required by paragraph (l)(1) or (l)(1)(i)(A) of this AD: Do the applicable actions required by paragraph (l)(1)(i)(A), (l)(1)(i)(B), (l)(1)(i)(C), or (l)(1)(i)(D) of this AD.

(A) Repeat the inspection specified in paragraph (l)(1) of this AD thereafter at the applicable times specified in paragraph 1.E., ''Compliance,'' of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025.

(B) Do the applicable actions required by paragraphs (l)(1)(i)(B)(*1*), (l)(1)(i)(B)(*2*), and (l)(1)(i)(B)(*3*) of this AD.

(*1*) Before further flight, do actions (modifications and repair (modification)) in accordance with Part 2, Part 3, Part 4, and Part 5, as applicable, of the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025.

(*2*) For airplanes on which the repair (modification) specified in Part 5 of Aviation Partners Boeing Service Bulletin AP767–57–010 was done: At the applicable time specified in paragraph 1.E., ''Compliance,'' of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025, do a post-repair HFEC inspection for cracking, in accordance with Part 12 of the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025; and repeat the inspection thereafter at the applicable times specified in paragraph 1.E., ''Compliance,'' of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025.

(*3*) If any crack is found during any inspection required by paragraph (l)(1)(i)(B)(*2*) of this AD, repair before further flight using a method approved in accordance with the procedures specified in paragraph (q) of this AD.

(C) Do the actions required by paragraphs (l)(1)(i)(C)(*1*) and (l)(1)(i)(C)(*2*) of this AD, and do all applicable actions required by paragraph (l)(1)(i)(C)(*3*) of this AD.

(*1*) Before further flight, repair (modify) in accordance with Part 8 of the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025.

(*2*) At the applicable time specified in paragraph 1.E., ''Compliance,'' of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025, do a post-repair HFEC inspection for cracking, in accordance with Part 9 of the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025; and repeat the inspection thereafter at the applicable times specified in paragraph 1.E., ''Compliance,'' of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025.

(*3*) If any crack is found during any inspection required by paragraph (l)(1)(i)(C)(*2*) of this AD, repair before further flight using a method approved in accordance with the procedures specified in paragraph (q) of this AD.

(D) Do the actions required by paragraphs (l)(1)(i)(D)(*1*) and (l)(1)(i)(D)(*2*) of this AD, and do all applicable actions required by paragraph (l)(1)(i)(D)(*3*) of this AD.

(*1*) Before further flight, repair (modify) in accordance with Part 11 of the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025.

(*2*) At the applicable time specified in paragraph 1.E., ''Compliance,'' of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025, do a post-repair HFEC inspection for cracking, in accordance with Part 13 of the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025; and repeat the inspection thereafter at the applicable times specified in paragraph 1.E., ''Compliance,'' of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025.

(*3*) If any crack is found during any inspection required by paragraph (l)(1)(i)(D)(*2*) of this AD, repair before further flight using a method approved in accordance with the procedures specified in paragraph (q) of this AD.

(ii) For airplanes on which ''Condition 2'' is found, as defined in the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025, during any inspection required by paragraph (l)(1) or (l)(1)(i)(A) of this AD: Do the actions required by paragraph (l)(1)(ii)(A) or (l)(1)(ii)(B) of this AD.

(A) Do the actions required by paragraphs (l)(1)(ii)(A)(*1*) and (l)(1)(ii)(A)(*2*) of this AD, and do all applicable actions required by paragraph (l)(1)(ii)(A)(*3*) of this AD.

(*1*) Before further flight, repair (modify) in accordance with Part 8 of the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025.

(*2*) At the applicable time specified in paragraph 1.E., ''Compliance,'' of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025, do a post-repair HFEC inspection for cracking, in accordance with Part 9 of the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025;

and repeat the inspection thereafter at the applicable times specified in paragraph 1.E., ''Compliance.'' of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025.

(*3*) If any crack is found during any inspection required by paragraph (l)(1)(ii)(A)(*2*) of this AD, repair before further flight using a method approved in accordance with the procedures specified in paragraph (q) of this AD.

(B) Do the actions required by paragraphs (l)(1)(ii)(B)(*1*) and (l)(1)(ii)(B)(*2*) of this AD, and do all applicable actions required by paragraph (l)(1)(ii)(B)(*3*) of this AD.

(*1*) Before further flight, repair (modify) in accordance with Part 11 of the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025.

(*2*) At the applicable time specified in paragraph 1.E., ''Compliance,'' of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025, do a post-repair HFEC inspection for cracking, in accordance with Part 13 of the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025; and repeat the inspection thereafter at the applicable times specified in paragraph 1.E., ''Compliance,'' of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025.

(*3*) If any crack is found during any inspection required by paragraph (l)(1)(ii)(B)(*2*) of this AD, repair before further flight using a method approved in accordance with the procedures specified in paragraph (q) of this AD.

(iii) For airplanes on which ''Condition 3'' is found, as defined in the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025, during the actions specified in paragraph (l)(1)(i)(B)(*1*) of this AD: Do the actions required by paragraph (l)(1)(iii)(A) or (l)(1)(iii)(B) of this AD.

(A) Do the actions required by paragraphs (l)(1)(iii)(A)(*1*) and (l)(1)(iii)(A)(*2*) of this AD, and do all applicable actions required by paragraph (l)(1)(iii)(A)(*3*) of this AD.

(*1*) Before further flight, repair (modify) in accordance with Part 8 of the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025.

(*2*) At the applicable time specified in paragraph 1.E., ''Compliance,'' of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025, do a post-repair HFEC inspection for cracking, in accordance with Part 9 of the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025; and repeat the inspection thereafter at the applicable times specified in paragraph 1.E., ''Compliance,'' of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025.

(*3*) If any crack is found during any inspection required by paragraph (l)(1)(iii)(A)(*2*) of this AD, repair before further flight using a method approved in accordance with the procedures specified in paragraph (q) of this AD.

(B) Do the actions required by paragraphs (l)(1)(iii)(B)(*1*) and (l)(1)(iii)(B)(*2*) of this AD, and do all applicable actions required by paragraph (l)(1)(iii)(B)(*3*) of this AD.

(*1*) Before further flight, repair (modify) in accordance with Part 11 of the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025.

(*2*) At the applicable time specified in paragraph 1.E., ''Compliance,'' of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025, do a post-repair HFEC inspection for cracking, in accordance with Part 13 of the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025; and repeat the inspection thereafter at the applicable times specified in paragraph 1.E., ''Compliance,'' of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025.

(*3*) If any crack is found during any inspection required by paragraph (l)(1)(iii)(B)(*2*) of this AD, repair before further flight using a method approved in accordance with the procedures specified in paragraph (q) of this AD.

(iv) For airplanes on which ''Condition 4'' is found, as defined in the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025, during any action specified in paragraph (l)(1)(i)(C)(*1*), (l)(1)(i)(D)(*1*), (l)(1)(ii)(A)(*1*), (l)(1)(ii)(B)(*1*), (l)(1)(iii)(A)(*1*), and (l)(1)(iii)(B)(*1*) of this AD: Repair before further flight using a method approved in accordance with the procedures specified in paragraph (q) of this AD.

(2) Group 4 airplanes identified in Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025, without winglets installed, are not affected by the actions required by paragraph (l) of this AD.

(m) New Repetitive Stringer L–6.5 Inspections, Repair (Modification), Repetitive Post-Repair Inspections, and Repair

(1) For airplanes identified in Aviation Partners Boeing Service Bulletin AP767–57–014, Revision 3, dated November 17, 2025, without winglets installed: At the applicable time specified in paragraph 1.E., ''Compliance,'' of Aviation Partners Boeing Service Bulletin AP767–57–014, Revision 3, dated November 17, 2025, except as required by paragraph (o)(2) of this AD, do an HFEC inspection for cracking of stringer L–6.5 of the lower outboard wing skin, in accordance with Part 1 of Aviation Partners Boeing Service Bulletin AP767–57–014, Revision 3, dated November 17, 2025. If no cracking is found, repeat the inspection thereafter at the applicable times specified in paragraph 1.E., ''Compliance'' of Aviation Partners Boeing Service Bulletin AP767–57–014, Revision 3, dated November 17, 2025, except as provided by paragraph (m)(3) of this AD.

(2) If any crack is found during any inspection required by paragraph (m)(1) of this AD, do the actions required by paragraphs (m)(2)(i) and (m)(2)(ii) of this AD, and do all applicable actions required by paragraph (m)(2)(iii) of this AD.

(i) Before further flight, repair (modify) stringer L–6.5, in accordance with Part 2 of the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–014, Revision 3, dated November 17, 2025.

(ii) At the applicable time specified in paragraph 1.E., ''Compliance,'' of Aviation Partners Boeing Service Bulletin AP767–57–014, Revision 3, dated November 17, 2025, except as required by paragraph (o)(2) of this AD, do an HFEC post-repair inspection for cracking, in accordance with Part 3 of the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–014, Revision 3, dated November 17, 2025, and repeat the inspection thereafter at the applicable times specified in paragraph 1.E., ''Compliance,'' of Aviation Partners Boeing Service Bulletin AP767–57–014, Revision 3, dated November 17, 2025, except as required by paragraph (o)(2) of this AD.

(iii) If any crack is found during any inspection required by paragraph (m)(2)(ii) of this AD, repair before further flight using a method approved in accordance with the procedures specified in paragraph (q) of this AD.

(3) As an option to the repetitive inspections required by paragraph (m)(1) of this AD, do the actions required by paragraphs (m)(3)(i) and (ii) of this AD, and do all applicable actions required by paragraph (m)(3)(iii) of this AD.

(i) Before further flight after accomplishing the most recent inspection required by paragraph (m)(1) of this AD, repair (modify) stringer L–6.5, in accordance with Part 2 of the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–014, Revision 3, dated November 17, 2025.

(ii) At the applicable time specified in paragraph 1.E., ''Compliance,'' of Aviation Partners Boeing Service Bulletin AP767–57–014, Revision 3, dated November 17, 2025, except as required by paragraph (o)(2) of this AD, do a post-repair HFEC inspection for cracking, in accordance with Part 3 of the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–014, Revision 3, dated November 17, 2025, and repeat the inspection thereafter at the applicable times specified in paragraph 1.E., ''Compliance,'' of Aviation Partners Boeing Service Bulletin AP767–57–014, Revision 3, dated November 17, 2025, except as required by paragraph (o)(2) of this AD.

(iii) If any crack is found during any inspection required by paragraph (m)(3)(ii) of this AD, repair before further flight using a method approved in accordance with the procedures specified in paragraph (q) of this AD.

(n) Repair Approval for Paragraphs (l) and (m) of This AD

Repairs of the lower outboard wing skin that were approved after June 15, 2017, and before July 10, 2018 (the effective date of AD 2018–11–14), by the Boeing ODA that has been authorized by the Manager, AIR–770, West Certification Branch, FAA, are approved for the applicable repairs required by paragraphs (l) and (m) of this AD. The ODA repairs will have post installation inspection requirements in lieu of the post-inspection instructions specified in Aviation

Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025; and Aviation Partners Boeing Service Bulletin AP767–57–014, Revision 3, dated November 17, 2025.

(o) New Exceptions to Service Information Specifications

(1) Where paragraph 1.E., ''Compliance,'' of Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025, specifies a compliance time ''the effective date of AD 2018–11–14,'' this AD requires compliance within the specified compliance time after the effective date of this AD.

(2) Where paragraph 1.E., ''Compliance,'' of Aviation Partners Boeing Service Bulletin AP767–57–014, Revision 3, dated November 17, 2025, specifies a compliance time ''Within 18 months after the effective date of AD 2018–11–14,'' this AD requires compliance within the specified compliance time after the effective date of this AD.

(p) Credit for Previous Actions

(1) This paragraph provides credit for the actions specified in paragraph (g) of this AD, if those actions were performed before the effective date of this AD using Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 12, dated June 21, 2018; or Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 13, dated November 5, 2024.

(2) This paragraph provides credit for the actions specified in paragraph (h) of this AD, if those actions were performed before the effective date of this AD using Aviation Partners Boeing Service Bulletin AP767–57–014, Revision 2, dated July 9, 2018.

(3) This paragraph provides credit for the actions specified in paragraph (k) of this AD, if those actions were performed before the effective date of this AD using Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 13, dated November 5, 2024.

(4) For Group 1 and 2 airplanes identified in Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025: This paragraph provides credit for the actions specified in paragraph (l) of this AD, if those actions were performed before the effective date of this AD using Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 11, dated April 3, 2017; Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 12, dated June 21, 2018; or Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 13, dated November 5, 2024.

(5) This paragraph provides credit for the actions specified in paragraph (m) of this AD, if those actions were performed before the effective date of this AD using Aviation Partners Boeing Service Bulletin AP767–57–014, Revision 1, dated April 12, 2017; or Aviation Partners Boeing Service Bulletin AP767–57–014, Revision 2, dated July 9, 2018.

(q) Alternative Methods of Compliance (AMOCs)

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

(2) An AMOC that provides an acceptable level of safety may be used for any repair, modification, or alteration required by this AD if it is approved by The Boeing ODA that has been authorized by the Manager, AIR–770, West Certification Branch, FAA, to make those findings. To be approved, the repair method, modification deviation, or alteration deviation must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(3) AMOCs approved for AD 2018–11–14 are approved as AMOCs for the corresponding provisions of paragraphs (g) and (h) of this AD.

(4) Except as required by paragraphs (g)(1)(i)(B)(*3*), (g)(1)(i)(C)(*3*), (g)(1)(i)(D)(*3*), (g)(1)(ii)(A)(*3*), (g)(1)(ii)(B)(*3*), (g)(1)(iii)(A)(*3*), (g)(1)(iii)(B)(*3*), (g)(1)(iv), (g)(2), (h)(2)(iii), (h)(3)(iii), (k), (l)(1)(i)(B)(*3*), (l)(1)(i)(C)(*3*), (l)(1)(i)(D)(*3*), (l)(1)(ii)(A)(*3*), (l)(1)(ii)(B)(*3*), (l)(1)(iii)(A)(*3*), (l)(1)(iii)(B)(*3*), (l)(1)(iv), (l)(2), (m)(2)(iii), and (m)(3)(iii), of this AD: For material that contains steps that are labeled as Required for Compliance (RC), the provisions of paragraphs (q)(4)(i) and (ii) of this AD apply.

(i) The steps labeled as RC, including substeps under an RC step and any figures identified in an RC step, must be done to comply with the AD. If a step or substep is labeled ''RC Exempt,'' then the RC requirement is removed from that step or substep. An AMOC is required for any deviations to RC steps, including substeps and identified figures.

(ii) Steps not labeled as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the RC steps, including substeps and identified figures, can still be done as specified, and the airplane can be put back in an airworthy condition.

(r) Additional Information

For more information about this AD, contact Sarah Illg, Aviation Safety Engineer, FAA, 3960 Paramount Boulevard, Lakewood, CA 90712; phone: 206–231–3517; email: *Sarah.A.Illg@faa.gov*.

(s) Material Incorporated by Reference

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

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

(3) The following material was approved for IBR on September 17, 2026.

(i) Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 14, dated November 17, 2025.

(ii) Aviation Partners Boeing Service Bulletin AP767–57–014, Revision 3, dated November 17, 2025.

(4) The following material was approved for IBR on July 10, 2018 (83 FR 25885, June 5, 2018).

(i) Aviation Partners Boeing Service Bulletin AP767–57–010, Revision 11, dated April 3, 2017.

(ii) Aviation Partners Boeing Service Bulletin AP767–57–014, Revision 1, dated April 12, 2017.

(5) For Aviation Partners Boeing material identified in this AD, contact Aviation Partners Boeing, 555 Andover Park West, Suite 200, Tukwila, Washington 98188; telephone 206–830–7699; email *certification@aviationpartners.com;* website *aviationpartnersboeing.com*.

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

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

Issued on August 5, 2026.

Steven W. Thompson,

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

[FR Doc. 2026–16504 Filed 8–12–26; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2025–3420; Project Identifier MCAI–2025–00225–R; Amendment 39–23433; AD 2026–16–03]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all Airbus Helicopters Model AS355E, AS355F, AS355F1, AS355F2, and AS355N helicopters. This AD was prompted by reports of cracks in the legs of the side supports of the tail rotor transmission fan. This AD requires repetitively inspecting the side supports of the tail rotor transmission fan for cracks and, depending on the results, replacing both side supports. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective September 17, 2026. The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of September 17, 2026.

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2025–3420; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–91, West Building Fifth Floor, Room W58–213, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

- For European Union Aviation Safety Agency (EASA) material identified in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; phone: +49 221 8999 000; email: *ADs@easa.europa.eu;* website: *easa.europa.eu.* You may find this material on the EASA website at *ad.easa.europa.eu.*
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 10101 Hillwood Parkway, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110. It is also available at *regulations.gov* under Docket No. FAA–2025–3420.

FOR FURTHER INFORMATION CONTACT: Michael Yeshiambel, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (316) 946–4133; email: *michael.m.yeshiambel@faa.gov*.

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all Airbus Helicopters Model AS355E, AS355F, AS355F1, AS355F2, and AS355N helicopters. The NPRM was published in the **Federal Register** on September 30, 2025 (90 FR 46773). The NPRM was prompted by EASA AD 2025–0052, dated February 28, 2025 (EASA AD 2025–0052) (also referred to as the MCAI), issued by EASA, which is the Technical Agent for the Member States of the European Union. The MCAI states there have been reports, following scheduled maintenance, of cracks in the legs of the left-hand (LH) and right-hand (RH) side supports of the tail rotor transmission fan installed on helicopters with the post-modification 07–9062 configuration. This condition, if not addressed, could result in failure of the legs supporting the tail rotor transmission fan and displacement of the tail rotor transmission fan assembly, which could lead to the failure of the engine and main gearbox cooling function, loss of the tail rotor drive, and consequent loss of control of the helicopter.

In the NPRM, the FAA proposed to require repetitively inspecting the side supports of the tail rotor transmission fan for cracks and, depending on the results, replacing both side supports. The FAA is issuing this AD to address the unsafe condition of these products.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2025–3420.

Discussion of Final Airworthiness Directive

Comments

The FAA received comments from five commenters. The comments were from the Citizens Rulemaking Alliance, Elite Rotorcraft, Heli Chicago, and two individuals. The two individuals supported the NPRM without change. The following presents the comments received on the NPRM and the FAA's response to each comment.

Request To Withdraw the Proposed AD

Elite Rotorcraft and Heli Chicago stated that the unsafe condition can be derived from improper maintenance being performed and not following the manufacturer's recommended balancing guidelines. Elite Rotorcraft and Heli Chicago stated they keep their fans balanced, which helps eliminate vibrations that cause cracks. Additionally, both commenters stated that the proposed AD is not warranted unless it addresses the core cause of the unsafe condition, which is the vibration level of the fan. The commenters stated that addressing the vibration level of the fan would eliminate the unsafe condition of cracking. Furthermore, Elite Rotorcraft and Heli Chicago requested that the FAA provide additional data and information relating to the unsafe condition.

The FAA disagrees with the commenters' suggestion that the proposed AD is not warranted. Under 14 CFR part 39, the FAA issues an airworthiness directive when an unsafe condition exists in the product, and the condition is likely to exist or develop in other products of the same type design. Multiple instances have been reported where, during scheduled maintenance, cracks or failures were discovered in the legs of both the LH and RH tail rotor supports. There is currently no definitive evidence that the unsafe condition is related to improper maintenance. The fact that the individual aircraft owned or operated by some commenters have not experienced cracking does not negate the existence of an unsafe condition that exists or may develop on these helicopters. Failure to detect and correct these cracks could cause the loss of all four support legs, displacing the fan assembly. This risks losing engine and main gearbox cooling, tail rotor drive, and overall helicopter control.

Additionally, since Airbus Helicopters is still investigating the root cause of the cracking, at this time the FAA has not determined that the root cause of the cracking is fan vibration. As noted, the FAA considers this AD to be an interim action to detect and correct the unsafe condition. Should a final corrective action be identified in the future, the FAA will consider further rulemaking.

The FAA did not change this AD as a result of this comment.

Request To Justify Forgoing Notice and Comment or Issue an NPRM

The Citizens Rulemaking Alliance requested that the FAA either provide its justification for finding good cause to bypass notice and comment procedures, convert this action to an NPRM, or stay enforcement to allow comments to substantiate the ''before further flight'' compliance time. The commenter asserted the FAA has not adequately justified use of the good cause exemption to bypass notice and comment and the 30-day delayed effective date.

The FAA notes the comment was submitted in response to an NPRM for which the FAA provided a 45-day comment period. This final rule is effective 35 days after its publication in the **Federal Register**. Therefore, the FAA did not change this AD as a result of this comment.

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

The Citizens Rulemaking Alliance stated that the FAA's current practices for IBR frequently fail to meet the legal and regulatory standards for reasonable availability. The commenter called on the FAA to guarantee that all IBR materials are easily and freely accessible to the public in the AD docket and affected parties for both commenting and compliance purposes. They also requested that the FAA reopen the comment period for at least 30 days

after access to the IBR material is provided.

The FAA notes that this AD only incorporates by reference EASA AD 2025–0052, not the manufacturer service information referenced in that EASA AD. The FAA posted EASA AD 2025–0052 to the AD docket when the NPRM was published in the **Federal Register**. The material referenced in EASA AD 2025–0052 may only be posted before the final rule's publication if it is already publicly available or if there is written consent from the owner of that material. Additionally, the FAA provided notice in the NPRM that the material referenced in EASA AD 2025–0052 will be available in the AD docket after this AD is published. Therefore, the FAA did not change this AD as a result of this comment.

Request To Comply With the Paperwork Reduction Act (PRA)

The Citizens Rulemaking Alliance requested that the FAA revise the AD to comply with the PRA if reporting is required or suspend the reporting requirement until PRA requirements are satisfied and then provide an opportunity to comment on the economic burden.

The FAA notes that paragraph (i) of this AD specifies that this AD does not require reporting. If an AD were to require reporting, the preamble of the AD would include a paragraph titled ''Paperwork Reduction Act'' that would provide the applicable OMB control number, required PRA statements, and the estimated time to collect the required information (burden). Any costs associated with the reporting requirement would be included in the Costs of Compliance section in the preamble of the AD. Therefore, the FAA did not change this AD as a result of this comment.

Request To Consider Impact on Small Entities and To Provide Additional Cost Information

The Citizens Rulemaking Alliance requested that the FAA provide the factual basis for its Regulatory Flexibility Act (RFA) certification that the AD will not have a significant economic impact on a substantial number of small entities. The commenter also requested that the FAA add to the AD docket the cost methodology that supports its conclusion that the AD is not significant under Executive Order 12866. The commenter stated that the FAA's economic analysis should also account for the cost of any downtime and operational impacts.

The FAA recognizes that, in doing the actions required by an AD, operators might incur indirect or incidental costs in addition to the direct costs. The cost analysis in an AD typically describes only the direct costs of the specific actions required by an AD, which does not include indirect or incidental costs such as downtime, loss of revenue, planning, or time necessitated by other administrative actions since those costs might vary significantly among operators. The number of work hours necessary to do the required actions of an AD is provided by the manufacturer. This number represents the time necessary to perform only the actions actually required by an AD. The cost of parts or special tools, if necessary, to complete the actions required by an AD is also provided by the manufacturer. Further, when the FAA is informed that the manufacturer may cover some or all of the estimated costs of an AD under warranty, the FAA indicates that in the AD. In the Costs of Compliance section of the proposed AD, the FAA disclosed the number of affected helicopters on the U.S. registry (updated in this final rule) and the manufacturer-provided number of work hours and cost of parts necessary to complete repairs. Additionally, the FAA determined that this AD will not trigger downtime costs because the requirements of this AD can be performed during regularly scheduled maintenance. Since the FAA assessed and disclosed the total known costs of the AD requirements in the Costs of Compliance section of the proposed AD, and the commenter did not provide additional cost data for the FAA to consider in its cost analysis, it is not necessary to provide additional information in the AD docket.

The FAA has also considered the AD's impact on small entities and provides the following factual basis for its RFA certification.

The Regulatory Flexibility Act of 1980, Public Law 96–354, 94 Stat. 1164 (5 U.S.C. 601–612), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121, 110 Stat. 857, Mar. 29, 1996) and the Small Business Jobs Act of 2010 (Pub. L. 111–240, 124 Stat. 2504, Sept. 27, 2010), requires Federal agencies to consider the effects of the regulatory action on small business and other small entities and to minimize any significant economic impact. The term ''small entities'' comprises small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

Small Entities to Which This AD Applies

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

The SBA 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. Note that the SBA definition of a small business applies to the parent company and all affiliates as a single entity.

To identify small entities, the FAA first identified the primary NAICS of the entity or parent company, and then used data from different sources (*e.g.,* company annual reports, Bureau of Transportation Statistics) to determine whether the entity meets the applicable size standard. This AD affects 25 entities, of which 13 are small entities, 3 are not small entities, and the FAA was unable to obtain sufficient data to categorize the remaining 9 entities. The following table presents the numbers and industries of the 16 known entities affected by this AD:

NUMBER OF ENTITIES AND SMALL ENTITIES AFFECTED

NAICS code	Category	Number of entities	Affected aircraft	Number of small entities	Percent of small entities
423860	Transportation Equipment and Supplies (except Motor Vehicle) Merchant Wholesalers.	2	2	1	50
481219	Other Nonscheduled Air Transportation	5	7	5	100

NUMBER OF ENTITIES AND SMALL ENTITIES AFFECTED—Continued

NAICS code	Category	Number of entities	Affected aircraft	Number of small entities	Percent of small entities
488119	Other Airport Operations	5	7	5	100
488510	Freight Transportation Arrangement	1	1	0	0
492110	Couriers and Express Delivery Services	1	3	0	0
541611	Administrative Management and General Management Consulting Services.	1	1	1	100
561320	Temporary Help Services	1	1	1	100

The following table presents the high-case cost impact of this AD on all 13 small entities. The high-case is defined by the cost of an inspection ($128 per helicopter), which then reveals that a replacement is necessary, costing $2,640. These costs are detailed in the ''Costs of Compliance'' section of this final rule.

IMPACT OF AD ON SMALL ENTITIES

NAICS code	NAICS description	Average annual revenues [1]	Average high-case cost [2]	Average percent of revenue [3]
423860	Transportation Equipment and Supplies (except Motor Vehicle) Merchant Wholesalers.	$1,060,000	$2,768	0.26
481219	Other Nonscheduled Air Transportation	869,362	3,875	0.49
488119	Other Airport Operations	1,019,898	3,875	0.68
541611	Administrative Management and General Management Consulting Services.	226,340	2,768	1.22
561320	Temporary Help Services	223,050	2,768	1.24

[1] Source: Dun & Bradstreet, D&B Hoovers, retrieved May 14, 2026.
[2] Cost determined by multiplying the number of aircraft owned by all small entities in the NAICS category by the high-case cost and dividing by the number of entities.
[3] Average percent revenue across all entities in the NAICS category. For example, for Other Airport Operations, the entities face a cost equal to 1.02%, 0.25%, 0.35%, 0.51%, and 1.28% of their total revenue, which averages out to 0.68%. This figure may be different than Average High-Case Cost divided by Average Annual Revenues and better reflects impact to individual entities.

RFA Conclusions

While the FAA has determined that this AD affects a substantial number of small entities, the high-case cost of compliance with this AD relative to each small entity's annual revenue is minimal. In the high-case scenario, the AD's cost as a percentage of annual revenue imposes a cost no greater than 1.24 percent. Therefore, as provided in 5 U.S.C. 605(b), the FAA certifies this AD will not result in a significant economic impact on a substantial number of small entities. The FAA did not change this AD as a result of this comment.

Conclusion

These products have been approved by the civil aviation authority of another country and are approved for operation in the United States. Pursuant to the FAA's bilateral agreement with this State of Design Authority, that authority has notified the FAA of the unsafe condition described in the MCAI referenced above. The FAA reviewed the relevant data, considered any comments received, and determined that air safety requires adopting this AD as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on these products. Except for minor editorial changes, a change in the Costs of Compliance section (from 38 helicopters to 34 helicopters and corresponding cost changes), this AD is adopted as proposed in the NPRM. None of the changes will increase the economic burden on any operator.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed EASA AD 2025–0052, which specifies procedures for repetitive inspections of the LH and RH side supports of the tail rotor transmission fan, having part number (P/N) 355A34104006 (LH) and P/N 355A34104106 (RH) respectively, for cracks and, if any crack is found on any side support, replacement of both side supports. EASA AD 2025–0052 also specifies reporting the inspection results to the manufacturer. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Differences Between This AD and the MCAI

The MCAI requires reporting inspection results to the manufacturer, whereas this AD does not.

Interim Action

The FAA considers that this AD is an interim action. The manufacturer is still investigating the root cause of the unsafe condition identified in this AD. If final action is later identified, the FAA might consider further rulemaking.

Costs of Compliance

The FAA estimates that this AD affects 34 helicopters of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspect both side supports	1.5 work-hours × $85 [1] per hour = $128	$0	$128	$4,352

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

The FAA estimates the following costs to do any on-condition actions that would be required based on the results of the inspection. The agency has no way of determining the number of helicopters that might need these on-condition actions:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replace both side supports	24 work-hours × $85 per hour = $2,040	$600	$2,640

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2026–16–03 Airbus Helicopters: Amendment 39–23433; Docket No. FAA–2025–3420; Project Identifier MCAI–2025–00225–R.

(a) Effective Date

This airworthiness directive (AD) is effective September 17, 2026.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Airbus Helicopters Model AS355E, AS355F, AS355F1, AS355F2, and AS355N helicopters, certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC) Code 6500, Tail Rotor Drive System.

(e) Unsafe Condition

This AD was prompted by reports of cracks in the legs of the side support of the tail rotor transmission fan. The FAA is issuing this AD to detect and correct a cracked side support of the tail rotor transmission fan. The unsafe condition, if not addressed, could result in failure of the legs supporting the tail rotor transmission fan and displacement of the tail rotor transmission fan assembly, which could lead to the failure of the engine and main gearbox cooling function, loss of the tail rotor drive, and consequent loss of control of the helicopter.

(f) Compliance

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

(g) Required Actions

Except as specified in paragraphs (h) and (i) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency AD 2025–0052, dated February 28, 2025 (EASA AD 2025–0052).

(h) Exceptions to EASA AD 2025–0052

(1) Where EASA AD 2025–0052 requires compliance in terms of flight hours, this AD requires using hours time-in-service.

(2) Where EASA AD 2025–0052 refers to its effective date, this AD requires using the effective date of this AD.

(3) Where paragraph (2) of EASA AD 2025–0052 specifies ''replace both affected parts in accordance with the instructions of the ASB'', this AD requires replacing that text with ''remove both affected parts from service and replace with new (zero hours time-in-service) parts in accordance with the instructions of the ASB''.

(4) This AD does not adopt the ''Remarks'' section of EASA AD 2025–0052.

(i) No Reporting Requirement

Although EASA AD 2025–0052 and the material referenced in EASA AD 2025–0052 specify to submit certain information to the manufacturer, this AD does not include that requirement.

(j) Special Flight Permits

Special flight permits, as described in 14 CFR 21.197 and 21.199, are not allowed.

(k) Alternative Methods of Compliance (AMOCs)

(1) The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the International Validation Branch, send it to the attention of the person identified in paragraph (l) of this AD and email to: *AMOC@faa.gov.*

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

(l) Additional Information

For more information about this AD, contact Michael Yeshiambel, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (316) 946–4133; email: *michael.m.yeshiambel@faa.gov.*

(m) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2025–0052, dated February 28, 2025.

(ii) [Reserved]

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

(4) You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 10101 Hillwood Parkway, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110.

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

Issued on July 30, 2026.

Steven W. Thompson,

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

[FR Doc. 2026–16505 Filed 8–12–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–7235; Project Identifier MCAI–2026–00679–E; Amendment 39–23441; AD 2026–16–11]

RIN 2120–AA64

Airworthiness Directives; BRP-Rotax GmbH & Co KG (Formerly BRP-Powertrain GMBH & CO KG and Bombardier-Rotax GmbH) Engines and Various Aircraft

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all BRP-Rotax GmbH & Co KG (Rotax) Model 912 F2, 912 F3, 912 F4, 912 iSc2 Sport, 912 iSc3 Sport, 912 S2, 912 S3, 912 S4, 914 F2, 914 F3, and 914 F4 engines; and Model 912 A1, 912 A2, 912 A3, and 912 A4 engines included as part of the type-certificated aircraft type design for various aircraft. This AD was prompted by a report of an oil spray nozzle and certain screws that were not installed on the propeller gearbox. This AD requires a one-time visual inspection of the propeller gearbox to determine if the oil spray nozzle and certain screws are installed and, depending on the results, replacement of the propeller gearbox with a serviceable propeller gearbox. This AD also prohibits the installation of an affected propeller gearbox on any engine unless certain conditions are met. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective August 28, 2026.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of August 28, 2026.

The FAA must receive comments on this AD by September 28, 2026.

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

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

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2026–7235; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For Rotax material identified in this AD, contact Rotax, Rotaxstrasse 1, Gunskirchen, Austria; phone: +43 7246 601 0; website: *flyrotax.com.*
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (817) 222–5110. It is also available at *regulations.gov* under Docket No. FAA–2026–7235.

FOR FURTHER INFORMATION CONTACT: Joseph Catanzaro, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (516) 228–7366; email: *joseph.catanzaro@faa.gov*.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written data, views, or arguments about this final rule. Send your comments using a method listed under the **ADDRESSES** section. Include ''Docket No. FAA–2026–7235; Project Identifier MCAI–2026–00679–E'' at the beginning of your comments. The most helpful comments reference a specific portion of the final rule, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this final rule because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to

regulations.gov, including any personal information you provide. The agency will also post a report summarizing each substantive verbal contact received about this final rule.

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this AD contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this AD, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this AD. Submissions containing CBI should be sent to Joseph Catanzaro, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The European Union Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Emergency AD 2026–0121–E, dated June 24, 2026 (EASA Emergency AD 2026–0121–E) (also referred to as the MCAI), to correct an unsafe condition on all Rotax Model 912 F2, 912 F3, 912 F4, 912 iSc2 Sport, 912 iSc3 Sport, 912 S2, 912 S3, 912 S4, 914 F2, 914 F3, and 914 F4 engines; and Model 912 A1, 912 A2, and 912 A3 engines. The MCAI states that the manufacturer reported an occurrence where the propeller gearbox in a recently manufactured engine was found to be missing the oil spray nozzle and the M7 x 16 hexagon screws intended to secure the propeller shaft bearing within the propeller gearbox, which could cause the propeller shaft and its front bearing to slightly move into the gearbox housing. Further investigation determined that these parts had not been installed during production. To address this potential unsafe condition, Rotax published service material that identifies the affected propeller gearboxes and specifies instructions for visual inspection and, if necessary, replacement of the propeller gearbox. This condition, if not addressed, could result in an in-flight loss of engine oil, engine in-flight shutdown, and loss of control of the airplane.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2026–7235.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed Rotax Alert Service Bulletin ASB–2026–001R00, dated June 22, 2026. This service material identifies the serial numbers of the affected engines and propeller gearboxes. This service material also specifies procedures for performing a visual inspection of the propeller gearbox to determine if the oil spray nozzle and certain screws are installed and, depending on the results of the inspection, replacement of the propeller gearbox with a serviceable propeller gearbox. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination

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

AD Requirements

This AD requires a one-time visual inspection of the propeller gearbox to determine if the oil spray nozzle and certain screws are installed and, depending on the results, replacement of the propeller gearbox with a serviceable propeller gearbox. This AD also prohibits the installation of an affected propeller gearbox on any engine unless certain conditions are met.

Differences Between This AD and the MCAI

EASA Emergency AD 2026–0121–E applies to Rotax Model 912 F2, 912 F3, 912 F4, 912 iSc2 Sport, 912 iSc3 Sport, 912 S2, 912 S3, 912 S4, 914 F2, 914 F3, and 914 F4 engines; and Model 912 A1, 912 A2, and 912 A3 engines, all serial numbers. Rotax Model 912 A1, 912 A2, and 912 A3 engines are not type certificated in the United States but are part of the type design for certain aircraft. This AD applies to all Rotax Model 912 F2, 912 F3, 912 F4, 912 iSc2 Sport, 912 iSc3 Sport, 912 S2, 912 S3, 912 S4, 914 F2, 914 F3, and 914 F4 engines; and Model 912 A1, 912 A2, and 912 A3 engines included as part of the type design for Aeromot-Indústria Mecânico-Metalúrgica Ltda Model AMT–200 (Super Ximango); Diamond Aircraft Industries Model HK 36 R ''SUPER DIMONA''; Diamond Aircraft Industries GmbH Models HK 36 TC and HK 36 TS; Diamond Aircraft Industries Inc. Model DA20–A1; HOAC-Austria Model DV 20 KATANA; Magnaghi Aeronautica S.p.A Model Sky Arrow 650 TC; and SCHEIBE-Flugzeugbau GmbH Model SF 25C aircraft, as applicable.

Justification for Immediate Adoption and Determination of the Effective Date

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

An unsafe condition exists that requires the immediate adoption of this AD without providing an opportunity for public comments prior to adoption. The FAA has found that the risk to the flying public justifies forgoing notice and comment prior to adoption of this rule because the absence of both a properly installed oil spray nozzle and the screws that secure the propeller shaft bearing in the propeller gearbox may allow axial displacement of the propeller shaft bearing during operation. This displacement may lead to loss of engine oil, which could result in engine in-flight shutdown or loss of control of the airplane. Since the FAA has no information pertaining to how quickly this unsafe condition may propagate, the inspection required by this AD must be accomplished before next flight or within 5 hours time-in-service after the effective date of this AD, depending on the condition of the affected engine. This compliance time is shorter than the time necessary for the public to comment and for publication of the final rule. Accordingly, notice and opportunity for prior public comment are impracticable and contrary to the public interest pursuant to 5 U.S.C. 553(b).

In addition, the FAA finds that good cause exists pursuant to 5 U.S.C. 553(d) for making this amendment effective in

less than 30 days, for the same reasons the FAA found good cause to forgo notice and comment.

Regulatory Flexibility Act

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

Costs of Compliance

The FAA estimates that this AD affects 180 engines installed on airplanes of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Visual inspection of propeller gearbox	2 work-hours × $85 per hour = $170	$0	$170	$30,600

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

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replacement of propeller gearbox	3.50 work-hours × $85 per hour = $297.50	$5,600	$5,897.50

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

(2) Will not affect intrastate aviation in Alaska.

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2026–16–11 BRP-Rotax GmbH & Co KG (formerly BRP-Powertrain GMBH & CO KG and Bombardier-Rotax GmbH) and Various Aircraft: Amendment 39–23441; Docket No. FAA–2026–7235; Project Identifier MCAI–2026–00679–E.

(a) Effective Date

This airworthiness directive (AD) is effective August 28, 2026.

(b) Affected ADs

None.

(c) Applicability

This AD applies to BRP-Rotax GmbH & Co KG (formerly BRP–POWERTRAIN GMBH & CO KG and Bombardier-Rotax GmbH) (Rotax) Model 912 F2, 912 F3, 912 F4, 912 iSc2 Sport, 912 iSc3 Sport, 912 S2, 912 S3, 912 S4, 914 F2, 914 F3, and 914 F4 engines; and Model 912 A1, 912 A2, and 912 A3 engines installed on the aircraft identified in Table 1 to paragraph (c) of this AD that were included as part of the aircraft's type certification basis; with an installed propeller gearbox that meets the criteria of paragraphs (c)(1) or (2) of this AD.

TABLE 1 TO PARAGRAPH (c)—AIRPLANES WITH AFFECTED ENGINES

Type certificate holder	Aircraft model	Engine model
Aeromot-Industria Mecanico-Metalurgica Ltda	AMT–200 (Super Ximango)	912 A2.
Diamond Aircraft Industries	HK 36 R ''SUPER DIMONA''	912 A1.
Diamond Aircraft Industries GmbH	HK 36 TC & HK 36 TS	912 A3.

TABLE 1 TO PARAGRAPH (c)—AIRPLANES WITH AFFECTED ENGINES—Continued

Type certificate holder	Aircraft model	Engine model
Diamond Aircraft Industries Inc	DA20–A1	912 A3.
HOAC-Austria	DV 20 KATANA	912 A3.
Magnaghi Aeronautica S.p.A	Sky Arrow 650 TC	912 A2.
SCHEIBE–AIRCRAFT–GMBH	SF 25C	912 A2 or 912 A3.

(1) Installed initially (on delivery) on engines with a propeller gearbox installed having a serial number identified in Chapter 4) Appendix, paragraph 4.1) Gearbox installed on engines, of Rotax Alert Service Bulletin ASB–2026–001R00, dated June 22, 2026 (Rotax Alert Service Bulletin ASB–2026–001R00); or

(2) Delivered as a spare part with a propeller gearbox installed having a serial number identified in Chapter 4) Appendix, paragraph 4.2) Gearbox supplied as spare parts, of Rotax Alert Service Bulletin ASB–2026–001R00.

(d) Subject

Joint Aircraft System Component (JASC) Code 8510, Reciprocating Engine Front Section.

(e) Unsafe Condition

This AD was prompted by a report of an oil spray nozzle and certain screws that were not installed on the propeller gearbox. The FAA is issuing this AD to detect and address the oil spray nozzle and screws that were not installed on the propeller gearbox. The unsafe condition, if not addressed, could result in an in-flight loss of engine oil, engine in-flight shutdown, and loss of control of the airplane.

(f) Compliance

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

(g) Required Actions

(1) Within the following compliance times, perform a visual inspection of the propeller gearbox for the oil spray nozzle assembly and for the M7X16 hexagon screws in accordance with Chapter 3.5) Maintenance (Heavy)-related information, paragraph 3.5.1) Inspection of the propeller gearbox-912 (Series); or Chapter 3.5) Maintenance (Heavy)-related information, paragraph 3.5.2) Inspection of the propeller gearbox-914 and 912 i (Series), depending on the model and configuration of your engine, of Rotax Alert Service Bulletin ASB–2026–001R00.

(i) For engines that have accumulated less than 25 hours time-in-service (TIS) before further flight after the effective date of this AD.

(ii) For engines that have accumulated 25 hours or more TIS, within 5 hours TIS after the effective date of this AD.

(2) If, during the inspection required by paragraph (g)(1) of this AD, the oil spray nozzle assembly or the M7X16 hexagon screws are not present, before further flight, replace the affected propeller gearbox in accordance with Chapter 3.5) Maintenance (Heavy)-related information, paragraph 3.5.3) Replacement of the propeller gearbox of Rotax Alert Service Bulletin ASB–2026–001R00.

(h) Installation Prohibition

After the effective date of this AD, do not install a propeller gearbox having a serial number identified in Chapter 4) Appendix, paragraph 4.1) Gearbox installed on engines, or Chapter 4) Appendix, paragraph 4.2) Gearbox supplied as spare parts, of Rotax Alert Service Bulletin ASB–2026–001R00, on any engine, unless it has been inspected in accordance with paragraph (g) of this AD.

(i) Terminating Action

Replacement of the propeller gearbox in accordance with paragraph (g)(2) of this AD constitutes terminating action for the visual inspection required by paragraph (g)(1) of this AD if done at the same time or before the compliance time that the inspection is required.

(j) Alternative Methods of Compliance (AMOCs)

The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the International Validation Branch, send it to the attention of the person identified in paragraph (k) of this AD and email to *AMOC@faa.gov*. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(k) Additional Information

For more information about this AD, contact Joseph Catanzaro, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (516) 228–7366; email: *joseph.catanzaro@faa.gov.*

(l) Material Incorporated by Reference

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

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

(i) BRP-Rotax GmbH & Co KG (Rotax) Alert Service Bulletin ASB–2026–001R00, dated June 22, 2026.

(ii) [Reserved]

(3) For Rotax material identified in this AD, contact BRP-Rotax GmbH & Co KG, Rotaxstrasse 1, Gunskirchen, Austria; phone: +43 7246 601 0; website: *flyrotax.com.*

(4) You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 10101 Hillwood Parkway, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110.

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

Issued on August 4, 2026.

Steven W. Thompson,

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

[FR Doc. 2026–16512 Filed 8–11–26; 11:15 am]

BILLING CODE 4910–13–P

LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 202

[Docket No. 2026–5]

Group Registration of Updates to a News Website

AGENCY: U.S. Copyright Office, Library of Congress.

ACTION: Final rule.

SUMMARY: The U.S. Copyright Office is amending its regulation governing the group registration option for news websites. The final rule amends the definition of a ''news website'' to clarify the works eligible for this option, as set forth in the May 2026 notice of proposed rulemaking.

DATES: This rule is effective August 13, 2026.

FOR FURTHER INFORMATION CONTACT: Rhea Efthimiadis, Assistant to the General Counsel, by email at *USCOGeneralCounsel@copyright.gov* or by telephone at (202) 707–8350.

SUPPLEMENTARY INFORMATION: On July 22, 2024, the U.S. Copyright Office (''Office'') issued a final rule (''2024 rulemaking'') establishing a group registration option for frequently

updated news websites, or ''GRNW.'' [1] That rule defined ''news website'' as ''a website that is designed to be a primary source of written information on current events, either local, national, or international in scope, that contains a broad range of news on all subjects and activities and is not limited to any specific subject matter.'' [2] In establishing the definition, the Office explained that it ''encompass[es] news websites that cover current events and provide information on diverse topics.'' [3] News websites that focus primarily on particular issues, but do not ''limit their coverage to a particular subject matter'' or ''direct [their websites] at narrow or discrete groups of readers'' were intended to fall within the definition.[4] However, the Office stated that we were amenable to revising the definition if it ''proved too rigid or unworkable'' to administer.[5]

Since the 2024 rulemaking took effect, the Office has received over four thousand applications under the GRNW option.[6] During this period, we continued to receive stakeholder feedback on the ''news website'' definition.

Based on the Office's initial experience implementing this group registration option and the stakeholder feedback received, we determined that the definition of ''news website'' should be clarified.[7] On May 28, 2026, the Office published a notice of proposed rulemaking (''NPRM'') setting forth an amendment to the definition.[8] As explained in the NPRM, the current definition ''presents recurring questions in its application,'' including that its strict application could inadvertently ''exclude otherwise eligible news websites that focus on a defined subject area or set of topics.'' [9] The Office proposed amending the definition to clarify the eligible works under this group registration option and sought to ''accommodat[e] a range of modern news publishing practices.'' [10] Specifically, we proposed that a ''news website'' need not report on ''a broad range of news on all subjects and activities,'' but only ''on a variety of subjects,'' [11] that its primary function be ''report[ing] on current events,'' and that its news content be ''updated frequently.'' [12]

The Office received seven comments in response to the NPRM, and has carefully reviewed and considered each of them.

The comments generally supported the Office's proposed amendment to the ''news website'' definition.[13] Multiple commenters lauded the proposed definition, predicting that it would encourage registration.[14] The National Association of Broadcasters (''NAB'') stated that the rule ''promotes broader participation in the registration system and strengthens the ability of news publishers to protect their online copyrighted content.'' [15] Public Knowledge asserted that the definition ''appropriately excludes websites whose primary purpose is to deliver marketing, promotion, or other activities that do not constitute news reporting'' and ''sustains the integrity of the registration process while maintaining broad access for qualifying publishers.'' [16] News/Media Alliance (''NMA'') commended the proposed new definition, noting that ''GRNW is a substantial success story'' and ''applaud[ing] the Office for listening to stakeholder feedback and for introducing this proposed rule.'' [17]

Commenters further stated that the proposed definition better reflects the specialization and reality of news publishing.[18] Copyright Alliance explained that digital news is increasingly ''tailored toward particular topics of interest as readers are often looking to read individual news articles on specific subjects or issues.'' [19] NMA stated that the rulemaking ''respects . . . the operational realities of modern news media,'' as news outlets are driven by user demand, which often results in ''subject-matter focused publications'' due to readers' ''fragment[ed]'' interests.[20] The proposed amendment improves on the original definition of ''news websites'' by better accounting for this reality.

Some commenters argued that the Office should expand the eligibility for GRNW even further,[21] or otherwise

[1] 89 FR 58991 (July 22, 2024).

[2] *Id.* at 58991 n.8, 58992, 58999 (codified as 37 CFR 202.4(m)(1)(i)).

[3] *Id.* at 58994.

[4] *Id.*

[5] *Id.*

[6] The number of GRNW applications received by the Office is current as of July 16, 2026.

[7] 89 FR 58991, 58994 (explaining that the Office was willing to ''revisit this issue'' based on ''experience in administering this rule'').

[8] 91 FR 31684 (May 28, 2026).

[9] *Id.* at 31684 & n.5.

[10] *Id.* at 31684.

[11] For example, a news website may have a particular lens through which it filters its reporting, such as articles related to technology or entertainment, but may nonetheless report on a variety of subjects within that topic area. News/Media Alliance (''NMA'') Comments at 3 (''Specialized outlets often cover their topics and related issues from various angles with, for example, a video gaming website covering game reviews, business developments, product announcements, related popular culture, and investigative journalism into the gaming industry as a whole. Similarly, a business-oriented publication may cover travel, leisure, or real estate, and a sports website may include investigative reporting on issues ranging from doping to sexual harassment, in addition to athletic coverage and equipment reviews. All share the hallmarks of news publishers.'').

[12] 91 FR 31684; 89 FR 58991, 58994.

[13] NMA Comments at 3 (''[T]he revised definition is a welcome change that will increase access to the registration system and reduce confusion by applicants, to the benefit of publishers, the Copyright Office and Library, and ultimately the overall public.''); Public Knowledge Comments at 1 (''The proposed definition provides needed flexibility without undermining the purpose of the group registration system.''); Am. Ass'n of Independent Music (''A2IM'') Comments at 1 (stating that they ''do not oppose'' the rule and that it is a ''sensible administrative improvement''); Am. Intell. Prop. L. Ass'n (''AIPLA'') Comments at 1 (suggesting that the phrase ''related to one or more topics'' would further clarify eligibility, but supporting the ''overarching goals and purposes'' of the amendment); Copyright All. Comments at 2 (''We support the proposed revision because it provides clarity that the final rule does not unnecessarily restrict or leave out certain news publishers from benefitting from this group registration option.''); Nat'l Ass'n Broad. (''NAB'') Comments at 1 (''NAB supports the proposed amendment and appreciates the Office's continued efforts to refine its regulations based on implementation experience and stakeholder feedback.''). *But see* Nat'l Writers Union (''NWU'') Comments at 1–6 (reiterating their comments from the 2024 rulemaking and proposing substantive changes to the GRNW registration option, which would substantially change the scope of this rulemaking).

[14] NAB Comments at 2; Copyright All. Comments at 3, NMA Comments at 3; Public Knowledge Comments at 2.

[15] NAB Comments at 2.

[16] Public Knowledge Comments at 2.

[17] NMA Comments at 2, 6.

[18] Copyright All. Comments at 2, 3; NMA Comments at 3; NAB Comments at 2; Public Knowledge Comments at 1.

[19] Copyright All. Comments at 2.

[20] NMA Comments at 3.

[21] AIPLA proposed additional regulatory language specifying that ''news websites'' includes those that report on only one topic. AIPLA Comments at 2 (defining news website as ''a website that is primarily designed to be a source of written information on current events *related to one or more topics,* either local, national, or international in scope''). AIPLA argued that this change would ensure that news websites with an industry-specific focus are eligible. *Id.* (citing *WIRED.com* as an example). The Office appreciates this proposal but declines to incorporate it into the ''news website'' definition. As noted in footnote 11 *supra,* industry-specific websites—such as those focused on technology or entertainment—are covered by the Office's amended definition even without AIPLA's proposed addition, so long as they report on a variety of subjects within the area of focus.

[22] *See* NMA Comments at 5 (proposing removal of work made for hire requirement and expanding format eligibility to include mobile applications); NWU Comments at 1–6 (proposing removal of work made for hire requirement and creating a new group registration option for web content generally); AIPLA Comments at 1–2 (proposing expanding format eligibility to include nonwritten content); A2IM Comments at 1 (proposing creation of new group registration option for music).

[23] *See* 89 FR 58991, 58995–96 (July 22, 2024) (noting the administrative challenges to removing the work made for hire eligibility requirement); *id.* at 58994 (explaining that ''[t]o the extent that news publishers seek to register the works published on the app, a registration for a newspaper or a news

provided comments outside the scope of this rulemaking.[22] These additional suggestions, many of which the Office considered and responded to in the 2024 rulemaking,[23] do not provide any reason to delay clarifying the definition of ''news websites'' as proposed.[24]

The Office will adopt the final rule effective immediately.[25] Because this rulemaking seeks to remove a restriction and expand eligibility for the GRNW registration option, we find good cause to do so.[26]

List of Subjects in 37 CFR Part 202

Copyright, Copyright claims, preregistration and registration.

Final Regulations

For the reasons set forth in the preamble, the Copyright Office amends 37 CFR part 202 as follows:

PART 202—PREREGISTRATION AND REGISTRATION OF CLAIMS TO COPYRIGHT

■ 1. The authority citation for part 202 continues to read as follows:

Authority: 17 U.S.C. 408(f), 702.

■ 2. Amend § 202.4 by revising paragraph (m)(1)(i) to read as follows:

§ 202.4 Group registration.

* * * * *

(m) * * *

(1) *Definitions.* For the purposes of paragraph (m) of this section:

(i) *News website* means a website that is primarily designed to be a source of written information on current events, either local, national, or international in scope.

* * * * *

Dated: August 10, 2026.

Shira Perlmutter,

Register of Copyrights and Director of the U.S. Copyright Office.

Approved by:

Robert Newlen,

Acting Librarian of Congress.

[FR Doc. 2026–16465 Filed 8–12–26; 8:45 am]

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website would protect those works if they contain the same content''); *id.* at 58992 (explaining that NWU's proposal to remove the ''news'' requirement ''would substantially change its scope'').

[24] The Office continues to consider how to make the statutory benefits of registering works of authorship more accessible, and we recognize the ongoing stakeholder interest in additional group registration options. We have sought public input on such options, as we continue development of the new Enterprise Copyright System (ECS) which will enhance access to registration and other services. *See* 91 FR 14724 (Mar. 26, 2026); U.S. Copyright Office, Proposed Schedule of Fees to Go Into Effect in Fall 2026 at 28–29, 42 (July 14, 2026), *https://www.copyright.gov/rulemaking/feestudy2026/proposed-fee-schedule.pdf.*

[25] Two commenters requested that the final rule take effect immediately. Copyright All. Comments at 2 (''It is our hope that this proposed rule can go into effect as soon as possible so that news publishers that have been uncertain of whether their website content is eligible for this group registration . . . imminently register their works using this option.''); NMA Comments at 5 (''[T]he proposed update would best promote administrative efficiency, and any delay would be unnecessary or contrary to the public interest.'').

[26] 5 U.S.C. 553(d)(1), (3).

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2025–3127; FRL–13098–02–R9]

Determination of Attainment by the Attainment Date; 1997 Ozone Standards; California; Coachella Valley

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to determine that the Riverside County (Coachella Valley), CA 1997 ozone ''Extreme'' nonattainment area attained the revoked 1997 ozone national ambient air quality standards (NAAQS) by its June 15, 2025 attainment date. This determination is based on quality-assured and certified ambient air quality monitoring data from 2022 through 2024.

DATES: This rule is effective September 14, 2026.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R09–OAR–2025–3127 at *https://www.regulations.gov.* All documents in the docket are listed on the *https://www.regulations.gov* website. Some information is not publicly available, *e.g.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *https://www.regulations.gov,* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information. If you need assistance in a language other than English or if you are a person with a disability who needs a reasonable accommodation at no cost to you, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Tom Kelly, EPA Region IX, 75 Hawthorne St., San Francisco, CA 94105, telephone number: (415) 972–3856, email address: *kelly.thomasp@epa.gov.*

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

Table of Contents

I. Proposed Action
II. Public Comments and EPA Responses
III. EPA Action
IV. Statutory and Executive Order Reviews

I. Proposed Action

On January 15, 2026, the EPA proposed to determine that the Coachella Valley attained the revoked 1997 ozone national ambient air quality standards (NAAQS) of 0.08 parts per million (ppm) by its June 15, 2025 Extreme area attainment date.[1] The EPA proposed these findings to fulfill our statutory obligation under Clean Air Act (CAA) section 181(b)(2) to determine whether an area has attained the relevant standards by the applicable attainment date. Previously, the EPA granted the nonattainment area a 1-year extension of the attainment date from June 15, 2024, to June 15, 2025.[2]

TABLE 1—1997 OZONE NAAQS EXTREME AREA ACTION SUMMARY

1997 NAAQS nonattainment area	2022–2024 design value (ppm)	1997 NAAQS attained by the extreme attainment date?
Coachella Valley	0.084	Attained.

[1] 91 FR 1732 (Jan. 15, 2026).

[2] 90 FR 42844 (Sept. 5, 2025). This action relied upon excluded wildfire-driven exceedances of the 1997 ozone NAAQS at the Palms Springs—Fire Station monitoring site on July 14–15, 2023, under the Exceptional Events Rule.

II. Public Comments and EPA Responses

The EPA's proposed action provided a 30-day public comment period. During this period, we received comments from the Cabazon Band of Cahuilla Indians (CBCI). In their comment letter, the CBCI requested government-to-government consultation with the EPA on our proposed action prior to taking final action.

The EPA held a pre-consultation meeting with the CBCI after the close of the comment period and discussed the potential impacts of the proposed action.[3] Following this meeting, the CBCI notified the EPA they were no longer seeking formal consultation with the EPA.[4]

Comment 1: The CBCI expressed concern that the EPA's determination would allow non-Tribal areas to increase allowable emissions thresholds for stationary sources. The CBCI were specifically concerned about less stringent permitting requirements for non-Tribal land due to the higher classification of the Tribal land. The CBCI also questioned the EPA's evaluation of this indirect impact on the Tribes of the Coachella Valley and asked the EPA to account for this regulatory asymmetry.

Response to Comment 1: The EPA's determination of attainment by the attainment date does not change the nonattainment classification for any Tribal or non-Tribal areas of the Coachella Valley for the 1997 ozone NAAQS.

If the EPA were to finalize approval of a future maintenance plan and redesignation to attainment for the Coachella Valley for the 1997 ozone NAAQS, the area would be redesignated from nonattainment to attainment, which would change the area's major source thresholds for permitting for the 1997 ozone standard. The EPA has not received a redesignation request and maintenance plan for the Coachella Valley 1997 ozone nonattainment area and is not taking such redesignation action at this time. We further note that any future redesignation to attainment for the 1997 ozone NAAQS would have little practical consequence on permitting thresholds in the Coachella Valley because the Coachella Valley would remain Extreme for the 2008 ozone NAAQS. Thus, applicable higher permitting thresholds would continue to apply.

As we stated in our proposal, the attainment finding would relieve the area's CAA section 182(c)(9) and 172(c)(9) requirements for contingency measures for the 1997 ozone NAAQS, which requires contingent emission control measures in the event a nonattainment area fails to attain the NAAQS by an applicable attainment date. In addition, the area is not required to implement CAA section 185, which calls for the collection of penalty fees in nonattainment areas that fail to attain a specific ozone NAAQS by the applicable attainment date.

Comment 2: The CBCI noted that they operate an air monitor along with the Twenty-Nine Palms Band of Mission Indians, and the CBCI adheres to Federal Reference Methods and Federal Equivalent Methods in operation of the ozone monitor. They asserted that the EPA should consider formally incorporating or validating Tribally-affiliated monitoring data to improve representativeness and confidence in future determinations.

Response to Comment 2: While 40 CFR part 58, appendix D establishes multiple monitoring objectives, one of these objectives is for the establishment of required ambient air quality monitoring stations that are used to determine compliance with the NAAQS. For this action, the EPA relies only on complete, quality-assured, and certified ambient monitoring data from approved regulatory State/Local Air Monitoring Stations (SLAMS) within the boundaries of Coachella Valley, in accordance with 40 CFR part 58 (see table 1 of this document). The CBCI monitor referenced by the Tribe is not an approved regulatory SLAMS site; therefore, data from the Tribe's monitor were not used for this attainment determination. Though not applicable for comparison to the NAAQS, the CBCI monitor measured ozone concentrations below the 1997 ozone NAAQS from 2022–2024.[5] Although the EPA only considers data from regulatory monitors for regulatory purposes, we acknowledge and appreciate the value of the non-regulatory monitors in providing timely information for *AirNow.gov* and public information purposes.

Comment 3: The CBCI asserted that the proposed rule relied on deficient monitors with a constrained timeframe, that the Indio-Armistad High School monitor did not collect data from 2022 or 2023, and that two more years of monitoring are required to create a valid three-year design value.

Response to Comment 3: Attainment determinations are based on complete, quality-assured, and certified ambient ozone data collected under 40 CFR part 58. For ozone, a design value is determined from the 3-year average (*i.e.,* 2022–2024) of the annual fourth-highest daily maximum 8-hour concentrations, calculated in accordance with 40 CFR part 50, appendix H, and using quality-assured and certified data that meet the requirements of that appendix.

Within the bounds of the Coachella Valley there are two active ozone SLAMS monitors, Indio-Amistad (Air Quality System (AQS) ID: 06–065–2007) and Palm Springs (AQS ID: 06–065–5001). In this case, the Indio-Amistad monitoring site did not produce a valid design value for the 2024 design value period (data years 2022–2024) because the monitor was relocated in 2022–2023 and did not collect valid data during the relocation. However, the Palm Springs monitor, historically the highest concentration site in the nonattainment area, had complete, quality-assured, and certified data and an attaining design value. As we stated in our proposal, the Indio-Amistad monitor has historically recorded lower concentrations than Palm Springs,[6] thus a valid attaining design value at the Palm Springs monitor is sufficient to support this attainment determination despite the absence of a valid design value at Indio-Amistad.

Comment 4: The CBCI suggested that the South Coast Air Quality Management District could not provide regulatory data to the EPA because the District is not on the list of regulators that correlate emissions data with applicable emissions limitations per 40 CFR 52.224.

Response to Comment 4: The EPA does not agree that 40 CFR 52.224 precludes our reliance on emissions data from the South Coast Air Quality Management District for this action. The EPA promulgated 40 CFR 52.224 in response to certain state implementation plans (SIPs)[7] that contained confidentiality clauses that may have caused emission data to be withheld from the public, in violation of CAA 110(a)(2)(F)(iii).[8] All of California,

[3] See a summary of the discussion in the docket for this action (Docket No. EPA–R09–OAR–2025–3127–0050).

[4] Email dated April 15, 2026, from Daniel Lopez-Tirado (CBCI) to Kathryn Harper (EPA), Subject ''Re: Pre-Consultation Meeting.''

[5] Ambient ozone concentrations at the CBCI monitor were reported January 2022 to November 2023.

[6] 91 FR 1732, 1736.

[7] SIPs are collections of regulations and documents used by a state, Tribe, or local air district to implement, maintain, and enforce the NAAQS and fulfill other CAA requirements.

[8] See 40 FR 55326 (Nov. 28, 1975). CAA 110(a)(2)(F)(iii) contains two conditions: (1) that periodic reports on the nature and amounts of emissions and emissions-related data be correlated

including the South Coast Air Quality Management District, have since addressed the requirements of CAA 110(a)(2)(F)(iii) for many NAAQS, and the EPA has approved the California SIP as addressing both requirements of CAA 110(a)(2)(F)(iii) for the 1997 ozone NAAQS.[9]

III. EPA Action

For the reasons discussed in the proposed rule and this document, we are finalizing our determination that the Coachella Valley has attained the revoked 1997 ozone NAAQS by its June 15, 2025 attainment date, based on quality-assured and certified ambient air quality monitoring data from 2022 through 2024.

IV. Statutory and Executive Order Reviews

This action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Is not an Executive Order 14192 (90 FR 9065, February 6, 2025) regulatory action because this action is not significant under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it approves a state program;
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA.

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 13, 2026. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review, nor does it extend the time within which a petition for judicial review may be filed and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects in 40 CFR Part 52

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

Dated: July 31, 2026.

Michael Martucci,

Acting Regional Administrator, Region IX.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart F—California

■ 2. Section 52.282 is amended by adding paragraph (r) to read as follows:

§ 52.282 Control strategy and regulations: Ozone.

* * * * *

(r) *Determinations of attainment by the attainment date.* Effective September 14, 2026. The EPA has determined that the Riverside County (Coachella Valley) 1997 ozone Extreme nonattainment area has attained the 1997 ozone national ambient air quality standards (NAAQS) by the applicable attainment date of June 15, 2025, based upon complete, quality-assured and certified data for the calendar years 2022–2024.

[FR Doc. 2026–16511 Filed 8–12–26; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R07–OAR–2026–0463; FRL–13204–02–R7]

Air Plan Approval; Missouri; Clean Data Determination for the 2015 8-Hour Ozone Standard for the Missouri Portion of the St. Louis Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is determining under the Clean Air Act (CAA) that the Missouri portion of the St. Louis, MO–IL bi-state nonattainment area has achieved clean data for the 2015 8-hour ozone National Ambient Air Quality Standard (NAAQS or standard). This determination of clean data is based upon complete, quality-assured, and certified ambient air monitoring data for the 2023–2025 design value period showing that the Missouri portion of the area achieved attainment of the 2015 ozone NAAQS. The 2023–2025 design value relies upon EPA concurrence on a portion of the exceptional events request as submitted by the Missouri Department of Natural Resources (MoDNR) on November 3, 2025, and concurred on by the EPA on January 27, 2026. The EPA is also approving Missouri's November 3, 2025, clean data determination request. This final clean data determination suspends the obligations of the State of Missouri to submit certain nonattainment area planning requirements for as long as the Missouri portion of the St. Louis area continues to attain the 2015 ozone NAAQS. In a separate action, the EPA is finalizing a similar determination for the Illinois portion of the St. Louis area.

DATES: This final rule is effective on September 14, 2026.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R07–OAR–2026–0463. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *i.e.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *https://www.regulations.gov* or please contact the person identified in the **FOR FURTHER**

with the relevant emission limitations, and (2) that these reports be made available at reasonable times for public inspection.

[9] See 81 FR 18766 (Apr. 1, 2016). See also 79 FR 63350 (Oct. 23, 2014).

INFORMATION CONTACT section for additional information.

FOR FURTHER INFORMATION CONTACT: Ashley Keas, Environmental Protection Agency, Region 7 Office, Air and Radiation Division, 11201 Renner Boulevard, Lenexa, Kansas 66219; telephone number: (913) 551–7629; email address: *keas.ashley@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean the EPA. This **SUPPLEMENTARY INFORMATION** section is arranged as follows:

Table of Contents

I. What is being addressed in this document?
II. The EPA's Responses to Comments
III. What action is the EPA taking?
IV. Statutory and Executive Order Reviews

I. What is being addressed in this document?

The EPA has determined that ground-level ozone is detrimental to human health. On October 1, 2015, the EPA promulgated a revised 8-hour ozone NAAQS of 0.070 parts per million (ppm). See 80 FR 65292 (October 26, 2015).

Upon promulgation of a new or revised NAAQS, section 107(d)(1)(B) of the CAA requires the EPA to designate as nonattainment any areas that are violating the NAAQS, based on the most recent three years of quality-assured ozone monitoring data. On June 4, 2018 (83 FR 25776), the EPA designated the St. Louis, MO–IL area as Marginal nonattainment for the 2015 ozone NAAQS. The current nonattainment area includes Boles Township of Franklin County, Jefferson County, St. Charles County, St. Louis County, and St. Louis City in Missouri, and Madison County, Monroe County, and St. Clair County in Illinois.

On October 7, 2022 (87 FR 60897), the EPA determined that the St. Louis area did not attain the standard by the Marginal attainment date, and the area was reclassified as Moderate by operation of law. More recently, on November 25, 2024 (89 FR 92816), and December 17, 2024 (89 FR 101901), the EPA determined the Missouri portion of the area and the Illinois portion of the area, respectively, did not attain the standard by the Moderate attainment date, and both portions of the area were reclassified as Serious by operation of law.[1]

On February 26, 2026 (91 FR 9159), the EPA published a notice of proposed rulemaking (NPRM) which proposed to determine that the Missouri portion of the St. Louis area attained the 2015 ozone NAAQS, based upon complete, quality-assured, and certified ambient air monitoring data for the 2023–2025 design value period.[2] Such a determination, based upon the EPA's Clean Data Policy, is known informally as a clean data determination (CDD). As noted in the NPRM, the Missouri portion of the St. Louis area's 3-year ozone design value for 2023–2025 is 0.070 ppm, which meets the 2015 ozone NAAQS.

The EPA's proposed CDD relied upon EPA's concurrence on an exceptional events demonstration submitted by Missouri on November 3, 2025. Missouri posted the demonstration for public comment after engagement with EPA consistent with the process outlined in the EPA's Exceptional Events Rule. The EPA concurred on a portion of the state's demonstration on January 27, 2026. The EPA may defer action on requested events which do not currently have regulatory significance. *See* 81 FR 68216, 68269 (Oct. 3, 2016).

In the February 26, 2026, NPRM, the EPA proposed to take final agency action to issue a CDD based on the concurred dates, which removed the event-influenced data from the design value, and opened an opportunity for public comment on the EPA's exceptional events concurrence. The EPA responds to comments received in section II. of this document.

This action does not constitute a determination of attainment by the attainment date under CAA section 181(b)(2). In this action, the EPA is considering the area's design value for the 2023–2025 period, however the 2023–2025 design value does not serve as the area's most recent complete and quality-assured design value available as of the applicable attainment date.

This action does not constitute a redesignation of any portion of the area to attainment of the 2015 ozone NAAQS under section 107(d)(3)(E) of the CAA, nor does it constitute approval of a maintenance plan for any portion of the area as required under section 175A of the CAA, nor does it find that any portion of the area has met all other requirements for redesignation. The Missouri portion of the St. Louis area will remain designated nonattainment for the 2015 ozone NAAQS until such time as the EPA determines that the Missouri portion of the area meets CAA requirements for redesignation to attainment and takes a separate action to redesignate the Missouri portion of the area.

II. The EPA's Responses to Comments

The public comment period on the EPA's proposed rule opened February 26, 2026, the date of its publication in the **Federal Register** and closed on March 30, 2026. During this period, the EPA received comments from two entities: the Midwest Ozone Group and the Washington University School of Law Interdisciplinary Environmental Clinic on behalf of the Sierra Club (hereinafter referred to as the Sierra Club). The Midwest Ozone Group supported the proposed action and requested its finalization. In this section, the EPA provides a high-level summary of the comments received from the Sierra Club and our responses. The EPA's full responses to comments are included in a separate Response to Comment (RTC) document included in the docket for this action.

The EPA's RTC summarizes the Sierra Club's concerns, including assertions about the procedural adequacy of Missouri's exceptional events demonstration, the timing and scope of the State's submission, and the degree of public participation afforded during the State's review process. In response, the EPA reiterates that Missouri complied with all requirements of the Exceptional Events Rule, including public notice, refinement of the technical documentation following the EPA's initial feedback, and appropriate sequencing of the demonstration once the data became regulatorily significant under 40 CFR 50.14. The EPA therefore concludes that procedural concerns about the State's development of its exceptional events demonstration do not undermine the validity of the State's submission.

The EPA also responds to the Sierra Club's comments asserting that the EPA selectively concurred on only a subset of the wildfire influenced exceedance days submitted- by Missouri and that this concurrence was intended to produce a desired regulatory outcome. The EPA does not find merit in these claims and explains that only data

[1] The EPA's rules dated November 24, 2024, and December 17, 2024, are the subject of ongoing litigation in the U.S. Court of Appeals for the Eighth Circuit and the U.S. Court of Appeals for the Seventh Circuit, respectively. Both cases are currently held in abeyance. The U.S. Court of Appeals for the Eighth Circuit granted Missouri's motion to stay the effectiveness of the underlying action pending judicial review on June 6, 2025.

[2] Missouri requested to recertify 2024 and 2025 data via letter to EPA on April 30, 2026. This recertification fixes minor raw data gaps due to a systematic error found in the AQS upload process for several continuous monitors in Missouri. However, this update does not change any of the design values for any monitors in the state's network. The EPA reviewed the data and concurred with the recertification on May 8, 2026. Please see the updated memo to file which discusses this process and includes the state's recertification request.

relevant to the regulatory determination in this action were subject to review. The EPA's concurrence was based on a full technical evaluation of each day that had regulatory significance to the CDD, and the EPA's review of and concurrence on additional days was not required. As explained in the NPRM and RTC, a design value at or below 0.070 ppm demonstrates attainment under the 2015 ozone NAAQS and certified data for all ozone monitors in the Missouri portion of the area for 2023 through 2025 meet that standard.

The EPA also responds to the Sierra Club's comments regarding long-term ozone trends, precursor emissions trajectories, and projected future increases in emissions. In the RTC, the EPA concludes that such issues fall outside the scope of the CDD, which is based solely on complete, quality-assured monitoring data for the most recent three-year-period. The EPA notes that the exceedances in late 2025 cited by commenters were fully accounted for in the design value calculations for 2023–2025 that demonstrate attainment.

The EPA reviewed the Sierra Club's concerns about potential public health implications associated with excluding wildfire-influenced-data under the Exceptional Events Rule. The EPA acknowledges the health impacts of exposure to high ozone concentrations. The EPA further notes that the Exceptional Events Rule was established under the authority granted by Congress under CAA section 319(b) and implemented by the EPA to ensure that data influenced by uncontrollable natural events are not used in regulatory determinations where doing so would be inappropriate. The Sierra Club also expresses concerns that the State is avoiding important planning and emissions reductions requirements associated with the ozone NAAQS. As explained in the proposed rule and the RTC, Missouri remains responsible for meeting all applicable State Implementation Plan requirements until the area is redesignated to attainment, and the suspension of certain attainment-planning-elements under 40 CFR 51.1318 occurs only upon a final clean data finding and only so long as the area continues to meet the standard.

In the RTC, the EPA also addresses comments questioning whether the exceptional events demonstration sufficiently established a clear causal relationship between wildfire smoke and the ozone exceedances on the days for which the EPA concurred. Based on the complete technical record and weight of evidence approach, including but not limited to HYSPLIT back-trajectory-modeling, satellite observations, surface measurements, statistical analyses, and supporting meteorological evidence, the EPA concludes that the State provided an adequate demonstration to support each concurrence day. The EPA explains in the RTC that wildfire plumes originating from multiple fires can merge into regional-scale smoke masses and that attribution to a single point source is neither technically feasible nor required under the Exceptional Events Rule. In addition, individual data elements such as monitored black carbon concentrations or satellite snapshots must be interpreted within the broader meteorological context and the full weight of evidence, which supports the EPA's concurrence.

The EPA reviewed comment letters that Sierra Club previously submitted to Missouri during the State's public comment process. The Sierra Club incorporated by reference their previous comment letters in the comment letter it submitted to the EPA. While these materials were cited too generally to constitute significant comments requiring individualized response, the EPA nonetheless evaluated them and addressed the relevant issues within the scope of this federal action. To the extent those materials addressed matters unrelated to the proposed CDD, including redesignation requirements or broader air quality planning questions, the EPA finds that they fall outside the scope of this rulemaking.

Overall, the EPA concludes that none of the comments submitted provide evidence to undermine the basis of the EPA's proposed CDD. The record demonstrates that Missouri submitted complete and procedurally valid documentation under the Exceptional Events Rule; that the EPA's technical review was consistent with the CAA, its implementing regulations, and relevant guidance; and that the certified and quality-assured-2023–2025 monitoring data demonstrate attainment of the 2015 ozone NAAQS in the Missouri portion of the St. Louis nonattainment area. Accordingly, the EPA is finalizing the Clean Data Determination as proposed.

III. What action is the EPA taking?

The EPA is making a determination under the CAA that the Missouri portion of the St. Louis area has attained the 2015 ozone NAAQS. This determination is based upon complete, quality-assured, and certified ambient air monitoring data for the 2023–2025 design value period showing that the area achieved attainment of the 2015 ozone NAAQS. The EPA is also taking final agency action on an exceptional events request submitted by MoDNR on November 3, 2025, and concurred on by the EPA on January 27, 2026. As provided in 40 CFR 51.1318, through this final determination, the requirements for the area to submit attainment demonstrations and associated RACM, RFP plans, contingency measures for failure to attain or make reasonable progress, and certain other planning requirements related to attainment of the 2015 ozone NAAQS, are suspended for as long as the area continues to attain the 2015 ozone NAAQS. In a separate action, the EPA is finalizing a similar determination for the Illinois portion of the St. Louis area.

IV. Statutory and Executive Order Reviews

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

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

This action is not a significant regulatory action and was therefore not submitted to the Office of Management and Budget (OMB) for review. This action issues a final clean data determination for the Missouri portion of the St. Louis area for the 2015 ozone NAAQS.

B. Executive Order 14192: Unleashing Prosperity Through Deregulation

Executive Order 14192 does not apply because it is not a significant regulatory action and is therefore exempted from review under Executive Order 12866.

C. Paperwork Reduction Act (PRA)

This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

D. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. This action will not impose any requirements on small entities beyond those imposed by state law. The clean data determination does not create any new requirements and does not directly regulate any entities.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small

governments. This action imposes no enforceable duty on any state, local or Tribal governments or the private sector.

F. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. This action finalizes a clean data determination for the Missouri portion of the St. Louis area under the CAA.

G. Executive Order 13175: Coordination With Indian Tribal Governments

This rule does not have Tribal implications, as specified in Executive Order 13175. It will not have substantial direct effects on Tribal governments. Thus, Executive Order 13175 does not apply to this rule.

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

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of ''covered regulatory action'' in section 2–202 of the Executive Order. Therefore, this action is not subject to Executive Order 13045 because it is merely a clean data determination.

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

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

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 13, 2026. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: August 3, 2026.

James Macy,

Regional Administrator, Region 7.

For the reasons stated in the preamble, the EPA amends 40 CFR part 52 as set forth below:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart AA—Missouri

■ 2. In § 52.1342, add paragraph (f) to read as follows:

§ 52.1342 Control strategy: Ozone.

* * * * *

(f) *Determination of attainment.* The EPA has determined, as of August 13, 2026, that the St. Louis Ozone nonattainment area has attained the 2015 8-hour Ozone NAAQS. This determination suspends the requirements for this area to submit an attainment demonstration, associated reasonably available control measures, reasonable further progress, contingency measures, and other plan elements related to attainment of the standard for as long as the area continues to meet the 2015 8-hour Ozone NAAQS.

[FR Doc. 2026–16515 Filed 8–12–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2026–0695; FRL–13224–02–R5]

Air Plan Approval; Illinois; Clean Data Determination for the Illinois Portion of the St. Louis Area for the 2015 Ozone Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is determining under the Clean Air Act (CAA) that the Illinois portion of the St. Louis, MO-IL nonattainment area (hereafter also referred to as the ''St. Louis area'' or ''area'') has achieved clean data for the 2015 ozone National Ambient Air Quality Standards (NAAQS or standard). This determination is based upon complete, quality-assured, and certified ambient air monitoring data for the 2023–2025 design value period showing that the Illinois portion of the area achieved attainment of the 2015 ozone NAAQS. This determination also relies on the EPA's concurrence of an exceptional events request submitted by the Illinois Environmental Protection Agency (Illinois EPA) on December 18, 2025, and concurred on by the EPA on January 12, 2026. Therefore, the EPA is taking final agency action on Illinois' exceptional events request. In a separate action, the EPA is finalizing a similar determination for the Missouri portion of the St. Louis area. This final determination suspends the requirements for the area to submit attainment demonstrations and associated Reasonably Available Control Measures (RACM), Reasonable Further Progress (RFP) plans, contingency measures for failure to attain or make reasonable progress, and other planning State Implementation Plans (SIPs) related to attainment of the 2015 ozone NAAQS, for as long as the area continues to attain the 2015 ozone NAAQS.

DATES: This final rule is effective on September 14, 2026.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R05–OAR–2026–0695. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *i.e.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *https://www.regulations.gov* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional information.

FOR FURTHER INFORMATION CONTACT: Alexis Bender, Air and Radiation Division (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, telephone number: (312) 886–9497, email address: *bender.alexis@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean the EPA.

I. Background

On October 1, 2015, the EPA promulgated a revised 8-hour ozone NAAQS of 0.070 parts per million (ppm). *See* 80 FR 65292 (October 26, 2015). Upon promulgation of a new or revised NAAQS, section 107(d)(1)(B) of the CAA requires the EPA to designate as nonattainment any areas that are violating the NAAQS, based on the most recent three years of quality-assured ozone monitoring data. On June 4, 2018 (83 FR 25776), the EPA designated the St. Louis, MO-IL area as Marginal nonattainment for the 2015 ozone NAAQS. The current nonattainment area includes Boles Township of Franklin County, Jefferson County, St. Charles County, St. Louis County, and St. Louis City in Missouri, and Madison County, Monroe County, and St. Clair County in Illinois.

On October 7, 2022 (87 FR 60897), the EPA determined that the St. Louis area did not attain the standards by the Marginal attainment date, and the area was reclassified as Moderate by operation of law. More recently, on November 25, 2024 (89 FR 92816), and December 17, 2024 (89 FR 101901), the EPA determined the Missouri portion of the area and the Illinois portion of the area, respectively, did not attain the standards by the Moderate attainment date, and both portions of the area were reclassified as Serious by operation of law.[1]

On February 26, 2026 (91 FR 9519), the EPA proposed to determine that the St. Louis area attained the 2015 ozone NAAQS, based upon complete, quality-assured, and certified ambient air monitoring data for the 2023 through 2025 design period. Such a determination, based upon the EPA's Clean Data Policy, is known informally as a clean data determination. As noted in the Notice of Proposed Rule Making, the Illinois portion of the St. Louis area's 3-year ozone design value for 2023 through 2025 is 0.070 ppm, which meets the 2015 ozone NAAQS.

The EPA's proposed clean data determination relied upon the EPA's concurrence on an exceptional events demonstration submitted by Illinois on December 18, 2025. The EPA concurred on Illinois' demonstration on January 12, 2026.

[1] The EPA's rules dated November 24, 2024, and December 17, 2024, are the subject of ongoing litigation in the U.S. Court of Appeals for the Eighth Circuit and the U.S. Court of Appeals for the Seventh Circuit, respectively.

In the February 26, 2026, proposed clean data determination, the EPA proposed to take final agency action on the exceptional events concurrence, which removed the event-influenced data from the design value, and opened an opportunity for public comment on the EPA's concurrence.

This action does not constitute a determination of attainment by the attainment date under CAA section 181(b)(2). In this action, the EPA is considering the area's design value for the 2023 through 2025 period, however the 2023 through 2025 design value does not serve as the area's most recent complete and quality-assured design value available as of the August 3, 2027, applicable attainment date.

This action does not constitute a redesignation of the area to attainment of the 2015 ozone NAAQS, nor does it constitute approval of a maintenance plan for any portion of the area as required under section 175A of the CAA, nor does it find that any portion of the area has met all other requirements for redesignation. A nonattainment area may constitute a redesignation to attainment as it has met requirements of section 107(d)(3)(E) of the CAA. The Illinois portion of the St. Louis area will remain designated nonattainment for the 2015 ozone NAAQS unless and until the EPA determines that the area meets CAA requirements for redesignation to attainment and takes a separate action to redesignate the area.

II. The EPA's Responses to Comments

The public comment period on the EPA's proposed rule opened February 26, 2026, the date of its publication in the **Federal Register** and closed on March 30, 2026. During this period, the EPA received one supportive comment.

III. What action is the EPA taking?

The EPA is making a determination under the CAA that the Illinois portion of the St. Louis area has achieved clean data for the 2015 ozone NAAQS. This determination is based upon complete, quality-assured, and certified ambient air monitoring data for the 2023 through 2025 design value period showing that the area achieved attainment of the 2015 ozone NAAQS. The EPA is also taking final agency action on an exceptional events request submitted by the Illinois EPA on December 18, 2025, and concurred on by the EPA on January 12, 2026. In a separate action, the EPA is taking action on a similar determination for the Missouri portion of the St. Louis area. As a result of these determinations, EPA suspends the requirements for the area to submit attainment demonstrations and associated RACM, RFP plans, contingency measures for failure to attain or make reasonable progress, and other planning SIPs related to attainment of the 2015 ozone NAAQS, for as long as the area continues to attain the 2015 ozone NAAQS. In a separate action, the EPA is finalizing a similar determination for the Missouri portion of the St. Louis area.

IV. Statutory and Executive Order Reviews

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

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

This action is not a significant regulatory action and was therefore not submitted to the Office of Management and Budget (OMB) for review. This action issues a clean data determination for the Illinois portion of the St. Louis area for the 2015 ozone NAAQS.

B. Executive Order 14192: Unleashing Prosperity Through Deregulation

This action is not an Executive Order 14192 regulatory action because this action is not significant under Executive Order 12866.

C. Paperwork Reduction Act (PRA)

This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*)

D. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. This action will not impose any requirements on small entities beyond those imposed by State law. The clean data determination does not create any new requirements and does not directly regulate any entities.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. This action imposes no enforceable duty on any State, local or Tribal governments or the private sector.

F. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial

direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. This action issues a clean data determination for the Illinois portion of the St. Louis area under the CAA.

G. Executive Order 13175: Coordination With Indian Tribal Governments

This rule does not have Tribal implications, as specified in Executive Order 13175. It will not have substantial direct effects on Tribal governments. Thus, Executive Order 13175 does not apply to this rule.

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

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of ''covered regulatory action'' in section 2–202 of the Executive Order. This action is not subject to Executive Order 13045 because it merely issues a clean data determination.

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

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

J. National Technology Transfer Advancement Act

This rulemaking does not involve technical standards.

K. Congressional Review Act

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

L. Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 13, 2026. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. *See* section 307(b)(2).

List of Subjects in 40 CFR Part 52

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

Dated: July 27, 2026.

Anne Vogel,

Regional Administrator, Region 5.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

■ 2. In § 52.720, the table in paragraph (e) is amended under ''Attainment and Maintenance Plans'' by adding a new entry for ''Ozone (8-hour, 2015) Clean Data Determination'' after the entry for ''Ozone (8-hour, 2008) redesignation and maintenance plan'' for the ''Chicago Area'' to read as follows:

§ 52.720 Identification of plan.

* * * * *

(e) * * *

EPA-APPROVED ILLINOIS NONREGULATORY AND QUASI-REGULATORY PROVISIONS

Name of SIP provision	Applicable geographical or nonattainment area	State submittal date	EPA approval date	Comments
*	* *	*	*	* *
Attainment and Maintenance Plans				
*	* *	*	*	* *
Ozone (8-hour, 2015) Clean Data Determination.	St. Louis area	N/A	8/13/26, 91 FR [INSERT **Federal Register** PAGE WHERE THE DOCUMENT BEGINS].	EPA's final determination suspends requirements for Illinois EPA to submit an attainment demonstration and other associated nonattainment planning requirements for the St. Louis area for as long as the area continues to attain the 2015 ozone NAAQS.
*	* *	*	*	* *

* * * * *

[FR Doc. 2026–16514 Filed 8–12–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2026–2608; FRL–13323–02–R9]

Determination of Attainment by the Attainment Date and Clean Data Determination for the 2012 Annual Fine Particulate Standard; Plumas County, California

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is finalizing our determination that the Portola nonattainment area in Plumas County, California, attained the 2012 annual fine particulate matter (''$PM_{2.5}$'') national ambient air quality standard (NAAQS or ''standard'') by the December 31, 2025 ''Serious'' area attainment date. This determination is based on ambient air quality monitoring data from 2023 through 2025. We are also finalizing a clean data determination (CDD) based on the 2023 through 2025 data and our evaluation of preliminary air quality monitoring data from 2026.

DATES: This rule is effective September 14, 2026.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R09–OAR–2026–2608. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *https://www.regulations.gov*, or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information. If you need assistance in a language other than English or if you are a person with a disability who needs a reasonable accommodation at no cost to you, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Lindsay Wickersham, Planning Section (AIR–2–1), EPA Region IX, 75 Hawthorne Street, San Francisco, CA 94105; telephone number: (415) 947–4192; email address: *wickersham.lindsay@epa.gov*.

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

Table of Contents

I. Summary of the Proposed Action
II. Public Comment
III. Final Action
IV. Statutory and Executive Order Reviews

I. Summary of the Proposed Action

On May 14, 2026, the EPA proposed to determine, based on complete (or otherwise validated), quality-assured, and certified data, meeting the requirements of 40 CFR part 50, appendix N for 2023 through 2025, that the Portola $PM_{2.5}$ nonattainment area attained the 2012 annual $PM_{2.5}$ NAAQS by its December 31, 2025 attainment date.[1]

In accordance with 40 CFR 51.1015, we also proposed to issue a CDD for the Portola $PM_{2.5}$ nonattainment area for the 2012 annual $PM_{2.5}$ NAAQS based on the 2023–2025 data.[2]

The EPA's proposal explained that if we were to finalize the CDD, the requirements for the area to submit attainment planning provisions to meet the requirements for an attainment plan for the 2012 annual $PM_{2.5}$ NAAQS, including an attainment demonstration, reasonable further progress plan, quantitative milestones, quantitative milestone reports, and contingency measures, would be suspended until such time as: (1) the area is redesignated to attainment, after which such requirements are permanently discharged; or (2) the EPA determines that the area has re-violated the $PM_{2.5}$ NAAQS, at which time the state shall submit such attainment plan elements for the Serious nonattainment area by a future date to be determined by the EPA and announced through publication in the **Federal Register** at the time the EPA determines the area is violating the 2012 $PM_{2.5}$ NAAQS.[3] The requirements to submit emissions inventories, best available control measures, including control technologies, and a nonattainment new source review permitting program for the Serious nonattainment area will remain in effect.

Finally, the EPA's proposal explained that the CDD does not constitute a redesignation to attainment. The Portola $PM_{2.5}$ nonattainment area will remain designated nonattainment for the 2012 annual $PM_{2.5}$ NAAQS until such time as the EPA determines, pursuant to sections 107 and 175A of the Clean Air Act (CAA), that the Portola $PM_{2.5}$ nonattainment area meets the CAA requirements for redesignation to attainment, including an approved maintenance plan showing that the area will continue to meet the 1997 annual $PM_{2.5}$ NAAQS for 10 years.[4]

Please see our May 14, 2026 proposed rulemaking for additional background and a detailed explanation of the rationale for our proposed action.[5]

II. Public Comment

The public comment period for the proposed rulemaking opened on May 14, 2026,[6] the date of its publication in the **Federal Register**, and closed on June 15, 2026. During this period, the EPA received one comment submission that discussed diesel generator exhaust associated with data centers around the nation. As this action only concerns the Portola $PM_{2.5}$ nonattainment Area, and because there are no data centers in this area, this comment is not germane to our action and does not require a response. The comment is included in the docket for this action.

III. Final Action

For the reasons discussed in detail in our proposed action, the EPA is finalizing our determination that the Portola $PM_{2.5}$ nonattainment area has attained the 2012 annual $PM_{2.5}$ NAAQS by the December 31, 2025 attainment date, based on complete, quality-assured, and certified ambient air quality monitoring data for the 2023–2025 monitoring period.[7] The EPA is taking this final action pursuant to CAA section 179(c)(1).

Preliminary data available in the EPA's Air Quality System (AQS) for 2026 (January through March) indicate that the Portola nonattainment area continues to show concentrations consistent with attainment of the 2012 annual $PM_{2.5}$ NAAQS;[8] therefore, as provided in 40 CFR 51.1015, we are also finalizing a CDD. Consequently, the requirements for the state to submit any SIP revisions related to attainment of the 2012 annual $PM_{2.5}$ NAAQS for this

[1] 91 FR 27224 (May 14, 2026).

[2] Id.

[3] 40 CFR 51.1015(b).

[4] Id.

[5] 91 FR 27724 (May 14, 2026).

[6] Id.

[7] EPA AQS Design Value Report, AMP480, dated March 31, 2026. (Report Request ID: 2367374).

[8] EPA, AQS Design Value Report, AMP480, dated June 23, 2026. (Report Request ID: 2390857). Although the Q1 mean of 19.32 $\mu g/m^3$ exceeds the NAAQS, the means for Q2 and Q3 are expected to be significantly lower, because Q1 corresponds with the winter months, when $PM_{2.5}$ concentrations in the area peak due to bowl-shaped topography, cold stagnant winters, and extensive use of residential wood stoves. Q1 2026 concentrations are consistent with the historic trend of data years that have recorded annual averages attaining the NAAQS. See 83 FR 64774, 64788.

area, including an attainment demonstration, reasonable further progress plan, quantitative milestones, quantitative milestone reports, and contingency measures, will be suspended for so long as the area continues to attain this NAAQS. This final determination that the Portola nonattainment area has attained the 2012 annual $PM_{2.5}$ NAAQS does not constitute a redesignation of the area to attainment. The designation status of the Portola nonattainment area will remain ''Serious'' nonattainment for the 2012 annual $PM_{2.5}$ NAAQS until such time as the EPA determines, pursuant to sections 107 and 175A of the CAA, that the area meets the CAA requirements for redesignation to attainment, including an approved maintenance plan showing that the area will continue to meet the standard for 10 years.

IV. Statutory and Executive Order Reviews

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

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

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

B. Executive Order 14192: Unleashing Prosperity Through Deregulation

This action is not an Executive Order 14192 regulatory action because this action is not significant under Executive Order 12866.

C. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA because this action does not impose additional requirements beyond those imposed by state law.

D. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. This action will not impose any requirements on small entities beyond those imposed by state law.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. This action does not impose additional requirements beyond those imposed by state law. Accordingly, no additional costs to state, local, or Tribal governments, or to the private sector, will result from this action.

F. Executive Order 13132: Federalism

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

G. Executive Order 13175: Coordination With Indian Tribal Governments

This action does not have Tribal implications as specified in Executive Order 13175. As there are no federally recognized Tribes within the Portola nonattainment area,[9] the final determination of attainment by the attainment date and CDD do not apply to Tribal areas, and the final rule would not impose a burden on Indian reservation lands or other areas where the EPA or an Indian Tribe has demonstrated that a Tribe has jurisdiction within the Portola nonattainment area. Thus, this final rule does not have Tribal implications and will not impose substantial direct costs on Tribal governments or preempt Tribal law as specified by Executive Order 13175.

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

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of ''covered regulatory action'' in section 2–202 of the Executive Order. This action is not subject to Executive Order 13045 because it does not concern an environmental health risk or safety risk.

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

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

[9] Map of Federally-Recognized Tribes in EPA's Pacific Southwest (Region 9) is available at *https://www.epa.gov/tribal-pacific-sw/map-federally-recognized-tribes-epas-pacific-southwest-region-9.*

J. National Technology Transfer and Advancement Act (NTTAA)

Section 12(d) of the NTTAA directs the EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. The EPA believes that this action is not subject to the requirements of section 12(d) of the NTTAA because application of those requirements would be inconsistent with the CAA.

K. Congressional Review Act (CRA)

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

L. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 13, 2026. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review, nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Particulate matter, Reporting and recordkeeping requirements.

Dated: August 3, 2026.

Michael Martucci,

Acting Regional Administrator, Region IX.

For the reasons stated in the preamble, the Environmental Protection Agency amends part 52, chapter I, title 40 of the Code of Federal Regulations as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart F—California

■ 2. Section 52.247 is amended by adding paragraph (u) to read as follows:

§ 52.247 Control Strategy and regulations: Fine Particle Matter.

* * * * *

(u) *Determination of attainment.* Effective September 14, 2026, the EPA has determined that, based on 2023 to 2025 ambient air quality data, the Portola $PM_{2.5}$ nonattainment area has attained the 2012 annual $PM_{2.5}$ NAAQS by the applicable attainment date of December 31, 2025. Therefore, the EPA has met the requirement pursuant to CAA section 179(c)(1) to determine whether the area attained the standards. Under the provisions of the EPA's $PM_{2.5}$ implementation rule (see 40 CFR 51.1015), this determination suspends the requirements for this area to submit an attainment demonstration, a reasonable further progress plan, quantitative milestones, quantitative milestone reports, contingency measures, and any other planning SIP revisions related to attainment for as long as this area continues to attain the 2012 annual $PM_{2.5}$ NAAQS. If the EPA determines, after notice-and-comment rulemaking, that this area no longer meets the 2012 annual $PM_{2.5}$ NAAQS, the corresponding determination of attainment for that area shall be withdrawn.

[FR Doc. 2026–16510 Filed 8–12–26; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 8

[CG Docket No. 22–2, GN Docket No. 25–133; FCC 26–48; FR ID 361584]

Empowering Broadband Consumers Through Transparency

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Federal Communications Commission (Commission) eliminates or modifies certain broadband label requirements to ensure that consumers have clear, accurate, and concise information when shopping for broadband plans. Specifically, the Commission enables providers to describe label information in a natural, conversational style over the phone; simplify fee presentation to avoid clutter; remove outdated information from the label; use links or icons at point-of-sale to avoid unwieldy amounts of information that can overwhelm consumers; and eliminate requirements that go beyond our mandate. At the same time, the Commission ensures the labels remain accessible to people with disabilities, and that labels are displayed in the same language(s) used when marketing a service.

DATES: Effective September 14, 2026, except for instruction 3 (§ 8.1(a)), which is delayed indefinitely. The Commission will publish a document in the **Federal Register** announcing the effective date.

ADDRESSES: Federal Communications Commission, 45 L Street NE, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: For further information about the Report and Order (*Order*), contact Michelle Branigan of the Consumer and Governmental Affairs Bureau at (202) 418–1345 or *Michelle.Branigan@fcc.gov*.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order (*Order*) in CG Docket No. 22–2 and GN Docket No. 25–133, document FCC 26–48, adopted on July 22, 2026 and released on July 23, 2026. The full text of this document is available online at *https://docs.fcc.gov/public/attachments/FCC-26-48A1.pdf.*

Paperwork Reduction Act Analysis: The *Order* may contain proposed new and revised information collection requirements. The Commission, as part of its continuing effort to reduce paperwork burdens, will invite the general public and the Office of Management and Budget (OMB) to comment on the information collection requirements described in this document, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4), we previously sought specific comment on how we might further reduce the information collection burden for small business concerns with fewer than 25 employees.

Congressional Review Act: The Commission has determined, and the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, concurs, that this rule is ''non-major'' under the Congressional Review Act, 5 U.S.C. 804(2). The Commission will send a copy of this Report & Order to Congress and the Government Accountability Office pursuant to 5 U.S.C. 801(a)(1)(A).

Ex Parte Rules: The proceeding shall be treated as a ''permit-but-disclose'' proceeding in accordance with the Commission's ex parte rules. Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during ex parte meetings are deemed to be written *ex parte* presentations and must be filed consistent with § 1.1206(b) of the Commission's rules. In proceedings governed by § 1.49(f) of the Commission's rules or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must, when feasible, be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.,* .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

Synopsis

I. Discussion

In this *Order,* we eliminate or modify certain broadband label requirements to make the label clearer and more usable for consumers, and as a result, also reduce compliance costs. Based on the record in response to *Empowering Broadband Consumers Through Transparency; Delete, Delete, Delete,* CG Docket No. 22–2, GN Docket No. 25–133, Second Further Notice of Proposed Rulemaking, FCC 25–74, 90 FR 55713 (Dec. 3, 2025) (*Second Further Notice*), we amend the rule to: (1) enable providers to describe label information in a natural, conversational style over the phone; (2) enable providers to simplify fee presentation to avoid label clutter; (3) remove outdated information from the label by eliminating the requirement that providers display information about the now-concluded Affordable Connectivity Program; (4)

clarify that providers may use hyperlinks or icons within account portals to make the customer's label ''easily accessible''; (5) allow providers to use a hyperlink or icon at the point of sale in lieu of displaying the full label; (6) eliminate the requirement that providers make label information available in machine readable database format; and (7) eliminate the requirement that providers archive labels for at least two years after a service is no longer offered to new customers. We do so while retaining the requirements that labels be accessible to people with disabilities and that providers display labels in any language(s) in which they market their services. We also close open inquiries from *Empowering Broadband Consumers Through Transparency,* CG Docket No. 22–2, Further Notice of Proposed Rulemaking, FCC 22–86, 87 FR 77048 (Dec. 16, 2022) (*First Further Notice*).

A. Improving Label Display and Content

1. Phone Sales

We enable providers' phone sales representatives to present label information in natural, conversational style by eliminating the requirement that they read the labels verbatim to customers. We agree with commenters that a more conversational presentation of the labels fits the unique nature of the telephone sale, which is time-limited and requires the consumer to remember information, unlike written labels that consumers can refer to at any point. By contrast, verbatim recitation of a document that consumers cannot see serves neither providers nor consumers well. Provider phone sales representatives must orally summarize the following label fields during the sales interaction: monthly price inclusive of any monthly fees, including the introductory rate and its duration if applicable; typical download and upload speeds; latency; data allowance; contract term duration if applicable; and early termination fees if applicable.

We agree that consumers using the phone to shop for broadband service may also want the opportunity to see the label. Some commenters urge us to require provider phone sales representatives to offer to transmit the full broadband consumer label to the consumer, if the consumer so desires, via text message, email, or U.S. mail—consistent with the consumer's preference. We decline to do so, but encourage providers to direct consumers to the labels on the provider's website.

The approach we adopt ensures that consumers receive real-time disclosure of the fields most material to a purchase decision and have access to the full label for review without requiring providers to recite a visual document verbatim in an oral format for which it was not designed. It also addresses the concerns raised in the record by more than a half dozen accessibility organizations: the verbal summary requirement ensures consumers without internet access receive label content during the call and labels will be easily accessible to consumers with disabilities on providers' websites. For these reasons, we decline to simply exclude telephone calls from the definition of point of sale, which would restrict access to label information for the significant segment of the population that engages in telephone shopping for broadband service—including many consumers with disabilities. To ensure providers retain the flexibility to adapt verbal summaries to diverse customer interactions, we also decline to adopt a mandatory script for phone label disclosures.

We conclude that the approach we adopt is within our statutory authority. Although the provision of label information in a telephone conversation may not literally constitute the ''display'' of a label, such disclosure is an appropriate implementation of the Congressional intent that the content of labels be disclosed to consumers, especially in light of the record showing that the telephone is a frequently used sales channel, especially for older adults, lower-income households, and consumers with limited digital literacy. We find that in directing the Commission to require the display of labels ''to disclose to consumers information regarding broadband internet access service plans,'' Congress intended to authorize the Commission to adopt closely related measures to ensure such disclosure, and did not intend to prevent the Commission from ensuring that label content is accessible to consumers who use the telephone to purchase broadband service.

2. Passthrough Fees

Rather than continuing to require providers to itemize ''passthrough fees'' that can vary by location, we allow providers to display such fees in the aggregate, either as a maximum or ''up to'' amount for the total fees applicable in any location where the service plan is offered, or as the exact total of such fees assessed in a particular location. To ensure that consumers understand the fees they will pay, we also require that any provider choosing to use the ''up to'' option must break out the total ''up to'' amount into two categories: (1) the maximum amount of passthrough fees that recover government-imposed costs, and (2) the maximum amount of passthrough fees attributable to costs imposed by non-governmental third-party entities. Thus, providers choosing the ''up to'' approach must include a comprehensive ''up to'' amount, as well as an ''up to'' amount for governmental passthrough fees and an ''up to'' amount for non-governmental passthrough fees. For the governmental and third-party, non-governmental breakdowns, the label also must provide the types of passthrough fees that may be included in each category, but need not identify separate ''up to'' amounts for each type of fee in each of the two categories. The label must also direct consumers to a provider-maintained web page with clear descriptions of each type of passthrough fee listed.

The Infrastructure Act directs us to require the display of broadband labels ''as described in'' a public notice issued by the Commission in 2016, *Consumer and Governmental Affairs, Wireline Competition, and Wireless Communications Bureaus Approve Open internet Broadband Consumer Labels,* GN Docket No. 14–28, Public Notice, 31 FCC Rcd 3358 (CGB, WCB,WTB 2016) (*2016 Broadband Labels PN*), which in turn explains that labels should convey the information consumers need to know ''in plain language that is easy to understand without overwhelming consumers with too much information.'' As a commenter points out, too much detail regarding fees could draw consumers' attention away from more important label information, and research suggests that ''excessive itemization creates cognitive burdens that reduce consumer welfare.'' Commenters who advocate for retaining mandatory itemization of all fees do not persuasively address these concerns. Allowing providers to state a total ''up to'' amount, while also clearly identifying the portions of that amount attributable to governmental and non-governmental, third-party passthrough fees, will ensure that consumers can access relevant information in an easily digestible format without being overwhelmed with an exhaustive itemization of all possible passthrough fees.

The record also shows that requiring full itemization imposes burdens on providers. Itemizing fees often requires providers to generate and maintain a large number of distinct labels to account for state and local variation in fees across their service territories. This creates ongoing administrative complexity, particularly for providers operating across multiple jurisdictions.

By contrast, as demonstrated by the Broadband internet Technical Advisory Group (BITAG) maximum value field approach, calculating a maximum ''up to'' amount is technically achievable without requiring a separate label for each jurisdiction.

We amend the rule to allow two additional alternatives for the display of passthrough fees, rather than requiring full itemization of each location-specific fee. First, drawing on the BITAG recommendation, we permit providers to present passthrough fees on a single line specifying the maximum passthrough fee that would be paid by any subscriber across all jurisdictions where the service plan is offered—that is, the highest ''up to'' amount applicable anywhere in the provider's service territory for that plan. For purposes of this rule, ''service territory'' means the geographic area within which a provider offers the specific broadband service plan to which the label applies. Alternatively, providers may display, on a jurisdiction-specific basis, the exact total of the passthrough fees that subscribers in that jurisdiction will pay. Providers may also continue to itemize fees individually as current rules permit. The displayed maximum or exact total must be accurate, *i.e.,* it must not understate the current fees applicable to any consumer subscribing to that plan. If fees subsequently increase above the disclosed maximum or exact total, the provider must revise the label accordingly. Because fee disclosure must not understate current fees, we decline to adopt NTCA's safe harbor based on a historical 12-month average, because a backward-looking average may not accurately reflect current fees.

We also disagree with commenters who argue that displaying an exact total or maximum amount would undermine the effectiveness of the label, increase consumer confusion, or recreate the bill shock the label was designed to prevent. As described above, a single line totaling multiple fees can help consumers compare plan prices without forcing them to make additional calculations. Additionally, a separate breakdown of that maximum amount between governmental and third-party, non-governmental fees will provide useful context for consumers. This approach will reduce consumer confusion, rather than increase it. And because the ''up to'' amounts must be accurate, they will not cause bill shock, which can occur when providers do not disclose the true cost of service at point-of-sale. Including maximum passthrough fee amounts will result in some consumers experiencing bills below what is displayed on the label, the opposite of bill shock.

For similar reasons, we reject arguments that an ''up to'' amount will allow providers to hide charges or impair consumers' ability to understand the fees they may pay. Providers that display an ''up to'' amount will still clearly disclose the most that a consumer will pay for passthrough fees in any jurisdiction where the plan is offered. Further, requiring a breakdown of governmental fees in relation to third-party, non-governmental fees will ensure that consumers are aware of the types of fees they may be required to pay. Nothing in the record supports the point that consumer decision-making suffers when multiple fees are consolidated. As long as the exact total or maximum amount is accurate, consumers have the information necessary to make informed purchasing decisions. With respect to Public Knowledge's concern about the absence of a principled limit on embedded fees, we note that the accuracy requirement provides such a limit; a provider may not embed fees that cause the consumers' bill to exceed the maximum stated in the applicable label. Making clear to consumers the maximum aggregate passthrough fee they will face satisfies the transparency objective of the Infrastructure Act, while potentially reducing the burden of review a consumer may experience with an itemized list that may vary slightly across different provider labels.

While we anticipate that most providers will opt to present an ''up to'' maximum or an exact, location-specific fee total, some may choose to continue to itemize passthrough fees. We expect that over time, competitive forces will encourage providers to adopt disclosure formats consumers find most useful, and in all cases the accuracy requirements ensure that consumers can reliably compare total recurring amounts across providers. The approach we adopt preserves transparent, comparable information for consumers while allowing providers flexibility to avoid label proliferation. We also recognize this is a change in course. The Commission declined to allow an ''up to'' approach in the *Empowering Broadband Consumers Through Transparency,* CG Docket No. 22–2, *Order on Reconsideration,* FCC 23–68, 38 FCC Rcd 8238 (2023), stating that a single figure would not provide sufficient transparency or facilitate comparison shopping. With the benefit of a more robust record—including evidence that mandated itemization impedes providers' flexibility, promotes unnecessary label proliferation, and may undermine consumers' ability to comparison shop and thereby frustrate the goals of the Infrastructure Act—we conclude that permitting providers to display passthrough fees as a maximum or ''up to'' amount or exact total gives consumers sufficient disclosure to enable comparison shopping and more effectively meets the objectives of the Infrastructure Act.

3. Affordable Connectivity Program

We eliminate the requirement that providers include information about the ACP in the broadband label. The program ended June 1, 2024. We agree with commenters that retaining a reference to an expired program offers no consumer benefit and risks confusing consumers who may be led to believe the program remains available. We thus decline suggestions that we maintain the requirement as a placeholder obligation that would activate automatically upon establishment of a successor federal broadband affordability program.

4. Customer Account Portal

We retain the requirement that providers that give their customers access to their account information via an online portal must give those customers easy access to the label of their current plan. And we amend the rule to clarify that providers may satisfy the ''easily accessible'' requirement for customer portals by prominently displaying a hyperlink or icon in the customer's portal directing the customer to the label for their current plan and thus providers need not display the label itself in the customer's portal. We agree with commenters that access to the label via their portal is important to enable subscribers to verify their current plan terms, detect billing discrepancies, and evaluate their current plan's suitability to their needs. We believe that allowing providers to use a link or icon, rather than displaying the label alongside all the other information in the portal, will make it easier for consumers to focus on the portal information they wish to read and benefit consumers accessing their portal on mobile devices.

Display flexibility should also reduce provider compliance costs. We agree with commenters that maintaining label display in customer portals entails costly development work, and that a requirement for full label display in customer portals ''imposes significant burdens and costs without concomitant benefit to subscribers.'' While these commenters do not specifically quantify the costs at issue, the record nonetheless reflects that full-label display imposes

some compliance burden on providers, and the clarification we adopt here is responsive to that concern.

We agree that a static label displayed in a customer's portal runs the risk of becoming outdated, inaccurate, or misleading as plan terms evolve over time. However, the label accessed in a portal should reflect the terms of the customer's current plan, rather than the original plan purchased if different, to, among other things, enable market comparisons and better manage their existing plan. Thus, consumers should not be confused or misled as long as their providers meet their obligations under the rule of providing easy access to the label of each consumer's *current* plan. While we recognize that labels may not specify every charge or discount associated with a consumer's current service plan, and thus may not serve as a comprehensive billing reference document, labels that correspond to a consumer's current plan clearly ''can assist in identifying billing inaccuracies and unexpected fees,'' as the rule intends, as well as providing a baseline for future comparison shopping. We also disagree with some commenters' claims that the portal access requirement is ''divorced from the purpose of labels: to facilitate *shopping* for broadband services.'' In adopting the rule, as noted above, the Commission recognized that portal access to labels ''furthers our goal of assisting consumers with comparison shopping by allowing consumers to more easily compare their current plans to alternative plans when shopping for broadband service in the future.''

Additionally, we are unpersuaded that the costs of providing access via a link in the consumer's account portal outweigh any consumer benefit to subscribers. No commenter attempts to quantify these claimed costs. And, as described above, there is ample evidence that the portal requirement benefits consumers. Therefore, we find insufficient basis in the record to revisit the *Empowering Broadband Consumers Through Transparency,* CG Docket No. 22–2, Report and Order and Further Notice of Proposed Rulemaking, 37 FCC Rcd 13686 (2022) *(2022 Broadband Label Order)* assessment that ''associating a label that is already displayed on a provider's primary advertising web page with a customer's online account should not be overly burdensome, and that the benefits to consumers far outweigh any costs to providers.'' We also disagree that information on consumers' bills obviates the need for access to the label. A label provides information (*e.g.,* ''typical'' data speeds) that is not included in bills and summarizes key information in a recognizable format that supports comparison shopping, which bills aren't usually designed to do.

5. Point-of-Sale Display

We give providers flexibility to use links or icons at the point of sale instead of displaying the full label. We agree with commenters that this change will better enable consumers viewing broadband plans on their mobile phones to read and process relevant information. And it will enable providers to avoid significant design and operational challenges, especially in the mobile device context, where screen space limitations make simultaneous display of marketing content and a full label difficult to achieve without degrading the consumer experience for either. An icon or link prominently displayed in close proximity to the advertised plan and that links directly to the associated label can resolve the operational challenges (*e.g.,* by conserving limited display space on mobile devices) while ensuring that consumers can easily access relevant label information.

We recognize this is a change in course from the Commission's *2022 Broadband Label Order* requiring full label display at the point of sale. In previously declining to allow a link in place of the full label, the Commission noted that ''commenters [did] not articulate any particular challenges in displaying the actual label alongside a provider's marketing materials.'' The record here, however, provides a more specific and documented account of the operational challenges involved in meeting the display requirement.

We find that these documented operational challenges support modifying the full label display requirement to allow the use of an icon or link, provided that any icon or link connect directly to the customer's specific plan label and appear in close proximity to the associated advertised plan. When a provider places an icon or link next to the advertised plan and that icon or link connects directly to that plan's label, the consumer is a mere single click away from the label, and need not re-enter the address or engage in a time-consuming search for information relevant to comparison shopping, as some comments suggest. Our approach strikes an appropriate balance between operational flexibility and consumer access.

To ensure consumers can easily compare plans at point-of-sale, links must connect directly to the label for the advertised plan or to a labels page on which the specific plan is immediately identifiable and accessible without additional navigation, address entry, or search. This requirement addresses concerns raised by commenters about immediacy, minimum-click access, and visibility of labels, which continue to guide our approach to point-of-sale display. Providers using a link or icon in lieu of the full label must clearly identify it as leading to the label so that consumers understand what the link or icon represents and are not left to guess whether it leads to label information.

6. Multilingual Requirement

We retain the requirement that providers display the label in English and any other languages in which the provider markets its services in the United States and its territories. Although the Commission sought comment on whether to remove this requirement, we agree with CTIA and other commenters supporting retaining the requirement and find it is a commonsense way of ensuring the label is a useful tool for consumers.

We find insufficient the arguments of two commenters urging us to eliminate this requirement. We see no cost data or other evidence to indicate that retaining the requirement will deter providers from marketing in languages other than English. In the absence of such evidence, it is reasonable to infer that a provider will not incur a substantial incremental cost in translating the label to a language in which the provider is already conducting marketing, and the consumer benefit is concrete and immediate. If a provider has affirmatively sought out and recruited customers in their native language, investing in the research, outreach, and translation resources that multilingual marketing entails, the record offers no persuasive evidence that translating a standardized label into that same language would impose an unreasonable burden. As CTIA acknowledges, the current requirement reflects sound policy precisely because providers that market in a given language already possess the translation resources necessary to produce the label in that language.

B. Eliminating Burdensome Reporting and Recordkeeping Requirements

1. Machine-Readability and Data File Requirements

We eliminate the requirement that providers make the contents of labels available separately in a machine readable spreadsheet file format hosted at a dedicated URL, while emphasizing that providers remain obligated to make

labels accessible to consumers with disabilities, including ensuring such information is compatible with screen readers and other assistive technologies used by people with disabilities. We agree with commenters arguing that this action aligns the label requirements more closely with the Infrastructure Act's purpose of disclosure to consumers, not third parties, and alleviates a significant burden on providers. The Infrastructure Act directs the Commission to require ''the display of broadband consumer labels'' that provide consumers with information about broadband plans. This requirement was modeled on nutrition labels, which are focused on point-of-sale disclosure to consumers.

In requiring machine readability, the Commission appeared to believe third-party access advances the statutory objective by facilitating the creation of comparison-shopping tools for consumers, as well as enabling more efficient data collection and compliance monitoring by the Commission, and promoting marketplace research. However, the Infrastructure Act's directive ''to disclose to consumers information'' and the prior Commission-approved label referenced in the Act do not appear to contemplate third-party data aggregation and research. Section 60504 only directs us to require the display of labels to *disclose information* about broadband plans *to consumers.* Nor does the Commission's *2016 Broadband Labels PN,* cited in section 60504 of the Infrastructure Act as a description of what we are directed to require, indicate that the labels described in that public notice must be in machine-readable data file formats for processing by computers. To the contrary, the public notice found that the format of the approved labels ''displays [the key factors consumers need to know] in plain language that is easy to understand.'' For these reasons, we reach a different conclusion than the Commission did in 2022.

We also conclude that the substantial compliance burdens imposed by this requirement are not justified by the minimal, if any, likely benefits for consumers. The current record offers a fuller description of the relevant compliance burdens than was available to the Commission in 2022. We also find insufficient evidence that the requirement is needed to facilitate transparency and consumer decision-making, as some commenters argue. The statute and our consumer-focused requirements give consumers the transparency necessary to make good purchase decisions. And there is no record evidence that any third parties have used machine-readable label content to develop pro-consumer tools.

Some commenters raise concern that, without machine readability, labels will not be easily accessible to consumers with disabilities. We emphasize that our action in this Order does not affect providers' obligation to make labels accessible to consumers with disabilities, including ensuring such information is compatible with screen readers and other assistive technologies used by people with disabilities. The rules' requirement that labels be easily accessible to consumers with disabilities is independent of the machine-readability provision deleted by this Order. We remind broadband providers of the guidance on accessibility offered by the Web Content Accessibility Guidelines. While machine readability in some form may be involved in ensuring that labels are easily accessible to people with vision disabilities (*e.g.,* by being compatible with screen readers, among other steps), the more specific machine-readability requirement of § 8.1(a)(3)—that label content be provided separately in a spreadsheet file format via a dedicated uniform resource locator (URL) that contains all of a provider's labels—was not adopted to advance accessibility.

2. Archiving

We eliminate the requirement that providers archive all labels for at least two years after a service plan is no longer available to new customers and the provider has removed the plan's label from its website or alternate sales channels. In adopting the archiving requirement in 2022, the Commission assumed that archiving would not impose a significant incremental burden on providers. However, the current record indicates there are substantial compliance costs, while supporters do not point to any demonstrated consumer benefit. According to providers, archiving imposes ongoing costs that fall hardest on small providers, diverting time and resources from core operations. NTCA explains, for example, that the enforcement rationale for the rule is ''based on speculative future utility in complaint proceedings.'' CTIA and ICLE further contend that requiring archiving of labels for service plans that are no longer offered to new purchasers does not aid comparison shopping for currently available services.

We emphasize that deleting this provision does not affect the Commission's transparency rule, which requires a broadband provider to ''publicly disclose accurate information regarding the network management practices, performance characteristics, and commercial terms of its broadband internet access services sufficient to enable consumers to make informed choices regarding the purchase and use of such services.'' We believe the transparency rule and the requirement that customers maintain access to their current plan label through their account portal—as well as other sources of information such as the customer's service agreement, monthly bills, and records of any plan changes during a customer's subscription—sufficiently address concerns that, absent archiving, subscribers whose service plans are no longer offered to new customers would be deprived of access to key information about their plans.

The *2022 Broadband Label Order* explained that archived labels would help the Commission and state authorities investigate potential inaccuracies in labels, including in cases arising from consumer complaints. Yet it did not point to any provision of the Infrastructure Act, nor anything in the *2016 Broadband Labels PN,* suggesting that an archiving requirement is needed to achieve the Congressional purpose, and we affirmatively conclude today that it is not needed. Further, the *2022 Broadband Label Order* merely speculated that giving subscribers the ability to request archived labels would help them, without indicating why other customer records, including billing and service agreements, would not do the same at lower marginal cost.

We disagree with commenters who say the archiving requirement is essential for enforcement. We retain authority to obtain historical plan data through investigative demands when needed to evaluate potential noncompliance. Providers have other incentives to retain records of their marketing materials in light of federal and state bans on deceptive advertising. And we disagree that archiving is essential for the customers themselves to check if they received the service they signed up for. Service agreements, billing statements, and other records already provide much of the information relevant to resolving billing or service disputes.

C. The Label Template

1. Removing the Template From the CFR

We adopt our proposal to remove the label template from the Code of Federal Regulations (CFR). As we stated in the *Second Further Notice,* our approach will allow us to more easily update the visual layout and other formatting

elements of the label. No party objects to our proposal, and we agree with the Accessibility Organizations that we should make sure to maintain version control and that updates, including revision history, remain publicly accessible. The template will be maintained at *fcc.gov/broadbandlabels.* We delegate to the Consumer and Governmental Affairs Bureau authority to make non-substantive changes to the visual layout and other formatting elements of the label. The Bureau shall describe any such update in a Public Notice before an update takes effect. This delegation does not authorize the Bureau to make substantive changes to the template's content except as authorized through Commission action. Providers' underlying obligations remain governed by § 8.1 of the Commission's rules.

2. Updating the Template

We adopt our proposal to replace the ''*fcc.gov/consumer*'' reference in the template with ''*fcc.gov/broadbandlabels.*'' This change, which is unopposed, is necessary to enable consumers to access directly the broadband label information maintained by the Commission.

D. Eliminating Outdated Rules

We adopt our proposal to remove § 8.1(a)(7) from our rules. That provision set forth implementation deadlines for the *2022 Broadband Label Order:* April 10, 2024 for providers with more than 100,000 subscribers and October 10, 2024 for smaller providers. These deadlines have passed, and providers are now subject to the label requirements.

1. Issues From the First Further Notice of Proposed Rulemaking

We close the Commission's inquiry into the various proposals on which the Commission sought comment in the *First Further Notice.* Specifically, the Commission sought comment on whether to: specify additional accessibility standards (such as ASL, Braille, and tactile indicators); require the display of labels in additional languages; require disclosure of discounts and other price variables in labels; extend label requirements to bundled services; modify or supplement required performance information; require specific disclosures in the label regarding network management and privacy; require interactive labels; employ focus groups, surveys, or subject matter experts to provide feedback on future changes to the label; publish a style guide and implementation tools to assist providers and enhance consistency in label presentation; and permit ISPs to submit labels information directly to the Commission, in lieu of providing labels directly at the point of sale and archiving them. The record indicates that these proposals would unduly complicate the display of labels, contrary to the Commission's objective that labels convey the information consumers need to know ''in plain language that is easy to understand without overwhelming consumers with too much information,'' or would impose unwarranted compliance burdens on providers.

Several commenters support the Commission's intention to close its inquiry into the *First Further Notice* proposals, arguing that those proposals would impose unnecessary burdens and undermine the streamlining objective in this proceeding. Although one commenter urges the Commission not to close its inquiry into defining 'typical' performance metrics, arguing that the current approach results in disclosures that are not comparable between providers, we agree with the commenters who argue that the current rule is sufficient.

Other commenters oppose closing the inquiry into additional accessibility standards, specifically those relating to ASL-accessible formats, Braille, and tactile indicators, arguing that text-based accessibility alone does not adequately serve all consumers with disabilities. They urge the Commission to acknowledge multimodal accessibility as an open issue warranting further examination. We find that the requirement that providers make the labels easily accessible to people with disabilities sufficiently directs providers to ensure accessibility while providing flexibility to meet the requirement. To the extent accessibility concerns arise, providers will need to act to ensure an individual has access to the provider's labels. While the responsibility is on providers to ensure the labels are accessible for consumers with disabilities, we also encourage consumers to utilize the Commission's Consumer Inquiries and Complaints Center to apprise the Commission of any accessibility concerns requiring additional assistance.

2. Other Matters

We decline to exclude mass-market services that are marketed to business customers from the label requirements, as CTIA asks. The Infrastructure Act directs the Commission to require labels for ''broadband internet access service,'' as defined in § 8.1(b) of the Commission's rules or any successor regulation. Section 8.1(b) defines ''broadband internet access service'' as ''a mass-market retail service by wire or radio that provides the capability to transmit data to and receive data from all or substantially all internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service, but excluding dial-up internet access service.'' Given the lack of evidence in the record regarding the costs imposed by the labeling requirement on providers of mass-market services used by business customers, we find no reason to pursue a definitional change.

We also decline to exclude E-Rate and Rural Health Care (RHC) services from the label requirements, as urged by DQE Communications LLC (DQE), a broadband provider that exclusively serves enterprise and business customers. Although DQE claims that the label requirement imposes disproportionate costs and obligations, it does not describe with specificity the costs and obligations it incurs with respect to E-Rate and RHC customers. Given that the label requirement applies to all mass-market broadband services, it would appear that, to the extent such ''off-the-shelf'' services are requested by E-Rate or RHC customers, the necessary labels should already be available from the upstream providers of such mass-market broadband services, and thus can be readily displayed, with minimal if any alteration, by any E-Rate or RHC provider making use of such services. Therefore, in the absence of any contrary evidence, we conclude that minimal, if any, cost would be incurred by DQE or similarly situated providers in passing such labels on to their E-Rate and RHC customers.

Further, the Schools, Health & Libraries Broadband Coalition and the Consortium for School Networking (SHLB/CoSN) list a variety of benefits that they claim result from making labels for mass-market services available to schools, libraries, and rural health care facilities. They state that in a variety of circumstances, including limited budgets, lack of competitive options, and insufficient technical expertise to navigate complex proposals, a school, library, or health care provider may choose to purchase a mass-market internet service, rather than an individualized service offered in response to an RFP. They add that by providing standardized, clear information about services available in the mass market, labels also help institutions evaluate bids, comply with program rules requiring cost-effectiveness, and plan procurements. According to SHLB/CoSN, labels also

assist with documentation for funding applications, which often require details such as monthly price, contract length, and speeds—information that labels present ''in a uniform and concise manner.''

E. Assessment of Consumer Benefit

We recognize the importance of assessing, over time, whether broadband labels are achieving their intended consumer benefits. Accordingly, we direct the Consumer Protection and Accessibility Advisory Committee (CPAAC) to produce reports assessing the effectiveness of broadband labels, the first to be completed no later than two years after publication of this Order in the **Federal Register**, and the following reports to be completed every four years thereafter. Each report should address: (1) the extent to which broadband labels reach consumers (*i.e.,* are people aware the labels exist and are they using them) and any challenges that remain to their use; (2) recommendations for how the FCC, industry, and consumer groups can better publicize broadband labels to ensure that consumers are aware of them and understand how to use them; (3) the extent to which broadband labels are accessible for consumers with disabilities and any challenges that remain to full accessibility; (4) recommendations for how the FCC and providers can address the challenges that remain in ensuring broadband labels are accessible for consumers with disabilities; and (5) other opportunities to better clarify and make more useful to consumers the information on the label.

F. Legal Authority

We conclude that section 60504 of the Infrastructure Act provides the Commission with the authority to modify the broadband label rules as discussed herein. Section 60504 directs the Commission to ''promulgate regulations to require the display of broadband consumer labels, as described in the *2016 Broadband Labels PN,* to disclose to consumers information regarding broadband internet access service plans.'' The *2016 Broadband Labels PN* described broadband consumer labels as an implementation of the Commission's broadband transparency rule. In approving a specific format and content for broadband labels, the *2016 Broadband Labels PN* characterized them as ''a simple-to-understand format describing the key factors consumers need to know when considering broadband service. . . .'' The changes we adopt today better align the rules with section 60504 by removing or modifying a number of requirements that do not appear to be needed to achieve the core statutory objective. We conclude that the label display requirements adopted herein raise no First Amendment concerns.

Sections 13 and 257 of the Communications Act of 1934, as amended, which the Commission has previously relied on as authority for the broadband transparency rule, provide additional authority. To the extent that broadband labels continue to be used for offerings through the E-Rate and Rural Health Care universal service programs, § 254 supplies authority. We also note the Commission's finding in the *Broadband Label Order* that Title III of the Act provides additional authority for the rules adopted here with respect to wireless providers.

G. Costs and Benefits

This Order streamlines the existing broadband label requirements by making minor changes to the information required to be presented and the way in which the information is required to be presented. These changes are expected to reduce costs for broadband providers, while still providing consumers information to make informed broadband purchases.

First, the Order modifies the requirement for presenting the broadband label on a sale by phone so that customer service representatives no longer have to read the label contents verbatim. This change will allow representatives to communicate the contents of the broadband label in a more natural and understandable way, which should benefit consumers. Next, instead of requiring providers to itemize all fees, which may vary by location, the rules set forth in this Order allow providers to include either (1) the ''up to'' (*i.e.,* maximum) total amount of passthrough fees that a subscriber would be charged in any location where the service plan is offered, or (2) the exact total amount the consumer would be charged for broadband fees in a particular location. Under both options, the required label content is simplified, enabling providers to convey the information consumers need to know ''in plain language that is easy to understand without overwhelming consumers with too much information.'' In addition, the first alternative—displaying the maximum a consumer would be charged—reduces compliance costs for providers because they are no longer required to create multiple labels when fees vary by location.

Further, this Order allows providers to use hyperlinks to labels at the point of sale and in customer account portals, rather than displaying the full label. While using hyperlinks to broadband labels instead of displaying the labels automatically may result in fewer consumers reading the label, interested consumers still have the opportunity to view the broadband label. The Order also eliminates the requirement that providers provide the contents of labels separately, in a machine-readable spreadsheet file format on their websites via a dedicated uniform resource locator (URL). Because consumers themselves, including consumers with disabilities, will still be able to read the labels, we do not expect that eliminating this requirement will hurt consumers, and doing so could potentially reduce providers' compliance costs. Lastly, the Order eliminates the requirement that providers retain labels for two years after they discontinue plans. This change will not affect consumers' access to labels for plans currently offered to the public and may lower costs of storage for providers. Collectively, we expect the rule changes set forth in this Order to reduce providers' costs while imposing no material harms on consumers.

II. Final Regulatory Flexibility Analysis

As required by the Regulatory Flexibility Act of 1980, as amended (RFA), the Federal Communications Commission (Commission) incorporated an Initial Regulatory Flexibility Analysis (IRFA) in the *Second Further Notice* released in November 2025. The Commission sought written public comment on the proposals in the Notice, including comment on the IRFA. The comments received are addressed below. This Final Regulatory Flexibility Analysis (FRFA) conforms to the RFA and it (or summaries thereof) will be published in the **Federal Register**.

A. Need for, and Objectives of, the Rules

The Commission adopted broadband label requirements in the *2022 Broadband Label Order* to provide consumers with easy-to-understand and accurate information about broadband service plans, as mandated by the Infrastructure Investment and Jobs Act. Since the initial implementation of these rules, for larger providers in April 2024 and for smaller providers in October 2024, the Commission has received feedback from industry stakeholders through the *Delete, Delete, Delete* proceeding asserting that certain aspects of the current broadband label requirements may be unnecessarily burdensome for providers while not providing commensurate benefits to consumers.

The primary objective of the Order is to simplify regulatory requirements while maintaining the transparency benefits that broadband labels offer consumers. Specifically, the Order (1) enables providers to describe labels in a natural, conversational style over the phone, rather than requiring customer service representatives to read label contents verbatim; (2) simplifies fee presentation by allowing providers to include either the maximum or exact amount consumers would be charged for fees that may vary by location, rather than requiring itemization of all such fees; (3) removes outdated information about the now concluded Affordable Connectivity Program (ACP) from the label; (4) allows use of hyperlinks or icons at the point of sale and in customer account portals; (5) eliminates the requirement that providers make label content machine readable; and (6) eliminates the requirement that providers retain labels for two years after a service is no longer offered to new customers. At the same time, the Order ensures that labels remain accessible to people with disabilities and requires providers to present them in English and in any other language a provider uses in marketing.

The Order does not change the core label requirements to display a broadband consumer label containing critical information about the provider's service offerings, including information about pricing, introductory rates, data allowances, and performance metrics.

B. Summary of Significant Issues Raised by Public Comments in Response to the IRFA

NTCA, WISPA, Breezeline, ACA Connects, and Joink filed comments regarding the impact of the rule on small entities.

NTCA—The Rural Broadband Association (NTCA) was the only commenter to include a section specifically responding to the IRFA. NTCA, which represents small, rural local exchange carriers, supports the Commission's proposals as burden-relieving for small entities, and urged the Commission to avoid imposing any additional requirements beyond those proposed in the FNRPM. NTCA identified a material inconsistency between the 2023 Paperwork Reduction Act (PRA) Worksheet supporting this proceeding, which estimated zero capital, operation, and maintenance costs for small companies, and the Commission's own acknowledgement in the *Broadband Label Order* that certain label tasks ''may require more time for providers that are less likely to have in-house attorneys and compliance departments to assist in the preparation broadband labels, and thus will need to engage outside legal resources to implement several proposed requirements.'' NTCA further argued that even reliance on existing internal staff generates real opportunity costs, as compliance draws resources away from network investment and other operational priorities, concluding that elimination of the identified requirements would provide meaningful economic benefits to small providers.

WISPA, Breezeline, ACA Connects, and Joink also raised cost and burden concerns to small entities in their comments on the Notice more generally. These commenters supported the proposed eliminations as measures that would reduce unnecessary compliance costs and administrative burden for providers, including small entities, without undermining the consumer transparency goals of the broadband label requirements.

USTelecom and other commenters noted compliance costs and burdens associated with the existing broadband label requirements but did not specifically address the impacts of those requirements on small entities.

C. Response to Comments by the Chief Counsel for the Small Business Administration Office of Advocacy

Pursuant to the Small Business Jobs Act of 2010, which amended the RFA, the Commission is required to respond to any comments filed by the Chief Counsel for the Small Business Administration (SBA) Office of Advocacy, and also provide a detailed statement of any change made to the proposed rules as a result of those comments. The Chief Counsel did not file any comments in response to the proposed rules in this proceeding.

D. Description and Estimate of the Number of Small Entities to Which the Rules Will Apply

The RFA directs agencies to provide a description of, and where feasible, an estimate of the number of small entities that may be affected by the adopted rules. The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act. A ''small business concern'' is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA. The SBA establishes small business size standards that agencies are required to use when promulgating regulations relating to small businesses; agencies may establish alternative size standards for use in such programs, but must consult and obtain approval from SBA before doing so.

Our actions, over time, may affect small entities that are not easily categorized at present. We therefore describe three broad groups of small entities that could be directly affected by our actions. In general, a small business is an independent business having fewer than 500 employees. These types of small businesses represent 99.9% of all businesses in the United States, which translates to 34.75 million businesses. Next, ''small organizations'' are not-for-profit enterprises that are independently owned and operated and are not dominant in their field. While we do not have data regarding the number of non-profits that meet that criteria, over 99 percent of nonprofits have fewer than 500 employees. Finally, ''small governmental jurisdictions'' are defined as cities, counties, towns, townships, villages, school districts, or special districts with populations of less than fifty thousand. Based on the 2022 U.S. Census of Governments data, we estimate that at least 48,724 out of 90,835 local government jurisdictions have a population of less than 50,000.

The rules adopted in the Order will apply to small entities in the industries identified in the chart below by their six-digit North American Industry Classification System (NAICS) codes and corresponding SBA size standard. Where available, we also provide additional information regarding the number of potentially affected entities in the identified industries below.

TABLE 1—CENSUS BUREAU DATA BY NAICS CODE TABLE

Regulated industry (NAICS classification)	NAICS code	SBA size standard	Total firms	Small firms	% Small firms in industry
Wired Telecommunications Carriers	517111	1,500 employees	3,054	2,964	97.05

TABLE 1—CENSUS BUREAU DATA BY NAICS CODE TABLE—Continued

Regulated industry (NAICS classification)	NAICS code	SBA size standard	Total firms	Small firms	% Small firms in industry
Wireless Telecommunications Carriers (except Satellite).	517112	1,500 employees	2,893	2,837	98.06
Telecommunications Resellers	517121	1,500 employees	1,386	1,375	99.21
Satellite Telecommunications	517410	$47 million	275	242	88.00
All Other Telecommunications	517810	$40 million	1,079	1,039	96.29

TABLE 2—TELECOMMUNICATIONS SERVICE PROVIDER DATA

2024 Universal service monitoring report telecommunications service provider data (data as of December 2023)	SBA size standard (1,500 employees)		
Affected entity	Total # FCC Form 499A filers	Small firms	% Small entities
Incumbent Local Exchange Carriers (Incumbent LECs)	1,175	917	78.04
Interexchange Carriers (IXCs)	113	95	84.07
Local Exchange Carriers (LECs)	4,904	4,493	91.62
Local Resellers	222	217	97.75
Toll Resellers	411	398	96.84
Telecommunications Resellers	633	615	97.16
Wired Telecommunications Carriers	4,682	4,276	91.33
Wireless Telecommunications Carriers (except Satellite)	585	498	85.13
Wireless Telephony	326	247	75.77

E. Description of Economic Impact and Projected Reporting, Recordkeeping and Other Compliance Requirements for Small Entities

The RFA directs agencies to describe the economic impact of adopted rules on small entities, as well as projected reporting, recordkeeping and other compliance requirements, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report or record.

The Order streamlines existing broadband label requirements by making targeted changes to the information providers are required to provide and to the manner in which it must be displayed. The Commission expects these changes to reduce costs for providers, including small entities, while continuing to provide consumers with information needed to make informed broadband purchasing decisions. The Commission expects the rule changes set forth in this Order to reduce provider costs while imposing no material harm on consumers.

The Order's changes reduce compliance obligations in the following respects, each of which is particularly beneficial to small entities that are less likely than large providers to maintain dedicated in-house legal and technical compliance staff. First, the fee presentation change allows providers to disclose the maximum or exact amount consumers would be charged for location-variable fees, eliminating the need to create and maintain multiple location-specific labels. Second, the point of sale and account portal changes allow providers to use hyperlinks or icons in lieu of the full label display, reducing the technical burden of full label display systems. Third, elimination of the machine readability requirement removes a technical backend obligation that imposed costs without commensurate consumer benefit. Fourth, the telephone sales modification allows customer service representatives to describe label contents conversationally rather than verbatim, reducing training and scripting burdens. Fifth, elimination of the two-year archiving requirement may lower storage costs. Sixth, removal of the outdated ACP information (ACP) eliminates the need to maintain a label element that no longer serves any consumer information purpose.

The core broadband label requirements remain in effect for all providers, including small entities. Providers must continue to display a label containing critical information pricing, introductory rates, data allowances, and performance metrics. Compliance will continue to require professional skills in legal compliance, marketing, and broadband technology. Small entities that lack in-house compliance staff may continue to require professional assistance, although we expect that the elimination of several requirements will substantially reduce the scope and cost of such assistance.

The Order does not impose any new reporting, recordkeeping, or other compliance obligations on small entities. All adopted changes reduce burdens relative to existing requirements.

F. Discussion of Steps Taken To Minimize the Significant Economic Impact on Small Entities, and Significant Alternatives Considered

The RFA requires an agency to provide ''a description of the steps the agency has taken to minimize the significant economic impact on small entities . . . including a statement of the factual, policy, and legal reasons for selecting the alternative adopted in the final rule and why each one of the other significant alternatives to the rule considered by the agency which affect the impact on small entities was rejected.''

Elimination of six compliance requirements. The most significant step taken to minimize economic impact on small entities is the elimination of six compliance requirements that generated disproportionate administrative, technical and financial burden, particularly for smaller providers, without commensurate consumer benefit. The legal and policy basis for each elimination is grounded in the Commission's finding that these requirements were not mandated by the Infrastructure Act or the *2016 Broadband Labels PN* and thus

exceeded the Commission's statutory mandate. Eliminating requirements that lack statutory grounding and imposed real costs on small entities directly advances the RFA's objectives.

Fee Presentation Flexibility. Rather than requiring itemization of all location-variable fees, which entailed creating multiple label versions for different service areas, the Order allows providers to disclose either the maximum or exact amount a consumer will be charged for these fees. This approach achieves the transparency goal while substantially reducing administrative complexity, especially for small entities serving multiple geographic markets.

Hyperlink and Icon Alternative. The Order allows providers to satisfy point of sale and customer portal display requirements through hyperlinks or icons linking to broadband labels rather than full-label display at the point of sale. This reduces the technical burden of label display systems while preserving consumer access to label information.

Implementation Timing. The Commission notes that the Broadband Label Order provided differential implementation timelines, giving smaller providers (those with 100,000 or fewer subscribers) a six-month extension beyond the deadline applicable to large providers. Because the changes adopted in this Order exclusively reduce compliance obligations, no additional differential implantation schedule for small entities is necessary. The Commission also removes the now-moot deadline provision at § 8.1(a)(7) to streamline the rules.

List of Subjects in 47 CFR Part 8

Communications, Consumer protection, Labeling, Reporting and recordkeeping requirements, Telecommunications, Telephone.

Federal Communications Commission.

Aleta Bowers,

Federal Register Liaison Officer, Office of the Secretary.

Final Rules

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 8 as follows:

PART 8—INTERNET TRANSPARENCY FOR CONSUMERS

■ 1. The authority citation for part 8 continues to read as follows:

Authority: 47 U.S.C. 151, 152, 154, 201(b), 257, 302a, 303(r), 312, 333, 503 and 1753.

Subpart A—Broadband Transparency

■ 2. Amend § 8.1 by revising paragraph (b) to read as follows:

§ 8.1 Transparency.

* * * * *

(b)(1) Broadband internet access service is a mass-market retail service by wire or radio that provides the capability to transmit data to and receive data from all or substantially all internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service, but excluding dial-up internet access service. This term also encompasses any service that the Commission finds to be providing a functional equivalent of the service described in the previous sentence or that is used to evade the protections set forth in this part. For purposes of paragraphs (a)(1) through (6) of this section, ''mass-market'' services exclude service offerings customized for the customer through individually negotiated agreements even when the services are supported by Federal universal service support.

(2) In this section, ''passthrough fee'' means a monthly charge that:

(i) Is imposed by a government entity or third-party infrastructure owner rather than set by the provider itself;

(ii) Represents costs that the provider chooses to recover from consumers as a separate charge rather than incorporating them into the base monthly price; and

(iii) Varies by consumer location.

* * * * *

■ 3. Delayed indefinitely, further amend § 8.1 by:

■ a. Revising paragraphs (a)(1) and (2); and

■ b. Removing and reserving paragraphs (a)(3), (5), and (7).

The revisions read as follows:

§ 8.1 Transparency.

(a) * * *

(1)(i) Any person providing broadband internet access service shall create and display an accurate broadband consumer label for each stand-alone broadband internet access service it currently offers for purchase. The label must be prominently displayed, publicly available, and easily accessible to consumers, including consumers with disabilities, at the point of sale with the content and in the format prescribed by the Commission in ''[Fixed or Mobile] Broadband Consumer Disclosure Label,'' located at *www.fcc.gov/broadband labels.*

(ii) A label shall itemize any monthly fees not included in the monthly price, except that passthrough fees may be presented in the aggregate, as either the maximum monthly total or the exact monthly total of such fees assessed on subscribers in the geographic area to which the label applies. Providers opting to display passthrough fees as a maximum ''up to'' amount must additionally provide on the label a breakdown of this amount into a maximum ''up to'' amount for passthrough fees that recover government-imposed costs and a maximum ''up to'' amount for passthrough fees that recover costs imposed by non-governmental, third-party infrastructure owners, and the types of fees included in each of the two categories.

(2)(i) Broadband internet access service providers shall display the label required under paragraph (a)(1) of this section at each point of sale. *Point of sale* is defined to mean a provider's website and any alternate sales channels through which the provider's broadband internet access service is sold, including provider-owned retail locations, third-party retail locations, and telephone sales channels. For labels displayed on provider websites, the label (or an icon or link that connects directly to the label and is clearly identified as a way to access the label for the advertised plan) must be displayed in close proximity to the associated advertised service plan. *Point of sale* also means the time a consumer begins investigating and comparing broadband service offerings available to them at their location. For alternate sales channels, providers must document each instance when it directs a consumer to a label and retain such documentation for two years. This requirement will be deemed satisfied if, instead, the provider: establishes the business practices and processes it will follow in distributing the label through alternative sales channels; retains training materials and related business practice documentation for two years; and provides such information to the Commission upon request, within thirty days. *Point of sale* for purposes of the E-Rate and Rural Health Care programs is defined as the time a service provider submits its bid to a program participant. Providers participating in the E-Rate and Rural Health Care programs must provide their labels to program participants when they submit their bids to participants.

(ii) Broadband internet access service providers that offer online account portals to their customers shall also make each customer's current plan label easily accessible to the customer in such portals, by displaying the label (or an

icon or link that connects directly to the label).

(iii) At telephone points of sale, a provider satisfies the display requirement of this paragraph (a)(2) by orally summarizing the following label fields during the sales interaction: monthly price inclusive of monthly fees, including the introductory rate and its duration if applicable; typical download and upload speeds; latency; data allowance; contract term duration if applicable; and early termination fees if applicable. Verbatim recitation of the label is not required to satisfy this obligation.

* * * * *

[FR Doc. 2026–16503 Filed 8–12–26; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 250512–0084; RTID 0648–XF626]

Fisheries Off West Coast States; Modification of the West Coast Salmon Fisheries; Inseason Action #23–#24

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

ACTION: Inseason modification of 2025–2026 management measures.

SUMMARY: NMFS announces two inseason actions for the 2026 portion of the 2025–2026 ocean salmon fisheries. These inseason actions modified the commercial and recreational salmon fisheries in the area from Cape Falcon, Oregon to the United States/Mexico border.

DATES: The effective dates for these inseason actions are set out in this document under the heading ''Inseason Actions'' and the action remained in effect until superseded or modified.

FOR FURTHER INFORMATION CONTACT: Shannon Penna, (562) 980–4239, *Shannon.Penna@noaa.gov*.

SUPPLEMENTARY INFORMATION:

Background

The annual management measures for the 2025–2026 ocean salmon fisheries (90 FR 20810, May 16, 2025) govern the commercial and recreational fisheries in the area from the United States/Canada border to the United States/Mexico border, effective from 0001 hours Pacific Daylight Time (PDT), May 16, 2025, until the effective date of the 2026–2027 management measures, as published in the **Federal Register**. NMFS is authorized to implement inseason management actions to modify fishing seasons, catch limits, and other management measures considering factors described in regulation (50 CFR 660.409). Inseason actions in the salmon fishery may be taken directly by NMFS (50 CFR 660.409(a)—Fixed inseason management provisions) or upon consultation with the Chairman of the Pacific Fishery Management Council (Council), and the appropriate State Directors (50 CFR 660.409(b)—Flexible inseason management provisions).

Management of the salmon fisheries is divided into two geographic areas: north of Cape Falcon (United States/Canada border to Cape Falcon, OR) and south of Cape Falcon (SOF) (Cape Falcon, OR, to the United States/Mexico border). This notice describes inseason actions from the 2025–2026 management cycle. These actions affected the SOF commercial and recreational salmon fishery, as set out under the heading Inseason Actions below.

Consultations on these inseason actions took place with the Council salmon staff officer and representatives for the appropriate State Directors. Consultation for these actions occurred on March 9, 2026. This consultation included representatives from NMFS, Oregon Department of Fish and Wildlife, and California Department of Fish and Wildlife. Representatives from the Salmon Advisory Subpanel and the Salmon Technical Team (STT) were also present.

These inseason actions were announced via the NMFS' telephone hotline and U.S. Coast Guard radio broadcast at the time the actions became effective. (50 CFR 660.411(a)(2)).

Inseason Actions

Inseason Actions #23–#24

Reason and authorization for inseason actions #23-#24: These inseasons closed fisheries on certain dates that would otherwise be open under the 2025–2026 annual management measures and modified the ocean salmon recreational and commercial fisheries between Cape Falcon, OR and the United States/Mexico border, in response to stock abundance forecasts for 2026. They modified fishing seasons in consideration of the predicted sizes of salmon runs, consistent with 50 CFR 660.409(b). Additionally, the 2025–2026 annual management measures for ocean salmon fisheries (90 FR 20810; May 26, 2025) anticipated inseason actions to adjust fisheries scheduled to occur from March 15, 2025, through May 15, 2026 (or until the effective date of the 2026 management measures), in response to new information regarding 2026 salmon stock abundance forecasts and northern salmon fisheries impacts, to keep fisheries impacts within management objectives and consistent with conservation needs.

At its March 4–9, 2026, Council meeting, the STT presented 2026 stock abundance forecasts for salmon stocks managed under the Pacific Coast Salmon Fishery Management Plan (FMP), these are described in the Council's *Pre-Season Report I: Stock Abundance Analysis and Environmental Assessment Part 1 for 2026 Ocean Salmon Fishery Regulations.* Klamath River fall-run Chinook (KRFC) were determined by NMFS to be overfished under the Magnuson-Stevens Fishery Conservation and Management Act (MSA) in 2018; in 2026, KRFC no longer meets the criteria for overfished status and is now considered ''not overfished-rebuilding'' (Review of 2025 Ocean Salmon Fisheries: Stock Assessment and Fishery Evaluation Document for the Pacific Coast Salmon Fishery Management Plan). However, KRFC will continue to be managed under its rebuilding plan until it is determined to be rebuilt, and the projected abundance for 2026 is still relatively low and likely to limit fisheries managed under the 2026–2027 management measures. While Sacramento River fall-run Chinook (SRFC) was determined to be ''rebuilt'' in 2021 (87 FR 25429, April 29, 2022) and the preliminary 2026 Sacramento Index forecast is 392,349, the highest since 2022, fisheries impacting SRFC in 2026 will likely need to be limited to address concerns regarding a pattern of low escapements in recent years combined with higher than anticipated exploitation rates, and a pattern of over-forecasting stock abundance. Inseasons #23–24 are intended to limit the impacts of the early season fisheries on KRFC and SRFC in light of the forecasts and other information, thus preserving flexibility for the Council and NMFS to design 2026–2027 management measures that allow for fishing opportunity at times and in locations that will most benefit the fishery and the public while meeting the conservation objectives and other requirements of the FMP.

NMFS took these inseason actions on March 9, 2026, concurrent with the March Council meeting.

The NMFS West Coast Regional Administrator (RA) considered this information and determined that the

inseason actions described below are necessary to meet management and conservation goals set preseason and considered updated forecasts These inseason actions modify landing and possession limits, quotas and/or fishing seasons under 50 CFR 660.409(b)(1)(i).

Inseason Action #23

Description of the action: Inseason action #23 modified the SOF commercial salmon troll fishery. In the area between Cape Falcon, OR and the Oregon/California border, these fisheries were closed for some of the dates they were originally scheduled to be open, as described below.

Effective dates: Inseason action #23 took effect for the following areas and dates and remained in effect until April 13, 2026.

- Effective at 12 a.m., March 25, 2026, through 11:59 p.m., April 13, 2026, the commercial salmon troll fishery from Cape Falcon, OR to Humbug Mountain, OR is closed.
- Effective at 12 a.m., March 15, 2026, through Monday, April 13, 2026, the commercial salmon troll fishery from Humbug Mountain to the Oregon/California border (Oregon Klamath Management Zone) is closed.

Inseason Action #24

Description of the action: Inseason action #24 modified the ocean salmon recreational fishery and the ocean salmon troll commercial fishery from the Oregon/California border to the United States/Mexico border. These fisheries were closed.

Effective dates: Inseason action #24 took effect for the following areas and dates and remained in effect until the stated dates.

- Effective 12:01 a.m., May 1, 2026, through 11:59 p.m., May 15, 2026, the ocean salmon recreational fishery from the Oregon/California border to latitude 40°10′ N (California Klamath Management Zone) is closed.
- Effective 12:01 a.m., April 4, 2026, through 11:59 p.m., May 15, 2026, for the ocean salmon recreational fishery from latitude 40°10′ N to Point Arena, CA (Fort Bragg management area) is closed.
- Effective 12:01 a.m., April 4, 2026, through 11:59 p.m., May 15, 2026, the ocean salmon recreational fishery from Point Arena, CA to Pigeon Point, CA (San Francisco management area) is closed.
- Effective 12:01 a.m., April 4, 2026, through 11:59 p.m., April 10, 2026, the ocean salmon recreational fishery from Pigeon Point, CA to the U.S./Mexico border (Monterey management Area) is closed.
- Effective 12:01 a.m., April 16, 2026, through 11:59 p.m., May 15, 2026, the ocean salmon troll commercial fishery from latitude 40°10′ N to Point Arena, CA (Fort Bragg management area) is closed.

All other restrictions and regulations remained in effect as announced for the 2025–2026 ocean salmon fisheries (90 FR 20810, May 16, 2025; 90 FR 26943, June 25, 2025; 90 FR 51205, November 17, 2025; 90 FR 59740, December 22, 2025; 91 FR 13520, March 20, 2026) except as previously modified by inseason actions.

As provided by the inseason notice procedures at 50 CFR 660.411, actual notice of the described regulatory actions was given, prior to the time the actions became effective, by telephone hotline numbers 206–526–6667 and 800–662–9825, and by U.S. Coast Guard Notice to Mariners broadcasts on Channel 16 VHF–FM and 2182 kHz.

Classification

NMFS issues these actions pursuant to section 305(d) of the MSA. These actions are authorized by 50 CFR 660.409, which was issued pursuant to section 304(b) of the MSA, and are exempt from review under Executive Order 12866. Pursuant to 5 U.S.C. 553(b)(3)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be impracticable and contrary to the public interest. Prior notice and opportunity for public comment on this action was impracticable because NMFS had insufficient time to provide for prior notice and the opportunity for public comment between the time Chinook and coho salmon abundance, catch, and effort information were developed and fisheries impacts were calculated, and the time the fishery modifications had to be implemented in order to ensure fishing opportunity is consistent with conservation needs and management objectives, and/or fisheries are managed consistent with quotas and conservation objectives. There is a heightened need to respond quickly to inseason information about the salmon fishery because fish migrate quickly through the Exclusive Economic Zone (EEZ) and the mix of stocks in the EEZ shifts throughout the season, thus the time available between the time new information about the fishery becomes available and the opportunity to act effectively on that information is short. By the time public notice and comment would be completed, the mix of stocks in the fishery would have changed such that inseason action would be ineffective and potentially harmful. Therefore, NMFS determined that waiving notice and comment in order to respond to updated information indicating the need for immediate action to provide fishing opportunity consistent with quotas and conservation objectives, or to avoid exceeding quotas, served the public interest. As previously noted, actual notice of the regulatory action was provided to fishers through telephone hotlines and radio notifications. These actions comply with the requirements of the annual management measures for ocean salmon fisheries (90 FR 20810, May 16, 2025), the FMP, and regulations implementing the FMP under 50 CFR 660.409 and 660.411. There is good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay in effective date, as a delay in effectiveness of this action would constrain fishing in a manner that is inconsistent with the goals of the FMP and the current management measures.

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

Dated: August 10, 2026.

Shannon Bettridge,

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

[FR Doc. 2026–16537 Filed 8–12–26; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 91, No. 155
Thursday, August 13, 2026

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–7240; Project Identifier MCAI–2025–01635–E]

RIN 2120–AA64

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

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede Airworthiness Directive (AD) 2025–26–03, which applies to certain Rolls-Royce Deutschland Ltd & Co KG (RRD) Model Trent 1000–A, Trent 1000–AE, Trent 1000–C, Trent 1000–CE, Trent 1000–D, Trent 1000–E, Trent 1000–G, and Trent 1000–H engines. AD 2025–26–03 requires repetitive borescope inspections (BSIs) of the high-pressure compressor (HPC) rear drum cavity and cavities between each HPC rotor disc, and depending on the results of inspection, removal of the engine from service. AD 2025–26–03 also allows an alternative method of complying with the repetitive BSIs if certain actions are accomplished. Since the FAA issued AD 2025–26–03, RRD published updated service material with a revised bolting arrangement at the HPC rotor shaft to high-pressure turbine (HPT) rotor disc interface to address the unsafe condition. This proposed AD would require repetitive BSIs of the HPC rear drum cavity and cavities between each HPC rotor disc, and depending on the results of inspection, removal of the engine from service. This proposed AD would also allow an alternative method of complying with BSIs if certain actions are accomplished, and require modification of the bolting arrangement as a terminating action for the repetitive BSIs. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this NPRM by September 28, 2026.

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

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

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2026–7240; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information (MCAI) any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

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

FOR FURTHER INFORMATION CONTACT: Alexis Whitaker, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198; phone: (516) 228–7309; email: *alexis.j.whitaker@faa.gov*.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments using a method listed under **ADDRESSES**. Include ''Docket No. FAA–2026–7240; Project Identifier MCAI–2025–01635–E'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend the proposal because of those comments.

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

Confidential Business Information

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

Background

The FAA issued AD 2025–26–03, Amendment 39–23225 (91 FR 1082, January 12, 2026) (AD 2025–26–03), for RDD Model Trent 1000–A, Trent 1000–AE, Trent 1000–C, Trent 1000–CE, Trent 1000–D, Trent 1000–E, Trent 1000–G, and Trent 1000–H engines. AD 2025–26–03 was prompted by an MCAI originated by EASA, which is the Technical Agent for the Member States of the European Union. EASA issued EASA AD 2024–0122, dated June 28, 2024 (EASA AD 2024–0122), to correct

an unsafe condition identified as the possibility of release of an HPC mini-disc anti-rotation block into the HPC assembly stage 5 and 6 discs and at the HPC rear drum during engine operation.

AD 2025–26–03 requires repetitive BSIs of the HPC rear drum cavity and cavities between each HPC rotor disc, and depending on the results of inspection, removal of the engine from service. AD 2025–26–03 also allows an alternative method of complying with the repetitive BSIs if certain actions are accomplished. The FAA issued AD 2025–26–03 to detect and correct any missing or loose parts and foreign objects in the engine.

Actions Since AD 2025–26–03 Was Issued

Since the FAA issued AD 2025–26–03, EASA superseded EASA AD 2024–0122 and issued EASA AD 2025–0233, dated October 23, 2025 (EASA AD 2025–0233) (also referred to as the MCAI). The MCAI states that since EASA AD 2024–0122 was published, the manufacturer published updated service material introducing a revised bolting arrangement at the HPC rotor shaft to HPT rotor disc interface featuring modified spacer assemblies, balancing washers, and attaching bolts to prevent the release of the HPC mini-disc anti-rotation block into the HPC assembly.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2026–7240.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed EASA AD 2025–0233, which specifies procedures for repetitive BSIs of the HPC rear drum cavity and cavities between each HPC rotor disc for any missing or loose parts, foreign objects, scoring, and impact damage and contacting Rolls-Royce for applicable repair instructions. EASA AD 2025–0233 also specifies an alternative method of complying with the repetitive BSIs if certain actions are accomplished. EASA AD 2025–0233 also specifies procedures for modification of the bolting arrangement as a terminating action for the repetitive BSIs.

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

FAA's Determination

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

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in EASA AD 2025–0233, described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this AD. See ''Differences Between this AD and the MCAI'' for a discussion of the general differences included in this AD.

Differences Between This AD and the MCAI

Where EASA AD 2025–0233 specifies to contact Rolls-Royce Deutschland Ltd & Co KG, instead this AD requires contacting the Manager, AIR–520 Continued Operational Safety Branch, FAA; or EASA; or the Rolls-Royce Deutschland Ltd & Co KG EASA Design Organization Approval (DOA).

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some CAA ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, the FAA proposes to incorporate EASA AD 2025–0233 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2025–0233 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in EASA AD 2025–0233 does not mean that operators need comply only with that section. For example, where the AD requirement refers to ''all required actions and compliance times,'' compliance with this AD requirement is not limited to the section titled ''Required Action(s) and Compliance Time(s)'' in EASA AD 2025–0233. Material required by EASA AD 2025–0233 for compliance will be available at *regulations.gov* under Docket No. FAA–2026–7240 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 6 engines installed on airplanes of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
BSI of the HPC rear drum cavity and cavities between each HPC rotor disc.	8 work-hours × $85 per hour = $680	$0	$680	$4,080
Engine health monitoring service	1 work-hour × 85 per hour = 85	0	85	510
Modification of bolting arrangement	5 work-hours × $85 per hour = $425	4,000	4,425	26,550

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

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Repair or replacement of HPC mini-disc anti-rotation block.	Up to 8 work-hours × $85 per hour = $680	Up to $650,000	Up to $650,680.

Authority for This Rulemaking

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

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

Regulatory Findings

The FAA determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that the proposed regulation:

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:

■ a. Removing Airworthiness Directive 2025–26–03, Amendment 39–23225 (91 FR 1082, January 12, 2026); and

■ b. Adding the following new airworthiness directive:

Rolls-Royce Deutschland Ltd & Co KG: Docket No. FAA–2026–7240; Project Identifier MCAI–2025–01635–E.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by September 28, 2026.

(b) Affected ADs

This AD replaces AD 2025–26–03, Amendment 39–23225 (91 FR 1082, January 12, 2026) (AD 2025–26–03).

(c) Applicability

This AD applies to Rolls-Royce Deutschland Ltd & Co KG Model Trent 1000–A, Trent 1000–AE, Trent 1000–C, Trent 1000–CE, Trent 1000–D, Trent 1000–E, Trent 1000–G, Trent 1000–H engines, as identified in European Union Aviation Safety Agency AD 2025–0233, dated October 23, 2025 (EASA AD 2025–0233).

(d) Subject

Joint Aircraft System Component (JASC) Code 7230, Turbine Engine Compressor Section.

(e) Unsafe Condition

This AD was prompted by a determination made by the manufacturer that a high-pressure compressor (HPC) mini-disc anti-rotation block could possibly release into the HPC assembly stage 5 and 6 discs and cone rotor rear shaft (HPC rear drum) during engine operation. The FAA is issuing this AD to detect and correct any missing or loose parts and foreign objects in the engine. The unsafe condition, if not addressed, could lead to failure of the HPC assembly stage 5 and 6 discs and the HPC rear drum, and consequent structural failure of the engine's critical parts.

(f) Compliance

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

(g) Required Actions

Except as specified in paragraphs (h) and (i) of this AD, perform all required actions within the compliance times specified in, and in accordance with, EASA AD 2025–0233.

(h) Exceptions to EASA AD 2025–0233

(1) Where EASA AD 2025–0233 refers to July 12, 2024 [the effective date of EASA AD 2024–0122], this AD requires using January 27, 2026 (the effective date of AD 2025–26–03).

(2) Where EASA AD 2025–0233 refers to its effective date, this AD requires using the effective date of this AD.

(3) Where paragraph (2) of EASA AD 2025–0233 specifies to ''contact Rolls-Royce for applicable repair instructions and accomplish those instructions accordingly'', this AD requires replacing that text with ''contact the Manager, AIR–520 Continued Operational Safety Branch, FAA; or EASA; or the Rolls-Royce Deutschland Ltd & Co KG EASA Design Organization Approval (DOA) for applicable repair instructions and accomplish those instructions accordingly. If approved by the DOA, the approval must include the DOA-authorized signature.''

(4) This AD does not adopt the ''Remarks'' paragraph of EASA AD 2025–0233.

(i) No Reporting Requirement

Although the service material referenced in EASA AD 2025–0233 specifies to submit certain information to the manufacturer, including capturing photos and videos, this AD does not include those requirements.

(j) Alternative Methods of Compliance (AMOCs)

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

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

(k) Additional Information

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

(l) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2025–0233, dated October 23, 2025.

(ii) [Reserved]

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

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

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

Issued on August 10, 2026.

Brian Knaup,

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

[FR Doc. 2026–16502 Filed 8–12–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–8779; Project Identifier MCAI–2025–01748–T]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all Airbus SAS Model A318 series airplanes; Model A319 series airplanes; Model A320 series airplanes; and Model A321–111, –112, –131, –211, –212, –213, –231, –232, –251N, –252N, –253N, –271N, –272N, –251NX, –252NX, –253NX, –271NX, and –272NX airplanes. This proposed AD was prompted by reports of a certain nose landing gear (NLG) sliding tube having widespread overheat damage and multiple cracks on the base metal during shop visits. This proposed AD would require a special detailed inspection (SDI) of the affected NLG sliding tube and replacement, as applicable. This proposed AD would also prohibit the installation of affected parts. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by September 28, 2026.

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

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

AD Docket: You may examine the AD docket at *regulations.gov*under Docket No. FAA–2026–8779; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For European Union Aviation Safety Agency (EASA) material identified in this proposed AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu.* You may find this material on the EASA website at *ad.easa.europa.eu.* It is also available at *regulations.gov* under Docket No. FAA–2026–8779.
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

FOR FURTHER INFORMATION CONTACT: Nicholas Benson, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3647; email: *Nicholas.H.Benson@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments using a method listed under the **ADDRESSES** section. Include ''Docket No. FAA–2026–8779; Project Identifier MCAI–2025–01748–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Nicholas Benson, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3647; email: *Nicholas.H.Benson@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2025–0258, dated November 21, 2025 (EASA AD 2025–0258) (also referred to as the MCAI), to correct an unsafe condition for all Airbus SAS Model A318 series airplanes; Model A319 series airplanes; Model A320–211, –212, –214, –215, –216, –231, –232, –233, –251N, –252N, –253N, –271N, –272N, and –273N airplanes; and Model A321–111, –112, –131, –211, –212, –213, –231, –232,

–251N, –252N, –253N, –271N, –272N, –251NX, –252NX, –253NX, –271NX, and –272NX airplanes. Model A320–215 airplanes are not certificated by the FAA and are not included on the U.S. type certificate data sheet; this proposed AD therefore does not include those airplanes in the applicability. The MCAI states that occurrences were reported of a certain NLG sliding tube having widespread overheat damage and multiple cracks on the base metal during shop visits. The investigation revealed that this resulted from overheat damage that occurred during the chrome grinding phase during manufacturing. This condition, if not addressed, could induce multiple cracks on the entire sliding tube, which could result in failure of the NLG.

The FAA is proposing this AD to address the unsafe condition on these products.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2026–8779.

Material Incorporated by Reference Under 1 CFR Part 51

EASA AD 2025–0258 specifies procedures for an SDI of certain NLG sliding tubes for discrepancies (*i.e.,* indications, which include base metal near-surface defects or base metal defects under chrome plate including cracking and burn marks) and replacement of affected parts (by either replacing the NLG sliding tube or the NLG shock absorber), as applicable. EASA AD 2025–0258 also prohibits the installation of affected parts and any higher assembly having an affected part installed.

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

FAA's Determination

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

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in EASA AD 2025–0258 described previously, except for any differences identified as exceptions in the regulatory text of this proposed AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, the FAA proposes to incorporate EASA AD 2025–0258 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2025–0258 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in EASA AD 2025–0258 does not mean that operators need comply only with that section. For example, where the AD requirement refers to ''all required actions and compliance times,'' compliance with this AD requirement is not limited to the section titled ''Required Action(s) and Compliance Time(s)'' in EASA AD 2025–0258. Material required by EASA AD 2025–0258 for compliance will be available at *regulations.gov* under Docket No. FAA–2026–8779 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 1,981 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Up to 9 work-hours × $85 per hour = $765.	$0	Up to $765	Up to $1,515,465.

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

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Labor cost	Parts cost	Cost per product
31 work-hours × $85 per hour = $2,635	$100,627	$103,262

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

Authority for This Rulemaking

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

The FAA is issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: General requirements. Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds

necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

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

For the reasons discussed above, I certify this proposed regulation:

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus SAS: Docket No. FAA–2026–8779; Project Identifier MCAI–2025–01748–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by September 28, 2026.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Airbus SAS Model A318–111, –112, –121, and –122 airplanes; Model A319–111, –112, –113, –114, –115, –131, –132, –133, –151N, –153N, –171N, and –173N airplanes; Model A320–211, –212, –214, –216, –231, –232, –233, –251N, –252N, –253N, –271N, –272N, and –273N airplanes; and Model A321–111,–112, –131, –211, –212, –213, –231, –232, –251N, –252N, –253N, –271N, –272N, –251NX, –252NX, –253NX, –271NX, and –272NX airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 32, Landing Gear.

(e) Unsafe Condition

This AD was prompted by reports of a certain nose landing gear sliding tube having widespread overheat damage and multiple cracks on the base metal during shop visits. The FAA is issuing this AD to address overheat damage and cracking of the nose landing gear sliding tube. The unsafe condition, if not addressed, could result in failure of the nose landing gear.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2025–0258, dated November 21, 2025 (EASA AD 2025–0258).

(h) Exceptions to EASA AD 2025–0258

(1) Where EASA AD 2025–0258 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where EASA AD 2025–0258 defines a serviceable part as ''NLG sliding tube eligible for installation in accordance with Airbus instructions which is not an affected part'', this AD requires replacing that text with ''NLG sliding tube eligible for installation that is not an affected part''.

(3) This AD does not adopt the ''Remarks'' section of EASA AD 2025–0258.

(i) No Reporting or Return of Parts Requirement

Although the material referenced in EASA AD 2025–0258 specifies to submit certain information and send removed parts to the manufacturer, this AD does not include that requirement.

(j) Additional AD Provisions

The following provisions also apply to this AD:

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

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

(3) *Required for Compliance (RC):* Except as required by paragraph (j)(2) of this AD, if any material referenced in EASA AD 2025–0258 contains paragraphs that are labeled as RC, the instructions in RC paragraphs, including subparagraphs under an RC paragraph, must be done to comply with this AD; any paragraphs, including subparagraphs under those paragraphs, that are not identified as RC are recommended. The instructions in paragraphs, including subparagraphs under those paragraphs, not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the instructions identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to instructions identified as RC require approval of an AMOC.

(k) Additional Information

For more information about this AD, contact Nicholas Benson, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3647; email: *Nicholas.H.Benson@faa.gov.*

(l) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2025–0258, dated November 21, 2025.

(ii) [Reserved]

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

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

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

Issued on August 11, 2026.

Brian Knaup,

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

[FR Doc. 2026–16566 Filed 8–12–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–8780; Project Identifier MCAI–2026–00262–T]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all Airbus SAS Model A330–243, A330–243F, A330–341, A330–342, A330–343, A330–841, and A330–941 airplanes; and Model A340–211, A340–212, A340–213, A340–311, A340–312, A340–313, A340–541, and A340–642 airplanes. This proposed AD was prompted by reports of leaks on closed fuel low pressure shut-off valves (LPSOVs). This proposed AD would require repetitive leak checks of certain fuel LPSOVs and replacement of an affected part if any discrepancy is detected. This proposed AD would also allow the installation of an affected part under certain conditions. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by September 28, 2026.

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

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

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2026–8780; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For European Union Aviation Safety Agency (EASA) material identified in this proposed AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu.* You may find this material on the EASA website at *ad.easa.europa.eu.* It is also available at *regulations.gov* under Docket No. FAA–2026–8780.
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA 98198. For information on the availability of this material at the FAA, call 206–231–3195.

FOR FURTHER INFORMATION CONTACT: Anthony D. Decaro, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 562–627–5374; email: *Anthony.D.Decaro@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments using a method listed under the **ADDRESSES** section. Include ''Docket No. FAA–2026–8780; Project Identifier MCAI–2026–00262–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend the proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Anthony D. Decaro, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 562–627–5374; email: *Anthony.D.Decaro@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2026–0060R1, dated June 9, 2026 (EASA AD 2026–0060R1) (also referred to as the MCAI), to correct an unsafe condition for all Airbus SAS Model A330–243, A330–243F, A330–341, A330–342, A330–343, A330–743L, A330–841 and A330–941 airplanes; and Model A340–211, A340–212, A340–213, A340–311, A340–312, A340–313, A340–541, A340–542, A340–642 and A340–643 airplanes. Model A330–743L, A340–542, and A340–643 airplanes are not certificated by the FAA and are not included on the U.S. type certificate data sheet; this proposed AD therefore does not include those airplanes in the applicability. The MCAI states that occurrences of leaks on closed fuel LPSOVs were reported due to the LPSOV failing to seal. Depending on its amount, a fuel leak from an LPSOV could sustain a fire. This condition, if not detected and corrected, could lead to the inability to extinguish a fire and result in significant damage to airplane structure or systems.

The FAA is proposing this AD to address the unsafe condition on these products.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2026–8780.

Material Incorporated by Reference Under 1 CFR Part 51

EASA AD 2026–0060R1 specifies procedures for repetitive leak checks of the fuel LPSOVs to confirm that the LPSOV isolates the fuel supply to the associated engine, and replacement of an affected part if any discrepancy is detected (*e.g.,* any leak is found). EASA AD 2026–0060R1 also allows the installation of an affected part under certain conditions. EASA AD 2026–0060R1 also provides acceptable methods of compliance for the actions.

This material is reasonably available because the interested parties have access to it through their normal course

of business or by the means identified in the **ADDRESSES** section.

FAA's Determination

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

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in EASA AD 2026–0060R1 described previously, except for any differences identified as exceptions in the regulatory text of this proposed AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, the FAA proposes to incorporate EASA AD 2026–0060R1 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2026–0060R1 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in EASA AD 2026–0060R1 does not mean that operators need comply only with that section. For example, where the AD requirement refers to ''all required actions and compliance times,'' compliance with this AD requirement is not limited to the section titled ''Required Action(s) and Compliance Time(s)'' in EASA AD 2026–0060R1. Material required by EASA AD 2026–0060R1 for compliance will be available at *regulations.gov* under Docket No. FAA–2026–8780 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 115 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Up to 8 work-hours × $85 per hour = $680.	$0	Up to $680	Up to $78,200.

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

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Labor cost	Parts cost	Cost per product
5 work-hours × $85 per hour = $425	$10,000	$10,425

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this proposed regulation:

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus SAS: Docket No. FAA–2026–8780; Project Identifier MCAI–2026–00262–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by September 28, 2026.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Airbus SAS airplanes specified in paragraphs (c)(1) and (2) of this AD, certificated in any category.

(1) Model A330–243, A330–243F, A330–341, A330–342, A330–343, A330–841, and A330–941 airplanes.

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

(d) Subject

Air Transport Association (ATA) of America Code 28, Fuel.

(e) Unsafe Condition

This AD was prompted by reports of leaks on closed fuel low pressure shut-off valves (LPSOVs) due to the LPSOV failing to seal. The FAA is issuing this AD to address such leaks, which, depending on the amount of the leak, could sustain a fire. The unsafe condition, if not addressed, could lead to the inability to extinguish a fire and result in significant damage to airplane structure or systems.

(f) Compliance

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

(g) Requirements

Except as specified in paragraphs (h) and (i) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2026–0060R1, dated June 9, 2026 (EASA AD 2026–0060R1).

(h) Exceptions to EASA AD 2026–0060R1

(1) Where Table 1 of EASA AD 2026–0060R1 specifies a compliance time of between November 12, 2025, and March 3, 2029, this AD requires accomplishing the initial leak check within 35 months after the effective date of this AD.

(2) Where EASA AD 2026–0060R1 refers to April 3, 2026 (the effective date of the original issue of EASA AD 2026–0060), this AD requires using the effective date of this AD.

(3) Where EASA AD 2026–0060R1 defines a serviceable part as ''Any fuel LPSOV eligible for installation in accordance with Airbus instructions'', for this AD, replace that text with ''Any fuel LPSOV eligible for installation''.

(4) Where paragraph (4) of EASA AD 2026–0060R1 specifies ''any discrepancy of an affected part, as specified in the SB, is detected'', for this AD, replace that text with ''any discrepancy of an affected part is detected''.

(5) This AD does not adopt the ''Remarks'' section of EASA AD 2026–0060R1.

(i) No Reporting and No Return of Parts

Although the material referenced in EASA AD 2026–0060R1 specifies to submit certain information to the manufacturer and to send removed parts to the manufacturer, this AD does not include those requirements.

(j) Additional AD Provisions

The following provisions also apply to this AD:

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

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

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

(k) Additional Information

For more information about this AD, contact Anthony D. Decaro, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 562–627–5374; email: *Anthony.D.Decaro@faa.gov.*

(l) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2026–0060R1, dated June 9, 2026.

(ii) [Reserved]

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

(4) You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA 98198. For information on the availability of this material at the FAA, call 206–231–3195.

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

Issued on August 11, 2026.

Brian Knaup,

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

[FR Doc. 2026–16567 Filed 8–12–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2026–9373; Airspace Docket No. 26–AGL–17]

RIN 2120–AA66

Establishment of Class E Airspace; Havana, IL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM); correction; extension of comment period.

SUMMARY: This action corrects a notice of proposed rulemaking (NPRM) that the FAA published in the **Federal Register** on August 10, 2026, proposing to establish Class E airspace at Havana, IL. Subsequent to publication, it was discovered that the NPRM was published with the wrong docket number used in two instances. This action corrects those typographic errors.

DATES: The comment period is extended. Comments must be received on or before September 28, 2026.

ADDRESSES: Send comments identified by FAA Docket No. FAA–2026–9373 and Airspace Docket No. 26–AGL–17 using any of the following methods:

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

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

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

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

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

FAA Order JO 7400.11K, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *www.faa.gov/air_traffic/publications/.* You may also contact the Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20597; telephone: (202) 267–8783.

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

SUPPLEMENTARY INFORMATION:

Background

The FAA published an NPRM in the **Federal Register** (91 FR 51405; August 10, 2026), proposing to establish Class E airspace at Havana, IL. Subsequent to publication, the FAA discovered that the NPRM was published with the wrong docket number in two instances. This action corrects those typographic errors.

Correction

Accordingly, pursuant to the authority delegated to me, **Federal Register** Doc. No. 2026–16258, published in the **Federal Register** on August 10, 2026 (91 FR 51405), is corrected as follows:

1. On page 51405, column 1, in the document headings, delete ''Docket No. FAA–2026–9372'' and replace it with ''Docket No. FAA–2026–9373''.

2. On page 51405, column 2, within the **ADDRESSES** section, delete ''Docket No. FAA–2026–9372'' and replace it with ''Docket No. FAA–2026–9373''.

Issued in Fort Worth, Texas, on August 11, 2026.

Jerry J. Creecy,

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

[FR Doc. 2026–16539 Filed 8–12–26; 8:45 am]

BILLING CODE 4910–13–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2026–2379; FRL–12939–01–R3]

Air Plan Approval; Commonwealth of Virginia; Transfer of Authority and Requests for Certain Public Hearings on Air Permits

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a state implementation plan (SIP) revision request submitted by Virginia Department of Environmental Quality (VADEQ) on behalf of the Commonwealth of Virginia. The SIP revisions intend to make some sections of Virginia regulation Revision D22 that became effective on November 23, 2022 federally enforceable. The revisions limit the authority of the Virginia State Air Pollution Control Board (Board) to the issuance of regulations, and transfer the board's existing authority to issue permits, orders, and variances to VADEQ. Additionally, the revisions establish procedures for public comment on pending controversial permits and regulatory changes, and amend certain other procedural requirements related to VADEQ's issuance of permits. This action is being taken under the Clean Air Act (CAA).

DATES: Written comments must be received on or before September 14, 2026.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R03–OAR- 2026–2379 at *www.regulations.gov,* or via email to *he.yongtiam@epa.gov.* For comments submitted at *Regulations.gov,* follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* For either manner of submission, the EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be confidential business information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *www.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Gwendolyn Supplee, Permits Branch (3AD10), Air & Radiation Division, U.S. Environmental Protection Agency, Region III, 1600 John F. Kennedy Boulevard, Philadelphia, Pennsylvania 19103. The telephone number is (215) 814–2763. Ms. Supplee can also be reached via electronic mail at *supplee.gwendolyn@epa.gov.*

SUPPLEMENTARY INFORMATION: On July 1, 2025, VADEQ submitted a revision to Virginia SIP to limit the authority of the Board to issuances of regulations, and transfer the Board's existing authority to issue permits, orders, and variances to VADEQ. Virginia has also requested the EPA to approve the following parts of Virginia Administrative Code (VAC) 9VAC5–80–1255 and 9 VAC5–80–1773 as part of the Virginia SIP. The revision amended procedures for public comments on pending controversial permits. The revision has further defined the ''Board'' in section 9VAC5–10–20 and has changed ''the Board'' to ''the Department'' throughout State regulations codified in 9VAC5 chapters 10, 80, 85, and 170. The revision also made a few administrative changes on cross references in some sections.

I. Background

Section 110(a)(2)(C) of the CAA requires SIPs to have a preconstruction permit program for both major and minor sources. Virginia has a SIP approved state operating permit program (Article 5, State Operating Permit), a minor NSR permit program (Article 6. Permits for New and Modified Stationary Sources), a prevention of significant deterioration (PSD) permit program (Article 8 Permits—Major Stationary Sources and Major Modifications Located in Prevention of Significant Deterioration Areas), and a Nonattainment area New

Source Review (NNSR) permit program (Article 9 Permits—Major Stationary Sources and Major Modifications Located in Nonattainment Areas or the Ozone Transport Region). These permit programs were codified at 9VAC 5–80 to regulate certain modifications and construction of stationary sources in Virginia. The EPA approved these permit programs into Virginia's SIP to assure the national ambient air quality standards (NAAQS) are achieved and maintained in Virginia. *See* June 27, 2003, (68 FR 38191); August 22, 2016, (81 FR 56508); August 28, 2017, (82 FR 40703).

VADEQ first submitted SIP Revision D22 to the EPA on July 10, 2023. However, the EPA's review observed discrepancies in the VA Code between the initial Revision D22 submittal and what had been previously approved by the EPA into the Virginia SIP. This was likely caused by the fact that Virginia had made several State regulatory amendments to its prior SIP-approved permits program regulations and some of those changes had not yet been approved by the EPA into the Virginia SIP. Subsequently, VADEQ withdrew the original Revision D22 submittal on December 10, 2024. A copy of the letter has been included in the docket for this action. After reconciling the discrepancies between Virginia State regulation Revisions G08 and D22 and the EPA approved SIP, VADEQ resubmitted Revision D22 to the EPA for approval into the Virgina SIP on July 1, 2025. The Virigina regulation Revision D22 was published in the Virginia Register of Regulations on October 24, 2022 and became effective on November 23, 2022.

II. Summary of SIP Revision and the EPA Analysis

A. SIP Revisions

The VADEQ submitted a Virginia SIP revision request to limit the authority of the Board to issuance of regulations, and to transfer the Board's existing authority to issue permits, orders, and variances to VADEQ. The revision made numerous changes from ''the board'' to ''the department'' throughout State regulations codified in 9VAC5 Chapter 10, Chapter 80, Chapter 85, and Chapter 170 in order to effectuate the transfer of authority. Additionally, the revisions establish the procedures for public comments on pending controversial permits and regulatory changes. Other substantive changes in this revision mainly involve sections related to action on permits and public participation for different permit programs. These include sections in Article 5 permits (State operating permits, section 9VAC5–80–860), Article 6 Permits (minor NSR permit, section 9VAC5–80–1160), Article 8 permits (Major Stationary sources and major modifications located in prevention of significant deterioration areas, sections 9VAC–80–1773 and 9VAC–80–1775), Article 9 permits (Major Stationary sources and major modifications located in nonattainment areas or the Ozone transport region, sections 9VAC5–80–2060 and 9VAC5–80–2070). The revision also removed section 9VAC5–80–1040 (Review and Evaluation of Article) from the SIP as it was repealed in State regulations; it contained outdated requirements that expired in 2001.

In addition, VADEQ's July 1, 2025 submittal has requested to add sections 9VAC5–80–1255 and 9VAC5–80–1773 to the Virginia SIP. Section 9VAC5–80–1255 (Actions to Combine Permit Terms and Conditions) was submitted as part of Virginia State regulations Revision H05, which was approved by the EPA on August 22, 2016 (81 FR 56508). This provision was omitted in error from the **Federal Register** publication, and this section therefore does not appear in the EPA approved Virginia SIP. With this submittal, VADEQ requests that the EPA correct the omission and incorporate 9VAC5–80–1255 into the Virginia SIP. Additionally, in this revision, VADEQ is requesting to add section 9VAC5–80–1773 (as amended by Revision D22) to the Virginia SIP.

The key changes in the sections related to ''Action on permit application'' in various Virginia permit programs (9VAC5–80–860, 9VAC5–80–1160, 9VAC 5–80–1773, 9VAC5–80–2060) involve adding a subsection in each of these sections to detail VADEQ's procedures for issuing a permit or denying an application for a permit (*i.e.,* adding subsection G in 9VAC5–80–860 and 9VAC5–80–2060, adding subsection H in 9VAC5–80–1160 and 9VAC5–80–1773). Additionally, VADEQ revised subsection D in section 9VAC5–80–1773 and subsection C in section 9VAC5–80–2060 to transfer authority on respective permit program's permit decision from the board to VADEQ.

The key changes in the sections related to ''Public participation'' requirements in different permit programs (9AVC5–80–1775 and 9VAC5–80–2070) involve removing instructions in their respective subsections G on how to request the board to directly consider PSD and NNSR permit applications, consistent with the transfer of authority from the Board to VADEQ. In section 9VAC–80–1775, Virginia revised subsection H to transfer PSD permit authority from the board to VADEQ following process prescribed in 9VAC–80–1773D. In section 9VAC5–80–2070, Virginia revised subsection H to transfer NNSR permit authority from the board to VADEQ following process prescribed in 9VAC–80–2060C.

B. EPA Analysis

The minimum requirements for the EPA approval of State or Tribal implementation plans are codified at 40 CFR part 51 subpart I (40 CFR 51.160 through 51.166). Specifically, 40 CFR 51.160 provides requirements on legally enforceable procedures. The regulation at 40 CFR 51.161 requires opportunity for public participation, including public availability of information, 30-day comment period, and prominent advertisement. The regulation at 40 CFR 51.162 requires each State SIP to identify the State or local agency which will be responsible for meeting the requirements of this subpart in each area of the State. This submitted revision is directly related to these requirements, *i.e.,* transferring permitting authority from the Board to the Department (VADEQ), and public participation requirements in Virginia permit programs.

The revisions in ections 9VAC5–80–860 and 9VAC5–80–1160 are related to ''Action on permit application'' for State Operating Permit and Minor NSR Permit programs. The key changes in these sections involve adding a subsection in each of these sections to detail VADEQ's procedures for issuing a permit or denying an application for a permit. These revisions are consistent with 40 CFR 51.163 on administrative procedures.

Section 9VAC5–80–1255 establishes general requirements and procedures for permit actions to combine permit terms and conditions. Approving the section into the Virginia SIP is consistent with 40 CFR 51.163 on administrative procedures.

The revisions in sections 9VAC5–80–1773 and 9VAC–80–1775 are related to ''Action on permit application'' and ''Public participation'' requirements for PSD permit program, which applies in areas that are in attainment with (or unclassifiable) the NAAQS. The VADEQ is requesting to add section 9VAC5–80–1773 (Action on permit) which describes administrative procedures for the PSD permit program, including timing, review process, and decisions on permit applications. Approving section 9VAC5–80–1773 into the Virginia SIP is consistent with 40 CFR 51.160 through 51.166. Revisions in section 9VAC–80–1775 (Public

participation requirements) are consistent with 40 CFR 51.161.

The revisions in sections 9VAC5–80–2060 and 9VAC5–80–2070 are related to ''Action on permit application'' and ''Public participation'' requirements for the NNSR permit program, which is applicable in areas that are not in attainment with the NAAQS. The key changes in section 9VAC5–80–2060 involve adding a subsection to detail VADEQ's procedures for issuing a permit or denying an application for a permit. This revision is consistent with 40 CFR 51.163 on administrative procedures. Revisions in section 9VAC–80–2070 (Public participation requirements) are consistent with 40 CFR 51.161. The revisions in all these sections relating to the permit application decision process meet Federal requirements in 40 CFR 51.160 through 51.166. It also meets requirements in CAA section 173 on air permits for nonattainment areas.

Under CAA section 110(l) provides that a revision to an implementation plan submitted by a State under this chapter shall be adopted by such State after reasonable notice and public hearing. The VADEQ SIP submission provided documentation of public participation record of the Virginia rulemaking. The VADEQ SIP submission met the public notice and public hearing requirements. The EPA finds the revisions to 9VAC5–80 sections 860, 1040, 1160, 1255, 1773, 1775, 2060, and 2070 are consistent with CAA section 110(l). None of the revisions interfere with any applicable requirement concerning attainment of any NAAQS nor interfere with reasonable further progress or any other applicable requirement of the CAA.

In conclusion, the revised provisions submitted by VADEQ in 9VAC5 Chapter 10, Chapter 80, Chapter 85 and Chapter 170 meet the Federal requirements of 40 CFR 51.160 through 51.166, CAA sections 110(a)(2)(C) and 173, as well as 110 (l).

III. Proposed Action

The EPA's review of Virginia's SIP submittal indicates that the submission meets the requirements of CAA section 110(a)(2)(C), CAA section 173, and CAA section 110 and its implementing regulations 40 CFR part 51 (40 CFR 51.160 through 51.166). The EPA is proposing to approve the Commonwealth of Virginia SIP revision request submitted on July 1, 2025. The EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking final action.

IV. General Information Pertaining to SIP Submittals From the Commonwealth of Virginia

In 1995, Virginia adopted legislation that provides, subject to certain conditions, for an environmental assessment (audit) ''privilege'' for voluntary compliance evaluations performed by a regulated entity. The legislation further addresses the relative burden of proof for parties either asserting the privilege or seeking disclosure of documents for which the privilege is claimed. Virginia's legislation also provides, subject to certain conditions, for a penalty waiver for violations of environmental laws when a regulated entity discovers such violations pursuant to a voluntary compliance evaluation and voluntarily discloses such violations to the Commonwealth and takes prompt and appropriate measures to remedy the violations. Virginia's Voluntary Environmental Assessment Privilege Law, Va. Code Sec. 10.1–1198, provides a privilege that protects from disclosure documents and information about the content of those documents that are the product of a voluntary environmental assessment. The Privilege Law does not extend to documents or information that: (1) are generated or developed before the commencement of a voluntary environmental assessment; (2) are prepared independently of the assessment process; (3) demonstrate a clear, imminent and substantial danger to the public health or environment; or (4) are required by law.

On January 12, 1998, the Commonwealth of Virginia Office of the Attorney General provided a legal opinion that states that the Privilege law, Va. Code Sec. 10.1–1198, precludes granting a privilege to documents and information ''required by law,'' including documents and information ''required by Federal law to maintain program delegation, authorization or approval,'' since Virginia must ''enforce Federally authorized environmental programs in a manner that is no less stringent than their Federal counterparts . . . .'' The opinion concludes that ''[r]egarding § 10.1–1198, therefore, documents or other information needed for civil or criminal enforcement under one of these programs could not be privileged because such documents and information are essential to pursuing enforcement in a manner required by Federal law to maintain program delegation, authorization or approval.''

Virginia's Immunity law, Va. Code Sec. 10.1–1199, provides that ''[t]o the extent consistent with requirements imposed by Federal law,'' any person making a voluntary disclosure of information to a State agency regarding a violation of an environmental statute, regulation, permit, or administrative order is granted immunity from administrative or civil penalty. The Attorney General's January 12, 1998 opinion states that the quoted language renders this statute inapplicable to enforcement of any Federally authorized programs, since ''no immunity could be afforded from administrative, civil, or criminal penalties because granting such immunity would not be consistent with Federal law, which is one of the criteria for immunity.''

Therefore, EPA has determined that Virginia's Privilege and Immunity statutes will not preclude the Commonwealth from enforcing its program consistent with the Federal requirements. In any event, because EPA has also determined that a state audit privilege and immunity law can affect only state enforcement and cannot have any impact on Federal enforcement authorities, EPA may at any time invoke its authority under the CAA, including, for example, sections 113, 167, 205, 211 or 213, to enforce the requirements or prohibitions of the state plan, independently of any state enforcement effort. In addition, citizen enforcement under section 304 of the CAA is likewise unaffected by this, or any, state audit privilege or immunity law.

V. Incorporation by Reference

In this document, the EPA proposes to include in the final EPA regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA proposes to incorporate by reference the Commonwealth of Virginia air quality regulations 9VAC5 chapter 10, Chapter 80, Chapter 85 and Chapter 170, as described in section II of this document. The EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and at the EPA Region III Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

VI. Statutory and Executive Order Reviews

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

action merely approves State law as meeting Federal requirements and does not impose additional requirements beyond those imposed by State law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Is not an Executive Order 14192 (90 FR 9065, February 6, 2025) regulatory action because this action is not significant under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it approves a State program;
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act.

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

List of Subjects in 40 CFR Part 52

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

Amy Van Blarcom-Lackey,

Regional Administrator, Region III.

[FR Doc. 2026–16564 Filed 8–12–26; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register
Vol. 91, No. 155
Thursday, August 13, 2026

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

The Department of Agriculture will submit the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13 on or after the date of publication of this notice. Comments are requested regarding: (1) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding these information collections are best assured of having their full effect if received by September 14, 2026. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

National Agricultural Statistics Service

Title: Hemp Production and Disposition Inquiry.

OMB Control Number: 0535–0270.

Summary of Collection: As defined in the 2018 Farm Bill, the term ''hemp'' means the plant species Cannabis sativa L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis. Delta-9 tetrahydrocannabinol, or THC, is the primary intoxicating component of cannabis. Cannabis with a THC level exceeding 0.3 percent is considered marijuana, which remains classified as a schedule I controlled substance regulated by the Drug Enforcement Administration (DEA) under the Controlled Substances Act (CSA). Under the Agricultural Act of 2014 (2014 Farm Bill), Public Law 113–79, State departments of agriculture and institutions of higher education were permitted to produce hemp as part of a pilot program for research purposes. The authority for hemp production provided in the 2014 Farm Bill was extended by the 2018 Farm Bill, which was signed into law on December 20, 2018.

Hemp is a commodity that can be used for numerous industrial and horticultural purposes including fabric, paper, construction materials, food products, cosmetics, production of cannabinoids (such as cannabidiol or CBD), and other products.

In determining the type of data that would need to be collected and the frequency of the data collections, NASS management attended a joint meeting with representatives from the USDA's Economic Research Service (ERS), Farm Service Agency (FSA), Risk Management Agency (RMA), Agricultural Marketing Service (AMS), and the Office of the Secretary.

The National Agricultural Statistics Service (NASS) is submitting a substantive change request to revise the currently approved information collection for Hemp Production and Disposition Inquiry (OMB No. 0535–0270). This substantive change request is to make edits to the questionnaire, specifically removing the Operator Characteristics section from the Hemp PDI instrument. The removal of this section is to streamline the questionnaire and reduce respondent burden. There are no other changes to the survey methodology or procedures previously approved.

Need and Use of the Information: The data will be collected under the authority of the Domestic Hemp Production Program, which is mandated by the Agriculture Improvement Act of 2018 (2018 Farm Bill). In addition the data will be collected under the authority of Title 7 U.S.C. 2204(a). Individually identifiable data collected under this authority are governed by Section 1770 of the Food Security Act of 1985 as amended, 7 U.S.C. 2276, which requires USDA to afford strict confidentiality to non-aggregated data provided by respondents. This Notice is submitted in accordance with the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3501, *et seq.*), and Office of Management and Budget regulations at 5 CFR part 1320.

Description of Respondents: Farms; Business or other for-profit.

Number of Respondents: 8,525.

Frequency of Responses: Reporting: Annually.

Total Burden Hours: 2,918.

Levi S. Harrell,

Departmental Information Collection Clearance Officer.

[FR Doc. 2026–16521 Filed 8–12–26; 8:45 am]

BILLING CODE 3410–20–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and approval under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding 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; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the

information to be collected; and ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by September 14, 2026 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Food Safety and Inspection Service

Title: Public Health Information System.

OMB Control Number: 0583–0153.

Summary of Collection: FSIS has been delegated the authority to exercise the functions of the Secretary (7 CFR 2.18 and 2.53), as specified in the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601, *et seq.*), the Poultry Products Inspection Act (PPIA) (21 U.S.C. 451, *et seq.*), and the Egg Products Inspection Act (EPIA) (21 U.S.C. 1031, *et seq.*). These statutes mandate that FSIS protect the public by verifying that meat, poultry, and egg products are safe, wholesome, and properly labeled.

Need and Use of the Information: FSIS uses a Web-based system that improves FSIS inspection operations and facilitates industry members' applications for inspection, export, and import of meat, poultry, and egg products. Industry members use FSIS forms in PHIS. Industry is able to submit some of these forms through a series of screens in PHIS; other forms are available in PHIS only as electronic forms. To not collect the information would inhibit the ability of FSIS to ensure that meat, poultry, and egg products are safe, wholesome, and properly labeled.

Description of Respondents: Business or other for-profit.

Number of Respondents: 6,294.

Frequency of Responses: Recordkeeping; Reporting: On occasion.

Total Burden Hours: 116,074.

Levi S. Harrell,

Departmental Information Collection Clearance Officer.

[FR Doc. 2026–16451 Filed 8–12–26; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. FSIS–2026–0134]

Notice of Request To Renew an Approved Information Collection: Egg Products Hazard Analysis and Critical Control Point and Sanitation Standard Operating Procedures

AGENCY: Food Safety and Inspection Service (FSIS), U.S. Department of Agriculture (USDA).

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 and Office of Management and Budget (OMB) regulations, FSIS is announcing its intention to request renewal of the approved information collection related to egg products Hazard Analysis and Critical Control Point (HACCP) and Sanitation Standard Operating Procedures (Sanitation SOPs) requirements. There are no changes to the information collection. The current approval will expire on January 31, 2027.

DATES: Submit comments on or before October 13, 2026.

ADDRESSES: FSIS invites interested persons to submit comments on this **Federal Register** notice. Comments may be submitted by one of the following methods:

- *Federal eRulemaking Portal:* This website provides commenters the ability to type short comments directly into the comment field on the web page or to attach a file for lengthier comments. Go to *https://www.regulations.gov.* Follow the online instructions at that site for submitting comments.
- *Mail:* Send to Docket Clerk, U.S. Department of Agriculture, Food Safety and Inspection Service, 1400 Independence Avenue SW, Mailstop 3758, Washington, DC 20250–3700.
- *Hand- or courier-delivered submittals:* Deliver to 1400 Independence Avenue SW, Jamie L. Whitten Building, Room 350–E, Washington, DC 20250–3700.

Instructions: All items submitted by mail or electronic mail must include the Agency name and docket number FSIS–2026–0134. Comments received in response to this docket will be made available for public inspection and posted without change, including any personal information, to *https://www.regulations.gov.*

Docket: For access to background documents or comments received, call (202) 286–2255 to schedule a time to visit the FSIS Docket Room at 1400 Independence Avenue SW, Washington, DC 20250–3700.

FOR FURTHER INFORMATION CONTACT: Gina Kouba, Office of Policy and Program Development, Food Safety and Inspection Service, USDA, 1400 Independence Avenue SW, Mailstop 3758, South Building, Washington, DC 20250–3700; 202–720–5046.

SUPPLEMENTARY INFORMATION:

Title: Egg Products HACCP and Sanitation Standard Operating Procedures.

OMB Number: 0583–0172.

Type of Request: Renewal of an approved information collection.

Abstract: FSIS has been delegated the authority to exercise the functions of the Secretary (7 CFR 2.18, 2.53), as specified in the Egg Products Inspection Act (EPIA; 21 U.S.C. 1031, *et seq.*). This statute mandates that FSIS protect the public by verifying that egg products are safe, wholesome, and properly labeled.

FSIS is requesting renewal of the approved information collection related to egg products HACCP and Sanitation SOPs requirements. There are no changes to the information collection. The approval for this information collection will expire on January 31, 2027.

FSIS requires official egg products plants to develop and maintain HACCP plans and Sanitation SOPs, as well as various associated records (9 CFR 590.149, 591.1, and 591.2; 9 CFR parts 416 and 417). Plants must ensure individuals performing HACCP plan development and reassessment functions have successfully completed HACCP training (9 CFR 417.7 and 591.1). Plants must develop written HACCP plans that include: identification of hazards reasonably likely to occur in the production process; identification and description of the critical control point (CCP) for each identified hazard; specification of the critical limit that may not be exceeded at the CCP, and if appropriate, a target limit; description of the monitoring procedure or device to be used; description of the corrective action to be taken if the limit is exceeded; description of the records that would be generated and maintained

regarding this CCP; and description of the facility verification activities and the frequency at which they are to be conducted (9 CFR 417.2(c) and 591.1). The adequacy of a plant's HACCP plan must be reassessed at least annually and whenever changes occur that could affect the hazard analysis or alter the HACCP plan (9 CFR 417.4(a)(3)(i) and 591.1).

Each official egg products plant must also develop, implement, and maintain a Sanitation SOP in accordance with the requirements of 9 CFR part 416 (9 CFR 416.11, 590.149, 591.1, and 591.2). The Sanitation SOP must describe the procedures that the plant will conduct daily, before and during operations, to prevent direct contamination or adulteration of product, including, at a minimum, the cleaning of food contact surfaces of facilities, equipment, and utensils (9 CFR 416.12(a) and (c); 9 CFR 591.1). The Sanitation SOP must also specify the frequency with which each procedure in the plant's Sanitation SOP is to be conducted and identify the establishment employee responsible for the implementation and maintenance of such procedures (9 CFR 416.12(d) and 591.1). The burden of documenting adherence to the Sanitation SOP includes recording, reviewing, and maintaining records (see 9 CFR 416.16 and 591.1).

FSIS has made the following estimates based upon an information collection assessment:

Respondents: Official egg products plants.

Estimated No. of Respondents: 132.

Estimated No. of Responses: 138,596.

Estimated Total Annual Burden on Respondents: 76,280 hours.

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. Copies of this information collection assessment can be obtained from Gina Kouba, Office of Policy and Program Development, Food Safety and Inspection Service, USDA, 1400 Independence Avenue SW, Mailstop 3758, South Building, Washington, DC 20250–3700; 202–720–5046.

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of FSIS' functions, including whether the information will have practical utility; (b) the accuracy of FSIS' estimate of the burden of the proposed collection of information, including the validity of the method and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques, or other forms of information technology. Comments may be sent to both FSIS, at the addresses provided above, and the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, OMB, Washington, DC 20253.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, FSIS will announce this **Federal Register** publication online through the FSIS web page located at: *https://www.fsis.usda.gov/federal-register*.

FSIS will also announce and provide a link to this **Federal Register** publication through the FSIS *Constituent Update,* which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to our constituents and stakeholders. The *Constituent Update* is available on the FSIS web page. Through the web page, FSIS can provide information to a much broader, more diverse audience. In addition, FSIS offers an email subscription service that provides automatic and customized access to selected food safety news and information. This service is available at: *https://www.fsis.usda.gov/subscribe.* The available information ranges from recalls to export information, regulations, directives, and notices. Customers can add or delete subscriptions themselves and have the option to password protect their accounts.

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Justin Ransom,

Administrator.

[FR Doc. 2026–16476 Filed 8–12–26; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[S–403–2026]

Foreign-Trade Zone 7; Application for Subzone; Luis Garratón, LLC; Caguas, Puerto Rico

An application has been submitted to the Foreign-Trade Zones (FTZ) Board by the Puerto Rico Industrial Development Company, grantee of FTZ 7, requesting subzone status for the facility of Luis Garratón, LLC, located in Caguas, Puerto Rico. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the FTZ Board (15 CFR part 400). It was formally docketed on August 11, 2026.

The proposed subzone (8.467 acres) is located at PR–1, Km. 26.4, Rio Cañas Ward, Caguas, Puerto Rico. No authorization for production activity has been requested at this time. The proposed subzone would be subject to the existing activation limit of FTZ 7.

In accordance with the FTZ Board's regulations, Camille Evans of the FTZ Staff is designated examiner to review the application and make

recommendations to the Executive Secretary.

Public comment is invited from interested parties. Submissions shall be addressed to the FTZ Board's Executive Secretary and sent to: *ftz@trade.gov.* The closing period for their receipt is September 22, 2026. Rebuttal comments in response to material submitted during the foregoing period may be submitted through October 7, 2026.

A copy of the application will be available for public inspection in the ''Online FTZ Information Section'' section of the FTZ Board's website, which is accessible via *www.trade.gov/ftz.*

For further information, contact Camille Evans at *Camille.Evans@trade.gov.*

Dated: August 11, 2026.

Elizabeth Whiteman,

Executive Secretary.

[FR Doc. 2026–16545 Filed 8–12–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[S–404–2026]

Foreign-Trade Zone 7; Application for Expansion of Subzone 7Q; Motorambar, Inc.; Cataño, Puerto Rico

An application has been submitted to the Foreign-Trade Zones (FTZ) Board by the Puerto Rico Industrial Development Company, grantee of FTZ 7, requesting an expansion of Subzone 7Q on behalf of Motorambar, Inc. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the FTZ Board (15 CFR part 400). It was formally docketed on August 11, 2026.

Subzone 7Q was approved on November 26, 2019 (S–164–2019, 84 FR 66150, December 3, 2019). The subzone consists of the following site: Site 1 (8.17 acres)—Road 869, Km. 2.8, Palmas Ward, Cataño.

The applicant is requesting authority to expand the subzone to include a site located at Marginal Street Ponce By-Pass (PR–2) No. 7–8, San Rafael Industrial Park, San Antón Ward, Ponce (Site 2—2.11 acres). No authorization for production activity has been requested at this time. The existing subzone and the proposed site would be subject to the existing activation limit of FTZ 7.

In accordance with the FTZ Board's regulations, Camille Evans of the FTZ Staff is designated examiner to review the application and make recommendations to the Executive Secretary.

Public comment is invited from interested parties. Submissions shall be addressed to the FTZ Board's Executive Secretary and sent to: *ftz@trade.gov.* The closing period for their receipt is September 22, 2026. Rebuttal comments in response to material submitted during the foregoing period may be submitted through October 7, 2026.

A copy of the application will be available for public inspection in the ''Online FTZ Information Section'' section of the FTZ Board's website, which is accessible via *www.trade.gov/ftz.*

For further information, contact Camille Evans at *Camille.Evans@trade.gov.*

Dated: August 11, 2026.

Elizabeth Whiteman,

Executive Secretary.

[FR Doc. 2026–16546 Filed 8–12–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–901]

Organic Soybean Meal From India: 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 producers/exporters subject to this review 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 145 companies. Interested parties are invited to comment on these preliminary results of review.

DATES: Applicable August 13, 2026.

FOR FURTHER INFORMATION CONTACT: Sarah Keith, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0264.

SUPPLEMENTARY INFORMATION:

Background

On May 16, 2022, based on timely requests for review, in accordance with 19 CFR 351.221(c)(1)(i), we initiated an administrative review of the antidumping duty (AD) order on organic soybean meal from India.[1] On August 27, 2025, Commerce selected Ecopure Specialities Ltd. (Ecopure) and Bergwerff Organic (India) Pvt., Ltd. (Bergwerff) as the mandatory respondents in this review.[2] On September 23, 2025, Perdue Agribusiness LLC (Perdue) timely withdrew its request for review.[3] On September 23, 2025, Organic Soybean Producers of America (OSPA) timely withdrew its request for review for all companies except Ecopure.[4]

Due to the lapse in appropriations and Federal Government shutdown on November 14, 2025, Commerce tolled all deadlines in administrative proceedings by 47 days.[5] Additionally, due to a backlog of documents that were electronically filed via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS) during the Federal Government shutdown, on November 24, 2025, Commerce tolled all deadlines in administrative proceedings by an additional 21 days.[6] On April 7, 2026, Commerce extended the deadline for the preliminary results of this review by 113 days.[7] On July 24, 2026, Commerce extended the deadline for the preliminary results of this review by 7 days.[8] Accordingly, the deadline for Commerce to issue these preliminary results is August 7, 2026.

For a complete description of the events that followed the initiation of this review, *see* the Preliminary Decision Memorandum.[9] A list of the topics discussed in the Preliminary Decision Memorandum is attached as Appendix I to this notice. The Preliminary Decision Memorandum is a

[1] *See Organic Soybean Meal from India: Antidumping Duty Order,* 87 FR 29737 (May 16, 2022) (*Order*).

[2] *See* Memorandum, ''2024–2025 Administrative Review of Organic Soybean Meal from India: Respondent Selection,'' dated August 27, 2025.

[3] *See* Perdue's Letter, ''Organic Soybean Meal from India (A–533–901),'' dated September 23, 2025.

[4] *See* OSPA's Letter, ''Partial Withdrawal of Petitioners' Request for a 3rd Administrative Review,'' dated September 23, 2025.

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

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

[7] *See* Memorandum, ''Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review,'' dated April 7, 2026.

[8] *See* Memorandum, ''Second Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review,'' dated July 24, 2026.

[9] *See* Memorandum, ''Decision Memorandum for the Preliminary Results, and Rescission, in Part, of the Antidumping Duty Administrative Review of Organic Soybean Meal from India; 2024–2025,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

public document and is on file electronically via ACCESS, which is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Preliminary Decision Memorandum can be accessed at *https://access.trade.gov/frnotices.*

Scope of the Order

The merchandise subject to the *Order* is organic soybean meal from India. 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)(1), Commerce will rescind an administrative review, in whole or in part, if a party who requested a review withdraws its request within 90 days of the date of publication of notice of initiation. As noted above, Commerce received timely-filed withdrawal requests with respect to the companies listed in Appendix III, and no other parties requested an administrative review of these companies. Therefore, we are rescinding this administrative review with respect to these companies, pursuant to 19 CFR 351.213(d)(1).

Methodology

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

Rate for Non-Individually Examined Companies

There is one company for which a review was requested and Commerce does not intend to rescind review, which had reviewable entries, and which was not selected as a mandatory respondent or found to be cross-owned with a mandatory respondent (*see* Appendix II). The Act does not address the establishment of a rate to apply to companies not selected for individual examination when Commerce limits its examination in an administrative review pursuant to section 777A(e)(2) of the Act. However, Commerce's regulation at 19 CFR 351.109(g) states that Commerce will determine the rate for non-selected companies by following the process set forth in 19 CFR 351.109(f)(1)–(2), which generally parallels the process for determining the all-others rate in an investigation under section 735(c)(5) of the Act. Section 735(c)(5)(A) of the Act and 19 CFR 351.109(f) state that for companies not investigated, in general, we will determine an all-others rate by weight averaging the AD rates established for each of the companies individually investigated, excluding rates that are zero, *de minimis,* or based entirely on facts available.

In this administrative review, we preliminarily calculated a weighted-average dumping margin for Ecopure, the sole individually examined respondent in this review. Because this estimated weighted-average dumping margin is not zero, *de minimis,* or based entirely on facts otherwise available, we are preliminarily assigning the estimated weighted-average dumping margin calculated for Ecopure to the companies under review that were not selected for individual examination, consistent with the guidance in section 735(c)(5)(A) of the Act.

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)
Ecopure	26.60
Companies Not Selected for Individual Review [10]	26.60

Disclosure

Commerce intends to disclose its calculations and analysis performed to interested parties for these preliminary results within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance. Pursuant to 19 CFR 351.309(c)(1)(ii), we have modified the deadline for interested parties to submit case briefs to Commerce to no later than 21 days after the date of the publication of this notice.[11] 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.[12] Interested parties who submit case or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.[13] 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.[14] 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).[15]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS by 5:00 p.m. Eastern Time within 30 days after the date of publication of this notice. Requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants, and whether any participant is a foreign national; 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.[16]

Assessment Rates

Pursuant to section 751(a)(2)(A) of the Act and 19 CFR 351.212(b)(1), Commerce will determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all

[10] The exporters or producers not selected for individual review are listed in Appendix II.

[11] *See* 19 CFR 351.309.

[12] *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*).

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

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

[15] *See APO and Service Procedures.*

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

appropriate entries of subject merchandise in accordance with the final results of this review.

If Ecopure'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.[17] 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 Ecopure'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.[18]

In accordance with Commerce's ''automatic assessment'' practice, for entries of subject merchandise during the POR produced by Ecopure 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.[19]

For the companies listed in Appendix II which were not selected for individual review, we will assign an assessment rate based on the review-specific rate, calculated as noted in the ''Rate for Non-Individually Examined Companies'' section, above. The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.[20]

For the companies listed in Appendix III 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 Ecopure and the companies listed in Appendix II 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 the companies listed above will be that established in the final results of this review, except if the rate is less than 0.50 percent and, therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) for previously investigated or reviewed companies not covered by this review, the cash deposit rate will continue to be the company-specific cash deposit rate published for the most recently completed segment of this proceeding in which the company participated; (3) if the exporter is not a firm covered in this review, or the LTFV investigation, but the manufacturer is, then the cash deposit rate will be the rate established for the most recent segment for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 3.07 percent, the all-others rate established in the LTFV investigation.[21] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping and/or countervailing 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 and/or countervailing duties occurred and the subsequent assessment of double antidumping duties, and/or an increase in the amount of antidumping duties by the amount of the countervailing duties.

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: August 7, 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. Recission of Administrative Review, In Part
V. Rate for Non-Selected Company
VI. Discussion of the Methodology
VII. Currency Conversion
VIII. Recommendation

Appendix II

Company Not Selected for Individual Review

1. Shri Sumati Industries

Appendix III

Companies Rescinded for Review

Aashiyana Foodstuffs
ABC Fruits
Adani Wilmar Ltd.
Agrawal Oil & Biocheam
Aia Engineering Ltd.
Al Quresh Exp.
Alembic Pharmaceuticals Ltd.
Allana Consumer Products Pvt. Ltd.
Apac Sourcing Solutions Ltd.
Arctal India International
Arn Designs 12. Artevet India LLP
Artevet Therapeutics Pvt. Ltd.
Asa Agrotech Pvt., Ltd.
Aurobindo Pharma Ltd.
Avi Agri Business Ltd.
Avt Natural Products Ltd.

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

[18] *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).

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

[20] *See* section 751(a)(2)(C) of the Act.

[21] *See Order.*

Axis India International
B.H. Handicrafts
Basillia Organics Pvt. Ltd
Bawa Fishmeal and Oil Co.
Bergwerff Organic (India) Pvt., Ltd.;
Suminter India Organic Pvt., Ltd.
Bharat Cereals Pvt., Ltd.
BNS Agro Industries Sarl
Capital Ventures Pvt. Ltd.
Cardolite Speciality Chemicals India LLP
Cloves Inc
Craft Home
Crest Container Lines Pvt., Ltd.
Dhanay Logistics Pvt., Ltd.
Deccan Fine Chemicals (India) Pvt. Ltd.
Delhi Haat Craft Cottage Industries
Dighvijay Overseas
Divi's Laboratories Ltd.
Eco Gold Nutri and Organics LLP
Euroasias Organics Pvt., Ltd.
Exp. Freight Pvt., Ltd.
Eyeconic Indian Handicraft
Fair Exp. India Pvt., Ltd.
Fermenta Biotech Ltd.
Flex Foods Ltd.
Frigorifico Allana Pvt. Ltd.
Gate Foods Pvt. Ltd.
Gateway Exim
Gee Pee Overseas
Gharda Chemicals Ltd.
Goglocal Pvt. Ltd.
GRS Agritech
HBNT Packaging and Manufacturing Pvt., Ltd.
Healthline Pvt. Ltd.
HK. Exp.
Indauto Filters
Indrani Automotive & Engineering
Infinite Bioscience
Interport Global Logistics Pvt., Ltd.
Issgf India Pvt., Ltd.
ITC Ltd.
J.B. Overseas
Jaeger Products Pvt., Ltd.
Jairaj Adi Global Food Products LLP
Janatha Fish Meal and Oil Product
Jay Keshav Exp. Pvt., Ltd.
JSM Foods
Kamal & Sons
Kemin Industries South Asia Pvt., Ltd.
King Exp.
Krishna Corncob Industries
Lamtuf Ltd.
Larsen & Toubro
Levon Chemicals India Pvt., Ltd.
Lophius
Lupin Ltd.
Luxmi Tea
Magnuss Enterprizes
Makwell Organics Pvt., Ltd.
Makwell Plastisizers Pvt., Ltd.
Manisha Pharmo Pvt., Ltd.
Marinetrans India Pvt., Ltd.
Marksans Pharma Ltd.
Medikonda Nutrients
Menon Renewable Resources (India) Pvt. Ltd.
Molhadeen International Nigeria
Mukka Proteins Ltd.
Natural Remedies Pvt., Ltd.
Noble Shipping
Novel Nutrients Pvt. Ltd.
Nutech Biosciences India Pvt. Ltd.
Orchid Exim India Pvt. Ltd.
Orgonew Pvt. Ltd.
Pachranga Foods
Parikh Enterprises Pvt. Ltd.
Patel Retail Pvt., Ltd.
Pck Agri Ventures Pvt. Ltd.
Pfizer Healthcare India Pvt. Ltd.
Pisces Fashions
Pots and Grains Pvt. Ltd.
Prima Chemicals
Propelor India Pvt., Ltd.
R.P.M. Exim Pvt., Ltd.
R.M. Trading Co.
Radhakrishna Agro Industries Pvt. Ltd.
Radhika Textiles & Handicrafts
Rayban Organics Pvt., Ltd.
Reindeer Organics LLP
Repast Dietary Lifesciences Pvt., Ltd.
Rishabh Gupta Corp. Pvt., Ltd.
Ritz Creations
Rohlig India Pvt., Ltd.
Saastha Warehousing Ltd.
Safewater Lines India Pvt.
Samruddhi Organic Farm (India) Pvt., Ltd.
Samsung Data Systems India Pvt., Ltd.
Sap Oleochemicals Pvt., Ltd.
Sayaji Industries Ltd.
Sethi International
SGR (777) Foods Pvt., Ltd.
Shah Precicast Pvt., Ltd.
Shakti Exim Co.
Shikhar Logistics Pvt., Ltd.
Shreeram Fibres India Pvt. Ltd.
Shree Uday Oil and Foods Industries
Shubhangay Exim Pvt. Ltd.
Singh Agritech Pvt. Ltd.
Soliflex Packaging Pvt., Ltd.
Speciality Indian Food Parks & Exp. Pvt., Ltd.
S.S. India Foods Pvt. Ltd.
Star India Container Line Pvt., Ltd.
Sukhvarsha Projects Pvt., Ltd.
Sunrise Seafoods India Pvt. Ltd.
Suryamitra Exim Pvt., Ltd.
Swaranimakash Life Sciences Pvt. Ltd.
Teamglobal Logistics Pvt., Ltd.
Tejawat Organic Foods
Tex Biosciences Pvt. Ltd.
The Vantage Tradelink
Triveni Interchem Pvt., Ltd.
Unique Fragrances
United Magnetic System
Uno Vetchem
Vahdam Teas Pvt., Ltd.
Veesure Animal Health
Vippy Industries Ltd.
Vishnu Barium Pvt., Ltd.
Vista Processed Foods Pvt. Ltd.
Wellcome Fisheries Ltd.

[FR Doc. 2026–16549 Filed 8–12–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–891]

Carbon and Alloy Steel Wire Rod From the Republic of Korea: Preliminary Results of Antidumping Duty Administrative Review; 2024–2025

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

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily finds that POSCO and POSCO International Corporation (PIC) (collectively, POSCO), a producer and exporter of carbon and alloy steel wire rod (wire rod) from the Republic of Korea (Korea), did not sell subject merchandise in the United States at prices below normal value during the period of review (POR) May 1, 2024, through April 30, 2025. We invite all interested parties to comment on these preliminary results.

DATES: Applicable August 13, 2026.

FOR FURTHER INFORMATION CONTACT: Lingjun Wang, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–2316.

SUPPLEMENTARY INFORMATION:

Background

On May 21, 2018, Commerce published in the **Federal Register** the antidumping duty order on wire rod from Korea.[1] On April 8, 2019, Commerce revoked, in part, the *Order* with respect to grade 1078 and higher tire cord quality wire rod used in the production of tire cord wire.[2] On June 13, 2019, Commerce revoked, in part, the *Order* with respect to valve spring quality wire rod.[3] On June 25, 2025, in accordance with 19 CFR 351.221(c)(1)(i), we initiated this review identifying POSCO as the sole producer and exporter subject to this review.[4]

Due to the lapse in appropriations and Federal Government shutdown, on November 14, 2025, Commerce tolled all deadlines in administrative proceedings by 47 days.[5] Additionally, due to a backlog of documents that were electronically filed via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS) during the Federal Government shutdown, on November 24, 2025,

[1] *See Carbon and Alloy Steel Wire Rod from Italy, the Republic of Korea, Spain, the Republic of Turkey, and the United Kingdom: Antidumping Duty Orders and Amended Final Affirmative Antidumping Duty Determinations for Spain and the Republic of Turkey,* 83 FR 23417 (May 21, 2018) (*Order*).

[2] *See Carbon and Alloy Steel Wire Rod from the Republic of Korea and the United Kingdom: Notice of Final Results of Antidumping Duty Changed Circumstances Review,* 84 FR 13888 (April 8, 2019).

[3] *See Carbon and Alloy Steel Wire Rod from the Republic of Korea: Final Results of Antidumping Duty Changed Circumstances Review,* 84 FR 27582 (June 13, 2019).

[4] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 90 FR 26967 (June 25, 2025) (*Initiation Notice*).

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

Commerce tolled all deadlines in administrative proceedings by an additional 21 days.[6] In March, June, and July, 2026, we extended the deadline for these preliminary results by 120 days, until August 7, 2026.[7]

For a detailed description of the events that followed the initiation of this review, *see* the Preliminary Decision Memorandum.[8] 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, the Preliminary Decision Memorandum can be accessed directly at *https://access.trade.gov/frnotices.*

Commerce is conducting this administrative review in accordance with section 751(a)(1)(B) of Tariff Act of 1930, as amended (the Act).

Scope of the Order

The scope of the *Order* includes certain hot-rolled products of carbon steel and alloy steel, in coils, of approximately round cross section, less than 19.00 mm in actual solid cross-sectional diameter. For a complete description of the scope of the *Order, see* the Preliminary Decision Memorandum.[9]

Methodology

Commerce is conducting this review in accordance with section 751(a) of the Act. Constructed export prices are calculated in accordance with section 772 of the Act. Normal value 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. A list of topics discussed in the Preliminary Decision Memorandum is attached as an appendix to this notice.

Preliminary Results of 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)
POSCO/POSCO International Corporation[10]	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 date of publication of this notice in accordance with 19 CFR 351.224(b).

Verification

As provided in 782(i)(3) of the Act, Commerce intends to verify the information relied upon in the final results.

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.[11] 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.[12] Interested parties who submit case or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.[13]

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.[14] 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).[15]

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. An electronically filed document must be received successfully in its entirety via ACCESS by 5:00 p.m. Eastern Time within 30 days after the date of publication of this notice.[16] 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. Issues raised in the hearing will be limited to those raised in the respective case briefs. Commerce intends to issue the final results of this administrative review, including the results of its analysis of the issues raised in any written briefs, not later than 120 days after the date of publication of these preliminary results in the **Federal Register**, pursuant to section 751(a)(3)(A) of the Act, unless extended.

Assessment Rate

Pursuant to section 751(a)(1)(A) of the Act, upon issuance of the final results, Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries covered by this review.[17] The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by this review and for future deposits of estimated duties, where applicable.[18] Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S.

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

[7] *See* Memoranda, ''Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review,'' dated March 31, 2026, ''Second Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review,'' dated June 24, 2026, and ''Third Extension of Deadline for Preliminary Results,'' dated July 28, 2026.

[8] *See* Memorandum, ''Decision Memorandum for the Preliminary Results of the Antidumping Duty Administrative Review of Carbon and Alloy Steel Wire Rod from the Republic of Korea; 2024–2025,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[9] *Id.*

[10] In the 2020–2021 administrative review of the *Order,* we found that POSCO and POSCO International Corporation (PIC) are affiliated and should be treated as a single entity. *See Carbon and Alloy Steel Wire Rod from the Republic of Korea: Preliminary Results of Antidumping Duty Administrative Review; 2020–2021,* 87 FR 33468 (June 2, 2022), and accompanying Preliminary Decision Memorandum, at 5–10, unchanged in *Carbon and Alloy Steel Wire Rod from the Republic of Korea: Final Results of Antidumping Duty Administrative Review; 2020–2021* (October 4, 2022). In the absence of information demonstrating any changes, we are continuing to treat POSCO and PIC as a single entity for purpose of this administrative review.

[11] *See* 19 CFR 351.309(c)(1)(i).

[12] *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*).

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

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

[15] *See APO and Service Procedures.*

[16] *See* 19 CFR 351.310(c).

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

[18] *See* section 751(a)(2)(C) of the Act.

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).

Pursuant to 19 CFR 351.212(b)(1), if POSCO's weighted-average dumping margin is not zero or *de minimis* (*i.e.,* less than 0.5 percent) in the final results of this review, we will calculate an importer-specific *ad valorem* duty assessment rate based on the ratio of the total amount of dumping calculated for the U.S. sales for a given importer to the total entered value of those sales. If, in the final results, either POSCO's weighted-average dumping margin is zero or *de minimis* within the meaning of 19 CFR 351.106(c)(1), or an importer-specific *ad valorem* assessment rate is zero or *de minimis,* we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.[19]

For entries of subject merchandise during the POR produced by POSCO for which it did not know that its merchandise was destined for the United States, we will instruct CBP to liquidate such unreviewed entries pursuant to the reseller policy,[20] *i.e.,* the assessment rate for such entries will be equal to the all-others rate established in the investigation (*i.e.,* 41.10 percent), if there is no rate for the intermediate company(ies) involved in the transaction.

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 POSCO will be equal to POSCO's weighted-average dumping margin 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 companies not participating in this review, the cash deposit will continue to be the company-specific rate published for the most recently completed segment of this proceeding in which the company participated; (3) if the exporter is not a firm covered in this review, or the underlying investigation, and does not have a cash deposit rate from a completed segment of this proceeding, but the producer of the subject merchandise does have a cash deposit rate, then the cash deposit rate will be the rate established for the completed segment for the most recent POR for the producer of the merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 41.10 percent, the all-others rate established in the underlying investigation.[21] These 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 results in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221(b)(4).

Dated: August 7, 2026.

Christopher Abbott,

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

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

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

[FR Doc. 2026–16548 Filed 8–12–26; 8:45 am]

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

[20] *See Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

[21] *See Order,* 83 FR at 23419.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–560–833]

Utility Scale Wind Towers From Indonesia: Final Results of Antidumping Duty Administrative Review; 2023–2024

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

SUMMARY: The U.S. Department of Commerce (Commerce) determines that utility scale wind towers (wind towers) from Indonesia are not being sold in the United States at less than normal value during the period of review (POR), August 1, 2023, through July 31, 2024.

DATES: Applicable August 13, 2026.

FOR FURTHER INFORMATION CONTACT: Katie Smith, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0557.

SUPPLEMENTARY INFORMATION:

Background

On February 10, 2026, Commerce published the *Preliminary Results* of the 2023–2024 and invited interested parties to comment.[1] The review covers one mandatory respondent, PT. Kenertec Power System (Kenertec). We received timely case and rebuttal briefs from Kenertec and the Wind Tower Trade Coalition (petitioner).[2] On March 3 and August 3, 2026, Commerce extended the deadline for the final results of this administrative review, in accordance with section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.213(h)(2);[3] accordingly, the deadline for these final results is now August 10, 2026.

For a complete description of the events that occurred since the *Preliminary Results, see* the Issues and Decision Memorandum.[4] The Issues and

[1] *See Utility Scale Wind Towers from Indonesia: Preliminary Results and Rescission, In Part, of the Antidumping Duty Administrative Review; 2023–2024,* 91 FR 5911 (February 10, 2026) (*Preliminary Results*); *see also* Memorandum, ''Briefing Schedule,'' dated July 9, 2026.

[2] *See* Kenertec's Letters, ''Kenertec's Case Brief,'' dated July 16, 2026; ''Kenertec's Rebuttal Brief,'' dated July 22, 2026; *see also* Petitioner's Letter, ''Case Brief,'' dated July 16, 2026 (Petitioner's Case Brief).

[3] *See* Memorandum, ''Extension of Deadline for Final Results of Antidumping Duty Administrative Review,'' dated March 3, 2026.

[4] *See* Memorandum, ''Decision Memorandum for the Final Results of the Administrative Review of the Antidumping Duty Order on Utility Scale Wind Towers from Indonesia; 2023–2024,'' dated

Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System, which is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *https://access.trade.gov/frnotices.* Commerce conducted this administrative review in accordance with section 751 of the Act.

Scope of the Order [5]

The merchandise subject to the *Order* is wind towers from Indonesia. A full description of the scope of the *Order* is contained in the Issues and Decision Memorandum.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs are addressed in the Issues and Decision Memorandum and are listed in the appendix to this notice.

Changes Since the Preliminary Results

Based on a review of the record and comments received from interested parties regarding our *Preliminary Results,* and for the reasons explained in the Issues and Decision Memorandum, Commerce made certain changes to the weighted-average dumping margin calculations for Kenertec.[6]

Final Results of Review

We determine that the following weighted-average dumping margin exists for the period August 1, 2023, through July 31, 2024:

Producer/exporter	Weighted-average dumping margin (percent)
PT. Kenertec Power System	0.00

Disclosure

Commerce intends to disclose the calculations performed in connection with these final results of review to parties in this review within five days after public announcement of the final results or, if there is no public announcement, within five days of the date of publication of this notice in the **Federal Register**, in accordance with 19 CFR 351.224(b).

Assessment Rates

Pursuant to section 751(a)(2)(C) of the Act and 19 CFR 351.212(b)(1), Commerce has determined, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review. Because we calculated a zero percent margin in the final results of this review for Kenertec, in accordance with 19 CFR 351.212, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

In accordance with Commerce's ''automatic assessment'' practice, for entries of subject merchandise during the POR produced by the respondent and the respondent did not know that its merchandise was destined for the United States, we will instruct CBP to liquidate entries not reviewed at the all-others rate established in the original less-than-fair-value (LTFV) investigation (*i.e.,* 8.53 percent) [7] if there is no rate for the intermediate company(ies) involved in the transaction.

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

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of this notice in the **Federal Register** 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 Kenertec will be zero, the rate established in the final results of this review; (2) for merchandise exported by a company not covered in this review but covered in a prior completed segment of the proceeding, the cash deposit will continue to be the company-specific rate published in the completed segment for the most recently completed period; (3) if the exporter is not a firm covered in this review, a prior review, or the original LTFV investigation, but the producer has been covered in a prior completed segment of this proceeding, then the cash deposit rate will be the rate established in the completed segment for the most recent period for the producer of the merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 8.53 percent, the all-others rate established in the LTFV investigation for this proceeding.[8] These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this 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.

Administrative Protective Order (APO)

This notice serves as the only reminder to parties subject to APO of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a violation subject to sanction.

Notification to Interested Parties

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i) of the Act, and 19 CFR 351.221(b)(5).

Dated: August 10, 2026.

Christopher Abbott,

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

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the *Order*
IV. Changes Since the *Preliminary Results*
V. Discussion of the Issues

concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[5] *See Utility Scale Wind Towers from Canada, Indonesia, the Republic of Korea, and the Socialist Republic of Vietnam: Antidumping Duty Orders*, 85 FR 52546 (August 26, 2020) (*Order*), corrected in *Utility Scale Wind Towers from Canada, Indonesia, the Republic of Korea, and the Socialist Republic of Vietnam: Notice of Correction to the Antidumping Duty Orders*, 85 FR 56213 (September 11, 2020).

[6] *See* Issues and Decision Memorandum.

[7] *See Order,* 85 FR at 52547.

[8] *See Order,* 85 FR at 52547.

Comment 1: Whether To Modify U.S. Freight Expenses
Comment 2: Whether To Change the Name of One Importer/Customer in the Final Liquidation Instructions
VI. Recommendation

[FR Doc. 2026–16547 Filed 8–12–26; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–552–801]

Certain Frozen Fish Fillets From the Socialist Republic of Vietnam: Final Results and Rescission, in Part, of Antidumping Duty Administrative Review; 2023–2024

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

SUMMARY: The U.S. Department of Commerce (Commerce) determines that Bien Dong Seafood Co., Ltd. (Bien Dong) and NTSF Seafoods Joint Stock Company (NTSF), made sales of certain frozen fish fillets (fish fillets) at less than normal value (NV) during the period of review (POR) August 1, 2023, through July 31, 2024.

DATES: Applicable August 13, 2026.

FOR FURTHER INFORMATION CONTACT: Blair Hood or Gemma Larsen, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–8329 or (202) 482–8125, respectively.

SUPPLEMENTARY INFORMATION:

Background

On February 11, 2026, Commerce published the *Preliminary Results* of this administrative review.[1] On March 31, 2026, Commerce invited interested parties to comment on the *Preliminary Results*.[2] On May 21, 2026, Commerce extended the deadline for issuing the final results of this review by 53 days.[3] On July 28, 2026, Commerce extended the deadline for the final results by an additional 4 days.[4] On August 6, 2026, Commerce extended the deadline for the final results by an additional 3 days.[5] Accordingly, the deadline for these final results is now August 10, 2026. Commerce conducted this administrative review in accordance with section 751(a)(1)(B) of the Tariff Act of 1930, as amended (the Act).

For a complete description of the events that occurred since the *Preliminary Results, see* the Issues and Decision Memorandum.[6] The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *https://access.trade.gov/frnotices.*

Scope of the Order[7]

The products covered by the *Order* are fish fillets from Vietnam. For a complete description of the scope of the *Order, see* the Issues and Decision Memorandum.

Partial Rescission of Administrative Review

Pursuant to 19 CFR 351.213(d)(3), when there are no reviewable entries of subject merchandise during the POR subject to the antidumping duty order for which liquidation is suspended, Commerce may rescind an administrative review, in whole or only with respect to a particular exporter or producer.[8] At the end of the administrative review, any suspended entries are liquidated at the assessment rate computed for the review period.[9] Therefore, for an administrative review to be conducted, there must be a reviewable, suspended entry to be liquidated at the newly calculated assessment rate.

In the *Preliminary Results,* Commerce preliminarily rescinded this review with respect to 24 companies and the Vietnam-wide entity because all review requests from the interested parties with standing were withdrawn, and the only remaining review request is from an interested party that did not have standing in this review. We invited interested parties to comment.[10] We received no comment other than how Commerce inadvertently listed I.D.I. International Development under ''Appendix IV—Vietnam-Wide Entity'' instead of under ''Appendix II—Companies for Which Commerce is Rescinding the Review.''[11] To rectify this error, we are rescinding this administrative review with respect to this company.[12] Therefore, in the absence of suspended entries of subject merchandise during the POR, we are hereby rescinding this administrative review, in part, with respect to 25 companies[13] and the Vietnam-wide entity,[14] in accordance with 19 CFR 351.213(d)(3).

Analysis of Comments Received

All issues raised in case and rebuttal briefs filed by interested parties in this administrative review are addressed in the Issues and Decision Memorandum. A list of the issues addressed in the Issues and Decision Memorandum is provided in Appendix I to this notice.

Changes Since the Preliminary Results

Based on our review of the record and analysis of the comments received, we made certain changes to the *Preliminary Results.* For a more detailed description of the issues raised by parties, *see* the Issues and Decision Memorandum.[15]

Rates for Non-Examined Separate Rate Respondents

We received no comments and made no changes to the methodology in the *Preliminary Results* regarding the separate-rate companies. We continue to find that two companies not individually examined, Cantho Import Export Seafood Joint Stock Company and Nam Viet Corporation, are eligible for separate rates in this administrative review. Accordingly, to determine the rate for companies not selected for individual examination, Commerce's

[1] *See Certain Frozen Fish Fillets From the Socialist Republic of Vietnam: Preliminary Results of Antidumping Duty Administrative Review; Preliminary Recission of Administrative Review; and Recission of Administrative Review; in Part; 2023–2024,* 91 FR 6192 (February 11, 2026) (*Preliminary Results*), and accompany Preliminary Decision Memorandum.

[2] *See* Memorandum, ''Deadlines for Case and Rebuttal Briefs,'' dated March 31, 2026.

[3] *See* Memorandum, ''Extension of Deadline for Final Results of Antidumping Duty Administrative Review, 2023–2024,'' dated May 21, 2026.

[4] *See* Memorandum, ''Extension of Deadline for Final Results of Antidumping Duty Administrative Review; 2023–2024,'' dated July 28, 2026.

[5] *See* Memorandum, ''Extension of Deadline for Final Results of Antidumping Duty Administrative Review; 2023–2024,'' dated August 6, 2026.

[6] *See* Memorandum, ''Issues and Decision Memorandum for the Final Results of the Antidumping Duty Administrative Review of Certain Frozen Fish Fillets from the Socialist Republic of Vietnam; 2023–2024,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[7] *See Notice of Antidumping Duty Order: Certain Frozen Fish Fillets from the Socialist Republic of Vietnam,* 68 FR 47909 (August 12, 2003) (*Order*).

[8] *See, e.g., Forged Steel Fittings from Taiwan: Rescission of Antidumping Duty Administrative Review; 2018–2019,* 85 FR 71317, 71318 (November 9, 2020); *see also Certain Circular Welded Non-Alloy Steel Pipe from Mexico: Rescission of Antidumping Duty Administrative Review;* 2016–2017, 83 FR 54084 (October 26, 2018).

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

[10] *See Preliminary Results,* 91 FR at 6193–94.

[11] *See* Issues and Decision Memorandum at Comment 14.

[12] *See* Appendix II.

[13] *Id.*

[14] *See* Appendix III.

[15] *See* Issues and Decision Memorandum.

practice is to weight average the net subsidy rates for the selected mandatory respondents, excluding rates that are zero, *de minimis,* or based entirely on facts available.[16] Therefore, for the final results of this review, we are assigning to the non-selected separate rate respondents a weighted-average dumping margin based on the average of Bien Dong and NTSF's rates weighted by their ranged, publicly available U.S. sales values.[17]

Vietnam-Wide Entity

As stated in the *Preliminary Results,* because there was no valid request for review of the Vietnam-wide entity in this review, the Vietnam-wide entity is hereby rescinded from review and the Vietnam-wide entity's rate (*i.e.,* $2.39 per kilogram (kg)) is not subject to change.[18] Commerce considers all other companies for which a review was requested, and which did not demonstrate separate rate eligibility, to be part of the Vietnam-wide entity.

Final Results of Administrative Review

Commerce determines that the following weighted-average dumping margins exist for the period covered August 1, 2023, through July 31, 2024:

Exporter	Weighted-average dumping margin (dollars per kilogram)
Bien Dong Seafood Co., Ltd	1.00
NTSF Seafoods Joint Stock Company	0.38
Rates for Non-Selected Separate Rate Respondents	
Can Tho Import Export Seafood Joint Stock Company	0.84
Nam Viet Corporation	0.84

Disclosure

Commerce intends to disclose the calculations performed in connection with these final results of review to interested parties in this review within five days after public announcement of the final results or, if there is no public announcement, within five days of the date of publication of this notice in the **Federal Register**, in accordance with 19 CFR 351.224(b).

Assessment Rates

Pursuant to section 751(a)(2)(C) of the Act, and 19 CFR 351.212(b), Commerce has determined, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise covered by this review. Pursuant to 19 CFR 351.212(b), for Bien Dong and NTSF, we calculated importer-specific assessment rates based on the resulting per-unit (*i.e.,* per kilogram) rates by the weight in kilograms of each entry of the subject merchandise during the POR. Specifically, we calculated importer specific duty assessment rates on a per-unit rate basis by dividing the total dumping margins (calculated as the difference between normal value and export price, or constructed export price) for each importer by the total sales quantity of subject merchandise sold to that importer during the POR.

For all non-selected separate rate respondents subject to this review, we will instruct CBP to liquidate all entries of subject merchandise that entered the United States during the POR at the average of the rates calculated for Bien Dong and NTSF as listed above. For entries of subject merchandise during the POR produced by Bien Dong and NTSF for which they did not know their merchandise was destined for the United States, we intend to instruct CBP to liquidate such entries at the Vietnam-wide rate if there is no rate for the intermediate company or companies involved in the transaction.

For the company for which the review is rescinded, any suspended entries that entered under that exporter's case number (*i.e.,* at that exporter's rate) will be liquidated at the rate as entered. For all other companies, we will instruct CBP to apply the antidumping duty assessment rate of the Vietnam-wide entity, (*i.e.,* $2.39 per kilogram (kg)), to all entries of subject merchandise exported by these companies.[19]

These final results of administrative review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by these final results of this review and for future deposits of estimated duties, where applicable.[20] For the individually calculated respondent and non-selected separate rate respondents under review, Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided in section 751(a)(2)(C) of the Act: (1) the cash deposit rate for the companies subject to this review will be the rate established in these final results of the review; (2) for previously investigated or reviewed Vietnamese and non-Vietnamese exporters not listed above that have separate rates, the cash deposit rate will continue to be the exporter-specific rate published for the most recently completed segment of this proceeding in which they were reviewed; (3) for all Vietnamese exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be equal to the rate for the Vietnamese-wide entity (*i.e.,* $2.39 per kilogram ((kg); and (4) for all non-Vietnamese exporters of subject merchandise which have not received their own separate rate, the cash deposit rate will be the rate applicable to the Vietnamese exporter(s) that supplied that non-

[16] *See, e.g., Certain Pasta from Italy: Final Results of the 13th (2008) Countervailing Duty Administrative Review,* 75 FR 37386, 37387 (June 29, 2010).

[17] *See* Issues and Decision Memorandum.

[18] *See Preliminary Results,* 91 FR at 6192.

[19] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 89 FR 77079 (September 20, 2024) (''All firms listed below that wish to qualify for separate rate status in the administrative reviews involving NME countries must complete, as appropriate, either a Separate Rate Application or Certification, as described below.'').

[20] *See* section 751(a)(2)(C) of the Act.

Vietnamese exporter.[21] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties has occurred and the subsequent assessment of double antidumping duties.

Administrative Protective Order (APO)

This notice also serves as a final reminder to parties subject to an APO of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

Notification to Interested Parties

These final results of review are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(5).

Dated: August 10, 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 Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the *Order*
IV. Changes Since the *Preliminary Results*
V. Discussion of the Issues
  Comment 1: Surrogate Value for Certain Inputs and By-Products
  Comment 2: Surrogate Value for Ocean Freight
  Comment 3: Whether To Recalculate the Surrogate Value for Marine Insurance
  Comment 4: Surrogate Value for Foreign Truck Freight and Brokerage and Handling
  Comment 5: Whether To Grant Bien Dong's Freight Revenue Offset
  Comment 6: Whether To Grant Respondents' By-Product Offset
  Comment 7: Surrogate Value for Labor
  Comment 8: Selection of Surrogate Financial Ratios
  Comment 9: Whether To Recalculate the Surrogate Financial Ratios for Toba Surimi
  Comment 10: Differential Pricing Analysis
  Comment 11: Surrogate Value for PE Resin
  Comment 12: Whether To Rescind the Review with Respect to I.D.I. International Development
VI. Recommendation

Appendix II

Companies for Which Commerce Is Rescinding the Review

1. Anh Vu Seafoods Corporation
2. Binh An Seafood Joint Stock Company (also known as Binh An or Binh An Seafood Joint Stock Co.)
3. Binh Dinh Garment Joint Stock Co
4. Binh Phu Seafood Co. Ltd
5. Ca Mau Frozen Seafood Processing Import Export Corporation
6. Cantho Imp. Exp. Seafood
7. Cantho Import Export Fishery Limited
8. Hapag Lloyd (America) Inc
9. Hogiya Seafoods Inc
10. Hong Hai International
11. Hung Vuong
12. I.D.I International Development
13. Indian Ocean One Member Company Limited (also known as Indian Ocean Co., Ltd.)
14. Jk Fish Jsc
15. Mechanics Construction and Foodstuff
16. Pecheries Oceanic Fisheries Inc
17. Phi Long Food Manufacturing Co. Ltd
18. Phuong Ngoc Cai Be Ltd. Liability
19. Seagate Logistics Co., Ltd
20. Thuan Nhan Phat Co., Ltd
21. Tran Thai Food Joint Stock
22. Trinity Vietnam Co., Ltd
23. Trong Nhan Seafood Co., Ltd
24. Van
25. Viet World Co., Ltd

Appendix III

Companies Treated as Part of the Vietnam-Wide Entity Rescinded From Review

1. An Chau Co., Ltd
2. An Giang Agriculture and Food Import-Export Joint Stock Company (also known as Afiex or An Giang Agriculture and Foods Import-Export Joint Stock Company)
3. An Hai Fishery Ltd. Co
4. An My Fish Joint Stock Company (also known as Anmyfish, Anmyfishco or An My Fish Joint Stock)
5. An Phat Import-Export Seafood Co., Ltd. (also known as An Phat Seafood Co. Ltd. or An Phat Seafood, Co., Ltd.)
6. An Phu Seafood Corp. (also known as ASEAFOOD or An Phu Seafood Corp.)
7. Anchor Seafood Corp
8. Anvifish Joint Stock Company (also known as Anvifish, Anvifish JSC, or Anvifish Co., Ltd.)
9. Asia Commerce Fisheries Joint Stock Company (also known as Acomfish JSC or Acomfish)
10. Basa Joint Stock Company (also known as BASACO)
11. Ben Tre Aquaproduct Import and Export Joint Stock Company (also known as Bentre Aquaproduct, Bentre Aquaproduct Import & Export Joint Stock Company or Aquatex Bentre)
12. Bentre Forestry and Aquaproduct Import Export Joint Stock Company (also known as Bentre Forestry and Aquaproduct Import and Export Joint Stock Company, Ben Tre Forestry and Aquaproduct Import-Export Company, Ben Tre Forestry Aquaproduct Import-Export Company, Ben Tre Frozen Aquaproduct Export Company or Faquimex)
13. Bentre Seafood Jsc
14. Binh Dinh Fisheries Joint Stock
15. Binh Dinh Import Export Company (also known as Binh Dinh Import Export Joint Stock Company, or Binh Dinh)
16. Bien Dong Hau Giang Seafood Joint Stock Company (also known as Bien Dong HG or Bien Dong Hau Giang Seafood Joint Stock Co.)
17. Cadovimex II Seafood Import-Export and Processing Joint Stock Company (also known as Cadovimex II, Cadovimex II Seafood Import Export and Processing Joint Stock Company, or Cadovimex II Seafood Import-Export)
18. Cavina Seafood Joint Stock Company (also known as Cavina Fish or Cavina Seafood Jsc)
19. Cds Overseas Vietnam Co., Ltd
20. Colorado Boxed Beef Company (also known as CBBC)
21. Coral Triangle Processors (dba Mowi Vietnam Co., Limited (Dong Nai))
22. Cuu Long Fish Import-Export Corporation (also known as CL Panga Fish or Cuu Long Fish Imp. Exp. Corporation)
23. Cuu Long Fish Joint Stock Company (also known as CL-Fish, CL–FISH CORP, or Cuu Long Fish Joint Stock Company)
24. Cuu Long Seapro
25. Da Nang Seaproducts Import-Export Corporation (also known as SEADANANG, Da Nang or Da Nang Seaproducts Import/Export Corp.)
26. Dai Tien Vinh Co., Ltd
27. Dong Phuong Co., Ltd
28. Dong Phuong Import Export Seafood Company Limited (also known as Dong Phuong Export Seafood Limited, Dong Phuong Seafood Company Limited, or aFishDeal)
29. Dragonwaves Frozen Food Factory Co., Ltd
30. Europe Trading Co., Ltd
31. GF Seafood Corp
32. Gia Minh Co. Ltd
33. Go Dang An Hiep One Member Limited Company
34. Go Dang Ben Tre One Member Limited Liability Company
35. Gold Future Imp. Exp/Gold Future Imp. Exp. Development Co. Ltd
36. Golden Quality Seafood Corporation (also known as Golden Quality, GoldenQuality, GOLDENQUALITY, or GoldenQuality Seafood Corporation)
37. GreenFeed Vietnam Corporation
38. Ha Noi Can Tho Seafood Jsc
39. Hai Thuan Nam Co Ltd
40. Hai Trieu Co., Ltd
41. Hasa Seafood Corp. (Hasaco)

[21] *See Order,* 68 FR at 47909.

42. Hiep Thanh Seafood Joint Stock Company (also known as Hiep Thanh or Hiep Thanh Seafood Joint Stock Co.)
43. Hoa Phat Seafood Import-Export and Processing J.S.C. (also known as HOPAFISH, Hoa Phat Seafood Import-Export and Processing Joint Stock Company, Hoa Phat Seafood Import-Export and Processing JSC, or Hoa Phat Seafood Imp. Exp. And Processing)
44. Hoang Long Seafood Processing Company Limited (also known as HLS, Hoang Long, Hoang Long Seafood, HoangLong Seafood, or Hoang Long Seafood Processing Co., Ltd.)
45. Hong Ngoc Seafood Co., Ltd
46. Hung Phuc Thinh Food Jsc
47. Hung Vuong—Mien Tay Aquaculture Corporation (HVMT or Hung Vuong Mien Tay Aquaculture Joint Stock Company)
48. Hung Vuong Seafood Joint Stock Company
49. Hungca Co., Ltd
50. Lian Heng Trading Co. Ltd. (also known as Lian Heng, Lian Heng Trading, Lian Heng Investment Co. Ltd., or Lian Heng Investment)
51. Mekong Seafood Connection Co., Ltd
52. Minh Phu Hau Giang Seafood Corp
53. Minh Phu Seafood Corp
54. Minh Qui Seafood Co., Ltd
55. Nam Phuong Seafood Co., Ltd. (also known as Nam Phuong, NAFISHCO, Nam Phuong Seafood, or Nam Phuong Seafood Company Ltd.)
56. New Food Import, Inc
57. Ngoc Ha Co. Ltd. Food Processing and Trading (also known as Ngoc Ha or Ngoc Ha Co., Ltd. Foods Processing and Trading)
58. Ngoc Tri Seafood Joint Stock
59. Nguyen Tran Seafood Company (also known as Nguyen Tran J–S Co)
60. Nha Trang Seafoods, Inc. (also known as Nha Trang Seafoods-F89, Nha Trang Seafoods, or Nha Trang Seaproduct Company)
61. NTACO Corporation (also known as NTACO or NTACO Corp.)
62. Phu Thanh Co., Ltd
63. Phu Thanh Hai Co. Ltd. (also known as PTH Seafood)
64. Phuc Tam Loi Fisheries Imp
65. PREFCO Distribution, LLC
66. Pufong Trading And Service Co
67. QMC Foods, Inc
68. Qn Seafood Co., Ltd
69. Quang Minh Seafood Company Limited (also known as Quang Minh, Quang Minh Seafood Co., Ltd., or Quang Minh Seafood Co.)
70. Quirch Foods, LLC
71. Riptide Foods
72. Saigon-Mekong Fishery Co., Ltd. (also known as SAMEFICO or Saigon Mekong Fishery Co., Ltd.)
73. Seafood Joint Stock Company No. 4 (also known as SEAPRIEXCO No. 4)
74. Seafood Joint Stock Company No. 4 Branch Dongtam Fisheries Processing Company (also known as DOTASEAFOODCO or Seafood Joint Stock Company No. 4—Branch Dong Tam Fisheries Processing Company)
75. Seavina Joint Stock Company (also known as Seavina)
76. Sobi Co., Ltd
77. Song Bien Co., Ltd
78. Southern Fishery Industries Company, Ltd. (also known as South Vina, South Vina Co., Ltd., Southern Fishery Industries Co., Ltd., Southern Fisheries Industries Company, Ltd., or Southern Fisheries Industries Company Limited)
79. Sunrise Corporation
80. Tam Le Food Co., Ltd
81. Tan Thanh Loi Frozen Food Co., Ltd
82. TG Fishery Holdings Corporation (also known as TG or Tg Fishery Holdings Corp.)
83. Thanh Dat Food Service And Trading
84. Thanh Hung Co., Ltd. (also known as Thanh Hung Frozen Seafood Processing Importn Export Co., Ltd. or Thanh Hung)
85. Thanh Phong Fisheries Corp
86. The Great Fish Company, LLC
87. Thien Ma Seafood Co., Ltd. (also known as THIMACO, Thien Ma, Thien Ma Seafood Company, Ltd., or Thien Ma Seafoods Co., Ltd.)
88. Thinh Hung Co., Ltd
89. Thuan An Production Trading and Service Co., Ltd. (also known as TAFISHCO, Thuan An Production Trading and Services Co., Ltd., or Thuan An Production Trading & Service Co., Ltd.)
90. Thuan Phuoc Seafoods and Trading Corporation
91. To Chau Joint Stock Company (also known as TOCHAU, TOCHAU JSC, or TOCHAU Joint Stock Company)
92. Trang Thuy Seafood Co., Ltd
93. Truong Phat Seafood Jsc
94. Van Y Corp
95. Viet Hai Seafood Company Limited (also known as Viet Hai, Viet Hai Seafood Co., Ltd., Viet Hai Seafood Co., Vietnam Fish-One Co., Ltd., or Fish One)
96. Viet Long Seafood Co., Ltd
97. Viet Phat Aquatic Products Co., Ltd
98. Viet Phu Foods & Fish Co., Ltd
99. Viet Phu Foods and Fish Corporation (also known as Vietphu, Viet Phu, Viet Phu Food and Fish Corporation, or Viet Phu Food & Fish Corporation)
100. Vietnam Seaproducts Joint Stock Company (also known as Seaprodex or Vietnam Seafood Corporation—Joint Stock Company)
101. Vif Seafood Factory
102. Vinh Long Import-Export Company (also known as Vinh Long, Imex Cuu Long, Vinh Long Import/Export Company)

[FR Doc. 2026–16553 Filed 8–12–26; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

Quarterly Update to Annual Listing of Foreign Government Subsidies on Articles of Cheese Subject to an In-Quota Rate of Duty

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

DATES: Comments must be submitted by September 30, 2026.

ADDRESSES: The U.S. Department of Commerce (Commerce) encourages any person having information on foreign government subsidy programs which benefit articles of cheese subject to an in-quota rate of duty to submit such information in writing. All comments must be submitted through the Federal eRulemaking Portal at *https://www.regulations.gov,* Docket No. ITA–2020–0005. The materials in the docket will not be edited to remove identifying or contact information, and Commerce cautions against including any information in an electronic submission that the submitter does not want publicly disclosed. Attachments to electronic comments will be accepted in Microsoft Word, Excel, or Adobe PDF formats only. All comments should be addressed to Christopher Abbott, Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance, at the U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Samuel Brummitt, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, telephone: (202) 482–7851.

SUPPLEMENTARY INFORMATION:

Background

On May 1, 2026, pursuant to section 702(h) of the Trade Agreements Act of 1979, as amended (the Act), Commerce published the quarterly update to the annual listing of foreign government subsidies on articles of cheese subject to an in-quota rate of duty covering the period October 1, 2025, through December 31, 2025.[1] In the *Fourth Quarter 2025 Update,* we requested that any party that had information on foreign government subsidy programs that benefited articles of cheese subject to an in-quota rate of duty submit such information to Commerce.[2] We received no comments, information, or requests for consultation from any party.

Pursuant to section 702(h) of the Act, we hereby provide Commerce's update of subsidies on articles of cheese that were imported during the period January 1, 2026, through March 31, 2026. The appendix to this notice lists

[1] *See Quarterly Update to Annual Listing of Foreign Government Subsidies on Articles of Cheese Subject to an In-Quota Rate of Duty,* 91 FR 23392 (May 1, 2026) (*Fourth Quarter 2025 Update*).

[2] *Id.*

the country, the subsidy program or programs, and the gross and net amounts of each subsidy for which information is currently available. Commerce will incorporate additional programs which are found to constitute subsidies, and additional information on the subsidy programs listed, as the information is developed.

Notification to Interested Parties

This determination and notice are in accordance with section 702(a) of the Act.

Dated: August 7, 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

SUBSIDY PROGRAMS ON CHEESE SUBJECT TO AN IN-QUOTA RATE OF DUTY

Country	Program(s)	Gross [3] Subsidy ($/lb.)	Net [4] Subsidy ($/lb.)
27 European Union Member States [5]	European Union Restitution Payments	$ 0.00	$ 0.00
Canada	Export Assistance on Certain Types of Cheese	0.47	0.47
Norway	Indirect (Milk) Subsidy Consumer Subsidy	0.00	0.00
		$ 0.00	$ 0.00
	Total	0.00	0.00
Switzerland	Deficiency Payments	0.00	0.00

[FR Doc. 2026–16550 Filed 8–12–26; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Aluminum Import Monitoring and Analysis System

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on May 15, 2026, during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: International Trade Administration, Commerce.

Title: Aluminum Import Monitoring and Analysis System.

OMB Control Number: 0625–0279.

Form Number(s): ITA–4142a (regular license); ITA–4142b (low-value license).

Type of Request: Regular submission, extension of a current information collection.

Number of Respondents: 4,650.

Average Hours per Response: Less than 10.5 minutes.

Burden Hours: 35,633 hours, including 525 burden hours for low-value licenses.

Needs and Uses: In order to monitor aluminum imports in real-time and to provide the public with real-time data, the Department of Commerce must collect and provide timely aggregated summaries about these imports. The Aluminum Import License is the tool used to collect the necessary information. The Census Bureau currently collects import data and disseminates aggregate information about aluminum imports. However, the time required to collect, process, and disseminate this information through Census can take up to 45 days after importation of the product, giving interested parties and the public far less time to respond to injurious sales.

Comments were received during the 60-day notice period from the Aluminum Association. Those comments indicated that import license program was valuable, has utility and has reasonable and modest burden hours. The suggestions to enhance the utility of the data collected fall outside of the current scope of the renewal of the licensing system. No further actions to minimize the reporting burden hours were suggested.

Affected Public: Business or other for-profit organizations.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

Legal Authority: 13 U.S.C. 301(a) and 302.

This information collection request may be viewed at *www.reginfo.gov*. Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function and entering either the title of the collection or the OMB Control Number 0625–0279.

Sheleen Dumas,

Departmental PRA Compliance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.

[FR Doc. 2026–16473 Filed 8–12–26; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XF914]

Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Geophysical Surveys Related to Oil and Gas Activities in the Gulf of America

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

[3] Defined in 19 U.S.C. 1677(5).

[4] Defined in 19 U.S.C. 1677(6).

[5] The 27 member states of the European Union are: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, and Sweden.

ACTION: Notice; issuance of letter of authorization.

SUMMARY: In accordance with the Marine Mammal Protection Act (MMPA), as amended, its implementing regulations, and NMFS' MMPA regulations for taking marine mammals incidental to geophysical surveys related to oil and gas activities in the Gulf of America (GOA), notification is hereby given that a Letter of Authorization (LOA) has been issued to WesternGeco, LLC (WesternGeco) for the take of marine mammals incidental to geophysical survey activity in the GOA.

DATES: The LOA is effective from August 11, 2026 through August 30, 2027.

ADDRESSES: The LOA, LOA request, and supporting documentation are available online at: *https://www.fisheries.noaa.gov/action/incidental-take-authorization-oil-and-gas-industry-geophysical-survey-activity-gulf-mexico.* In case of problems accessing these documents, please call the contact listed below (see **FOR FURTHER INFORMATION CONTACT**).

FOR FURTHER INFORMATION CONTACT: Alyssa Clevenstine, Office of Protected Resources, NMFS, (301) 427–8401.

SUPPLEMENTARY INFORMATION:

Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

An authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth. NMFS has defined ''negligible impact'' in 50 CFR 216.103 as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.

Except with respect to certain activities not pertinent here, the MMPA defines ''harassment'' as: any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

On January 19, 2021, we issued a final rule with regulations to govern the unintentional taking of marine mammals incidental to geophysical survey activities conducted by oil and gas industry operators, and those persons authorized to conduct activities on their behalf (collectively ''industry operators''), in U.S. waters of the GOA [1] over the course of 5 years (86 FR 5322, January 19, 2021). The rule was based on our findings that the total taking from the specified activities over the 5-year period will have a negligible impact on the affected species or stock(s) of marine mammals and will not have an unmitigable adverse impact on the availability of those species or stocks for subsistence uses, and became effective on April 19, 2021.

The regulations at 50 CFR 217.180 *et seq.* allow for the issuance of LOAs to industry operators for the incidental take of marine mammals during geophysical survey activities and prescribe the permissible methods of taking and other means of effecting the least practicable adverse impact on marine mammal species or stocks and their habitat (often referred to as mitigation), as well as requirements pertaining to the monitoring and reporting of such taking. Under 50 CFR 217.186(e), issuance of an LOA shall be based on a determination that the level of taking will be consistent with the findings made for the total taking allowable under these regulations and a determination that the amount of take authorized under the LOA is of no more than small numbers.

NMFS subsequently discovered that the 2021 rule was based on erroneous take estimates. We conducted another rulemaking using correct take estimates and other newly available and pertinent information relevant to the analyses supporting some of the findings in the 2021 final rule and the taking allowable under the regulations. We issued a final rule in April 2024, effective May 24, 2024 (89 FR 31488, April 24, 2024).

On August 28, 2025, NMFS Office of Protected Resources (OPR) received a request from NMFS Office of Policy (Policy) for reimplementation of the current Incidental Take Regulation (ITR) to avoid a lapse in ITRs offering incidental take coverage for GOA geophysical survey activities. On October 20, 2025, Bureau of Ocean Energy Management (the original petitioner for the current ITRs) submitted a request to be included in the process as a co-petitioner. In response to these requests, NMFS issued a new final rule, effective April 20, 2026, through April 19, 2031 (91 FR 20784, April 17, 2026).

The reimplementation of the regulations continues the established framework for authorization of incidental take through LOAs. The final rule made no changes to the specified activities or the specified geographical region in which those activities would be conducted, and there are no changes to the associated mitigation, monitoring, and reporting requirements.

Summary of Request and Analysis

WesternGeco plans to conduct a long offset sparse bottom node (OBN) survey over 1,023 lease blocks in the Keathley Canyon, Alaminos Canyon, Garden Banks, and East Banks areas, with water depths ranging from approximately 900 to 3,000 meters (m). See section F of the LOA application for a map of the area. WesternGeco anticipates using two source vessels with either a conventional airgun array source consisting of 28 elements with a total volume of 5,000 cubic inches (in^3) (0.082 cubic meter) or a low-frequency tuned pulse source (TPS) in tandem with a conventional 28-element, 5,000 in^3 airgun array. Each source vessel will be towing identical sources but the sources will not be used simultaneously. Please see the LOA application for additional detail.

The TPS was not included in the acoustic exposure modeling developed in support of the rule; however, the TPS was previously described and evaluated in support of previous LOAs (86 FR 37309, 37310, July 15, 2021; 87 FR 55790, 55791, September 12, 2022). We rely on the prior analyses for the TPS here. For additional details regarding sources, see section C of the LOA application. Based on this information we have determined there will be no effects of a magnitude or intensity different from those evaluated in

[1] Pursuant to Executive Order 14172, ''Restoring Names That Honor American Greatness,'' and Department of the Interior Secretarial Order 3423, ''The Gulf of America,'' the body of water formerly known as the Gulf of Mexico is now called the Gulf of America. Accordingly, NMFS amended the incidental take regulations to reflect the change. See 90 FR 38001 (August 7, 2025).

support of the rule. Because WesternGeco's proposed survey plan includes use of the TPS paired with the conventional 5,000 in^3 airgun array (they do not plan to use the TPS source by itself), the 5,000 in^3 airgun array was used to evaluate take as it is the most impactful source planned for use.

Consistent with the preamble to the final rule, the survey effort proposed by WesternGeco in its LOA request was used to develop LOA-specific take estimates based on the acoustic exposure modeling results described in the preamble (91 FR 20784, April 17, 2026). In order to generate the appropriate take number for authorization, the following information was considered: (1) survey type; (2) location (by modeling zone; [2]) (3) number of days; (4) source; and (5) month.[3] To determine the most appropriate proxy array from the exposure modeling, the directionally dependent source level in a plane parallel to the sea surface was compared to the three airgun array sources which were originally modeled, including the 4,130, 5,110, and 8,000 in^3 arrays. Out of these three proxies, the source which had the smallest relative error (arithmetic mean difference taken over the azimuthal or vessel bearing angle) was chosen as the most representative proxy. In this case, because WesternGeco plans to use the specified 28-element, 5,000 in^3 airgun array source, the 5,110 in^3 had the lowest mean error (1.1 decibels (dB)) and was the airgun array proxy that was selected as most appropriate for the planned survey. The acoustic exposure modeling performed in support of the rule provides 24-hour exposure estimates for each species, specific to each modeled source and survey type in each zone and month.

No OBN surveys were included in the modeled survey types, and use of existing proxies (*i.e.,* two-dimensional (2D), three-dimensional (3D) narrow-azimuth (NAZ), 3D wide-azimuth (WAZ), Coil) is generally conservative for use in evaluation of 3D OBN survey effort, largely due to the greater area covered by the modeled proxies. Summary descriptions of these modeled survey geometries are available in the preamble to the proposed rule (91 FR 9014, 9018, February 24, 2026). Coil was selected as the best available proxy survey type in this case because the spatial coverage of the planned survey is most similar to the coil survey pattern. The planned OBN survey will involve two source vessels sailing along closely spaced survey lines, with daily survey area coverage of approximately 66 square kilometers (km^2) per day (33 km^2 per day per vessel), most similar to that assumed for the coil survey proxy. Among the different parameters of the modeled survey patterns (*e.g.,* area covered, line spacing, number of sources, shot interval, total simulated pulses), NMFS considers area covered per day to be most influential on daily modeled exposures exceeding Level B harassment criteria. Although WesternGeco is not proposing to perform a survey using the coil geometry, the coil proxy is most representative of the effort planned by WesternGeco in terms of predicted Level B harassment exposures.

The survey will take place over approximately 150 days with 100 days of sound source operation, with approximately 7 days planned in Zone 5, 68 days planned in Zone 6, and approximately 25 days planned in Zone 7. The monthly distribution of survey days is not known in advance, though we assume that the planned 100 days of source operation would occur contiguously. Take estimates for each species are based on the time period that produces the greatest value.

For the Rice's whale, take estimates based on the modeling yielded results that are not realistically likely to occur when considered in light of other relevant information concerning Rice's whale habitat preferences considered during the rulemaking process. NMFS' 2026 proposed rule provided detailed discussion regarding Rice's whale habitat (see 91 FR 9014, 9026, February 24, 2026). In summary, recent survey data, sightings, and acoustic data support Rice's whale occurrence in waters throughout the GOA between approximately 100 m and 400 m depth along the continental shelf break, and associated habitat-based density modeling has identified similar habitat (*i.e.,* approximately 100–400 m water depths along the continental shelf break) as being Rice's whale habitat (Garrison *et al.,* 2023; Soldevilla *et al.,* 2022, 2024).

Although Rice's whales may occur outside of the general depth range expected to provide suitable habitat, we expect that any such occurrence would be rare. WesternGeco's planned activities will occur in water depths of approximately 900–3,000 m in the central GOA. Thus, NMFS does not expect that take of Rice's whale is likely in association with this survey and, accordingly, does not authorize take of Rice's whale through the LOA.

Based on the results of our analysis, NMFS has determined that the level of taking expected for this survey and authorized through the LOA is consistent with the findings made for the total taking allowable under the regulations. See table 1 in this notice and table 7 of the rule (91 FR 20784, April 17, 2026).

Small Numbers Determination

Under the rule, NMFS may not authorize incidental take of marine mammals in an LOA if it will exceed ''small numbers.'' In short, when an acceptable estimate of the individual marine mammals taken is available, if the estimated number of individual animals taken is up to, but not greater than, one-third of the best available abundance estimate, NMFS will determine that the numbers of marine mammals taken of a species or stock are small (see 91 FR 20784, April 17, 2026). For more information, please see NMFS' discussion of small numbers in the 2026 final rule (91 FR 20784, April 17, 2026).

The take numbers for authorization are determined as described above in the Summary of Request and Analysis section. Subsequently, the total incidents of harassment for each species are multiplied by scalar ratios (except in the cases where the take estimate has been rounded up to reflect a group size) to produce a derived product that better reflects the number of individuals likely to be taken within a survey (as compared to the total number of instances of take), accounting for the likelihood that some individual marine mammals may be taken on more than 1 day (see 91 FR 20784, April 17, 2026). The output of this scaling, where appropriate, is incorporated into adjusted total take estimates that are the basis for NMFS' small numbers determinations, as depicted in table 1.

This product is used by NMFS in making the necessary small numbers determinations through comparison with the best available abundance estimates (see discussion at 91 FR 20784, 20812, April 17, 2026). For this comparison, NMFS' approach is to use the maximum theoretical population, determined through review of current stock assessment reports (SAR; *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments*) and model-predicted abundance information (*https://seamap.env.duke.edu/models/Duke/GOM/*). Information supporting

[2] For purposes of acoustic exposure modeling, the GOA was divided into seven zones. Zone 1 is not included in the geographic scope of the rule.

[3] Acoustic propagation modeling was performed for two seasons: Winter (December–March) and Summer (April–November). Marine mammal density data is generally available on a monthly basis, and therefore further refines take estimates temporally.

the small numbers determinations is provided in table 1.

TABLE 1—TAKE ANALYSIS

Species	Authorized take	Scaled take [1]	Abundance [2]	Percent abundance
Rice's whale	0	N/A	51	N/A
Sperm whale	757	320	2,451	13.1
Kogia spp	[3] 351	106	1,385	9.2
Beaked whales	520	52	1,038	5.1
Rough-toothed dolphin	1,970	566	4,853	11.7
Bottlenose dolphin	2,334	670	166,538	<1
Clymene dolphin	3,390	973	6,136	15.9
Atlantic spotted dolphin	3,680	1,056	21,506	4.9
Pantropical spotted dolphin	17,612	5,055	50,209	10.1
Spinner dolphin	[4] 152	N/A	2,991	5.1
Striped dolphin	4,054	1,163	16,102	7.2
Fraser's dolphin	799	229	1,665	13.8
Risso's dolphin	525	155	1,974	7.8
Blackfish [5]	5,596	1,651	9,535	17.3
Short-finned pilot whale	2,276	671	3,277	20.5

[1] Scalar ratios were applied to ''Authorized Take'' values as described at 91 FR 20784 (April 17, 2026) to derive scaled take numbers shown here.
[2] Best abundance estimate. For most taxa, the best abundance estimate for purposes of comparison with take estimates is considered here to be the model-predicted abundance (Garrison *et al.,* 2023). For Rice's whale, Atlantic spotted dolphin, spinner dolphin, and Risso's dolphin, the estimated SAR abundance estimate is used.
[3] Includes 21 takes by Level A harassment and 330 takes by Level B harassment. Scalar ratio is applied to takes by Level B harassment only; small numbers determination made on basis of scaled Level B harassment take plus authorized Level A harassment take.
[4] Modeled take of 111 increased to account for potential encounter with a group of average size (Maze-Foley and Mullin, 2006).
[5] The ''blackfish'' guild includes melon-headed whales, false killer whales, pygmy killer whales, and killer whales.

Based on the analysis contained herein of WesternGeco's planned survey activity described in its LOA application and the anticipated take of marine mammals, NMFS finds that small numbers of marine mammals will be taken relative to the affected species or stock sizes (*i.e.,* less than one-third of the best available abundance estimate) and therefore the taking is of no more than small numbers.

Authorization

NMFS has determined that the level of taking for this LOA request is consistent with the findings made for the total taking allowable under the incidental take regulations and that the amount of take authorized under the LOA is of no more than small numbers. Accordingly, we have issued an LOA to WesternGeco authorizing the take of marine mammals incidental to its geophysical survey activity, as described above.

Dated: August 11, 2026.

Kimberly Damon-Randall,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2026–16552 Filed 8–12–26; 8:45 am]

BILLING CODE 3510–22–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Deletions from the Procurement List.

SUMMARY: This action deletes product(s) and service(s) from the Procurement List that were furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: *Date added to and deleted from the Procurement List:* September 12, 2026.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 250 E Street SW, Suite 3100, Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT:

For further information or to submit comments contact: Michael R. Jurkowski, Telephone: (703) 489–1322, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION:

Deletions

On July 9, 2026 (91 FR 42426), the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed deletions from the Procurement List. This notice is published pursuant to 41 U.S.C. 8503(a)(2) and 41 CFR 51–2.3.

After consideration of the relevant matter presented, the Committee has determined that the product(s) and service(s) listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action may result in authorizing small entities to furnish the product(s) and service(s) to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the product(s) and service(s) deleted from the Procurement List.

End of Certification

Accordingly, the following product(s) and service(s) are deleted from the Procurement List:

Product(s)

NSN(s)—Product Name(s):
5340–00–916–4206—Hanger, Magnetic, Picture, Gray, 3″ x 3″
7240–01–318–5222—Tripod Cradle, Military Fuel Can
Authorized Source of Supply: Sunshine Services, Knoxville, TN
Contracting Activity: GENERAL SERVICES ADMINISTRATION, GSA/FSS GREATER SOUTHWEST ACQUISITI
NSN(s)—Product Name(s): 3910–01–000–3015—Tow Pin, Steel Mail Cart, 26.5″
Authorized Source of Supply: Rauch, Inc., New Albany, IN
Contracting Activity: U.S. Postal Service, USPS, Topeka Purchasing Center
NSN(s)—Product Name(s):
7520–01–620–3315—Hole Punch, Paper, High-capacity, 3-Hole, Adjustable, 32 sheet capacity, Black Base, Metallic Handle
7520–01–620–3827—Hole Punch, Paper, Light Duty, 3-Hole, Adjustable, 10 sheet capacity, Black
7520–01–620–3828—Hole Punch, Paper, Light Duty, 3-Hole, Adjustable, 8 sheet capacity, Black
7520–01–620–3829—Hole Punch, Paper, Light Duty, 3-Hole, Adjustable, 10 sheet capacity, Metallic Base, Black Handle
7520–01–620–8390—Hole Punch, Paper, Desktop, 3-Hole, Adjustable, 15 sheet capacity, Metallic Base, Black Grip
Authorized Source of Supply: Access: Supports for Living Inc., Middletown, NY
Contracting Activity: GENERAL SERVICES ADMINISTRATION, GSA/FAS ADMIN SVCS ACQUISITION BR(2
NSN(s)—Product Name(s): 8445–00–549–5363—Scarf, Woman's, U.S. Navy, White, 47″ x 10¾″
Authorized Source of Supply: LIONS INDUSTRIES FOR THE BLIND, INC, Kinston, NC
Contracting Activity: DEPT OF DEFENSE, DLA TROOP SUPPORT
NSN(s)—Product Name(s):
8465–01–465–2080—Woodland & Desert Pattern
8465–01–524–7639—Universal Pattern
Authorized Source of Supply: Winston-Salem Industries for the Blind, Inc, Winston-Salem, NC, Winston-Salem Industries for the Blind, Inc, Winston-Salem, NC
Contracting Activity: DEPT OF DEFENSE, W6QK ACC–APG NATICK, DEPT OF DEFENSE, DLA TROOP SUPPORT
NSN(s)—Product Name(s):
6505–01–575–8540—Rehydration Salts, Oral, Orange, 12.5g
6505–01–575–8578—Rehydration Salts, Oral, Pomegranate Acai Blueberry, 12.5g
Authorized Source of Supply: Alphapointe, Kansas City, MO
Contracting Activity: DEPT OF DEFENSE, DLA TROOP SUPPORT
NSN(s)—Product Name(s):
7930–01–436–8067—Cleaner, Extraction, Concentrate, 2 Liter
7910–01–513–2238—Pad, Floor Polishing Machine, Topline Speed Burnishing, 3200 Series, Peach, 14''
Authorized Source of Supply: Beacon Lighthouse, Inc., Wichita Falls, TX
Contracting Activity: VETERANS AFFAIRS, DEPARTMENT OF, STRATEGIC ACQUISITION CENTER

Service(s)

Service Type: Alarm Monitor and Reception Services
Mandatory For: U.S. Army, Defense Forensic Science Center and Forensic Exploitation Directorate, Fort Gillem, Forest Park, GA, 4930 N 31st Street, Gillem Enclave, Forest Park, GA
Authorized Source of Supply: Bobby Dodd Institute, Inc., Atlanta, GA
Contracting Activity: DEPT OF DEFENSE, W6QM MICC–FT EISENHOWER

Service(s)

Service Type: Third Party Logistics Service
Mandatory For: Product Manager Force Sustainment Services, Natick, MA, 15 Kansas Street, Natick, MA
Authorized Source of Supply: ReadyOne Industries, Inc., El Paso, TX
Contracting Activity: DEPT OF DEFENSE, W6QK ACC–APG NATICK

Service(s)

Service Type: Relooping of Link Tube Carrier
Mandatory For: U.S. Army, Army Contracting Command Rock Island, Rock Island, IL, Buildings 60 & 62, Rock Island, IL
Authorized Source of Supply: Rolling Hills Progress Center, Inc., Lanark, IL
Contracting Activity: DEPT OF DEFENSE, W4MM U.S.A. JOINT MUNITIONS CMD

Service(s)

Service Type: Transcription Service
Mandatory For: U.S. Navy, Naval Medical Logistics Command, Fort Detrick, MD, 693 Neiman Street, Fort Detrick, MD
Authorized Source of Supply: Lighthouse for the Blind of Houston, Houston, TX
Contracting Activity: DEPT OF DEFENSE, DEFENSE HEALTH AGENCY (DHA)

Michael R. Jurkowski,

Director, Business Operations.

[FR Doc. 2026–16475 Filed 8–12–26; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed deletions from the Procurement List.

SUMMARY: The Committee is proposing to delete products and service(s) from the Procurement List that were furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: Comments must be received on or before: September 12, 2026.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 250 E Street SW, Suite 3100, Washington DC, 20024.

FOR FURTHER INFORMATION CONTACT:

For further information or to submit comments contact: Michael R. Jurkowski, Telephone: (703) 489–1322, or email *CMTEFedReg@AbilityOne.gov*.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 8503(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Deletions

The following product(s) and service(s) are proposed for deletion from the Procurement List:

Product(s)

NSN(s)—Product Name(s): 5120–01–032–6042—Handle, Jack
Authorized Source of Supply: Sunshine Services, Knoxville, TN
Contracting Activity: DEPT OF DEFENSE, DLA AVIATION
NSN(s)—Product Name(s):
3895–01–135–2538—Handle Assembly
3895–00–498–8343—Reeling Machine, Cable Hand
Authorized Source of Supply: Sunshine Services, Knoxville, TN
Contracting Activity: DEPT OF DEFENSE, DLA TROOP SUPPORT
NSN(s)—Product Name(s): 5975–00–985–

6630—Strap, Tie Down, Electrical Component
Authorized Source of Supply: North Central Sight Services, Inc., Williamsport, PA
Contracting Activity: DEPT OF DEFENSE, DLA AVIATION

Service(s)

Service Type: Laundry Services
Mandatory For: USDA, National Centers for Animal Health (NCAH), Ames, IA, 1920 Dayton Avenue, Ames, IA
Authorized Source of Supply: CW Resources, Inc., New Britain, CT
Contracting Activity: DEPARTMENT OF AGRICULTURE, USDA APHIS MRPBS

Service Type: Linen Rental Service
Mandatory For: Court Services and Offender Supervision Agency, CSOSA Reentry & Sanctions Center, Washington, DC, 633 Indiana Avenue NW, Room 892C, Washington, DC
Authorized Source of Supply: Louise W. Eggleston Center, Inc., Norfolk, VA
Contracting Activity: COURT SERVICES AND OFFENDER SUPERVISION AGENCY

Service Type: Telephone Switchboard Operations
Mandatory For: Department of Veterans Affairs, Erie VA Medical Center, Erie, PA, 135 East 38th Street, Erie, PA
Authorized Source of Supply: VIA VISUALLY IMPAIRED ADVANCEMENT, Buffalo, NY
Contracting Activity: VETERANS AFFAIRS, DEPARTMENT OF, 244–NETWORK CONTRACT OFC 4 (00244)

Michael R. Jurkowski,

Director, Business Operations.

[FR Doc. 2026–16474 Filed 8–12–26; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF DEFENSE

Department of the Army

[Docket ID: USA–2026–HQ–0562]

Proposed Collection; Comment Request

AGENCY: Department of the Army, Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Army Research Institute (ARI) for the Behavioral and Social Sciences announces a 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 13, 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 U.S. Army Research Institute for the Behavioral and Social Sciences, 6000 6th Street BLDG 1464, Ft. Belvoir, VA 22060, ATTN: Dr. Alissa Fleming, 703–545–2367.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Personality Personnel Assessment; OMB Control Number 0702–APPA.

Needs and Uses: The Army uses personality assessments alongside cognitive testing to help place personnel in the right roles. To keep these assessments accurate and effective, they must be regularly updated. However, active-duty personnel are often fully committed to missions, making it difficult to collect feedback. This proposed study focuses on testing and calibrating the questions themselves, allowing researchers to use civilian participant groups that match Army demographics. This approach preserves operational readiness while ensuring the assessments remain scientifically valid.

Affected Public: Individuals or households.

Part A Assessment

Annual Burden Hours: 4,500.
Number of Respondents: 2,250.
Responses per Respondent: 2.
Annual Responses: 4,500.
Average Burden per Response: 60 minutes.

Part B Screener

AnnuaL Burden Hours: 133.
Number of Respondents: 4,000.
Responses per Respondent: 1.
Annual Responses: 4,000.
Average Burden per Response: 2 minutes.

Part B Assessment

Annual Burden Hours: 2,000.
Number of Respondents: 2,000.
Responses per Respondent: 1.
Annual Responses: 2,000.
Average Burden per Response: 60 minutes.

Total

Annual Burden Hours: 6,633.
Number of Respondents: 6,250 (2,250 in Part A and 4,000 in Part B).
Annual Responses: 10,500.
Frequency: On occasion.

Dated: August 11, 2026.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2026–16530 Filed 8–12–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Demonstration Project on Reimbursement for the Cryopreservation and Storage of Gametes of Certain Members of the Armed Forces; Department of Defense (DoD)

AGENCY: Defense Health Agency (DHA), DoD.

ACTION: Notice of demonstration project.

SUMMARY: The Assistant Secretary of War for Health Affairs issues this notice announcing implementation of a three-year demonstration project to provide reimbursement for cryopreservation of gametes for certain eligible servicemembers in accordance with Section 709 of the Servicemember Quality of Life Improvement and National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2025, (Pub. L. 118–159). This demonstration project is intended to evaluate the utility, feasibility and cost of providing reimbursement for retrieval, cryopreservation, shipping and storage

of gametes for eligible covered members. For purposes of this demonstration program, a covered member means a member of the Army, Navy, Marine Corps, Air Force, or Space Force serving on active duty who has either received orders (including deployment orders) for duty for which the member may receive hazardous duty pay; whom the Secretary determines is likely to receive such orders in the next 120 days; or who will, under orders, be geographically separated from a spouse, domestic partner, or dating partner for a period of not less than 180 days, including sea duty.

DATES: The demonstration will commence September 14, 2026 and will be conducted for a period of three years unless extended by subsequent notice.

FOR FURTHER INFORMATION CONTACT: Maj Kathleen Pombier, DHA, Medical Affairs, 703–681–0083, *dha.ncr.medical-affairs.mbx.dha-cryopreservation-demo@health.mil,* or visit *https://dha.mil/CryopreservationDemo.*

SUPPLEMENTARY INFORMATION:

I. Background

Section 709 of the NDAA for FY 2025 requires the Department to conduct a demonstration project to reimburse covered members specifically for the cryopreservation of gametes. This demonstration project will allow the Department to evaluate covered member participation, cost trends, administrative feasibility, and potential long-term readiness impacts.

II. Description of Demonstration

(i) Covered Services and Eligibility

The demonstration authorizes reimbursement of the following services (''covered services''): gamete retrieval procedures (including associated medications, laboratory evaluation, and imaging); medical testing required for retrieval and cryopreservation; cryopreservation of gametes; shipping of gametes; and storage of gametes in an appropriate private storage facility during the demonstration period.

Participation is voluntary. As DHA does not have the ability to authenticate operational orders issued to covered members by their Military Department or Military Service, Commanders will validate eligibility under Section 709 and this notice. To receive reimbursement under this demonstration, covered members will need to obtain written Command attestation via DHA Form 459 (detailed below) indicating that they met one of the statutory eligibility conditions at the time covered services were rendered. Covered members must consult their unit's specific policies and procedures regarding participation in this program and to request any leave or permissive temporary duty, as necessary. Eligibility conditions are as follows:

(1) Has received orders (including deployment orders) for duty for which the covered member may receive hazardous duty pay under section 351 of title 37, United States Code;

(2) Whom the Secretary determines is likely to receive such orders in the next 120 days; or

(3) Who will, under orders, be geographically separated from a spouse, domestic partner, or dating partner for a period of not less than 180 days, including sea duty.

(ii) Service Delivery

Covered members meeting at least one of the eligibility criteria may obtain gamete cryopreservation service(s) from a provider of their selection. Covered services may be rendered either through military medical treatment facilities (MTFs) that have reproductive endocrinology and infertility (REI) programs, or through a civilian fertility clinic of the covered member's choosing. The use of MTFs is encouraged, and a list of participating MTFs are listed here: *https://tricare.mil/CoveredServices/IsItCovered/AssistedReproductiveServices.* Civilian providers are not required to be TRICARE authorized. Information regarding civilian providers will be made available on the program website.

Note, REI covered services provided at these MTFs are generally first-come, first-serve, and individual locations may not be able to accommodate covered services in a timeline that aligns with the covered member's pertinent orders. There is no requirement for MTFs to provide preference for covered members participating in this program. There is also variability as to the scope of Assisted Reproductive Technology (ART) performed within each MTF as well as the cost to the beneficiary for components of care that are not provided by the MTF or DoD health care providers based upon the specific private-sector collaboration. Reimbursement is available only for covered services paid for by the covered member.

(iii) Reimbursement Process

Except for recurring storage fees or subsequent shipping costs, for covered members meeting the first two eligibility criteria (orders (including deployment orders) for duty for which the covered member may receive hazardous duty pay; or likely to receive such orders), all cryopreservation service(s) (testing, gamete retrieval procedures, cryopreservation of gametes), must be obtained prior to the start date of the pertinent orders (*e.g.,* prior to deployment) to be eligible for reimbursement. For covered members meeting the third eligibility criteria (those who will, under orders, be geographically separated from a spouse, domestic partner, or dating partner for a period of not less than 180 days, including sea duty), cryopreservation service(s) may be obtained either prior to the geographic separation start date or during the period of geographic separation should such covered services be available at the location where the covered member has been sent on orders. Reimbursement for recurring storage fees or shipping during the course of the demonstration may be processed separately.

There is no requirement to meet eligibility criteria again for reimbursement of subsequent shipping or storage costs not incurred at time of initial cryopreservation (*i.e.,* annual storage fees, transport of gametes at time of intended fertilization), covered members must have previously received reimbursement under this program. For those determined to be eligible and previously reimbursed under this program, storage and shipment costs will be reimbursed for the entirety of the program duration, up to statutory limitations.

At the time of request for reimbursement, the covered member's Commander (or designee) must attest, via DHA Form 459, that on the date the medical covered services for which the covered member is seeking reimbursement were rendered (except for recurring storage or shipping as outlined), that the covered member met eligibility criteria. Reimbursement must be sought within 120 days from the date which covered services were rendered (*e.g.,* 120 days from the date gamete retrieval, 120 days from the date of laboratory procedure, 120 days from receipt of prescription, etc.) and may be submitted as separate requests throughout the process or as a single consolidated request for reimbursement within 120 days of the completion of gamete retrieval and cryopreservation. To receive reimbursement, the covered member must complete DHA Form 459, sign, and submit proof of payment to *dha.ncr.medical-affairs.mbx.dha-cryopreservation-demo@health.mil.*

- This form is available on the program website.
- Covered members must provide complete, itemized invoices reflecting

the dates of the covered services provided for all covered services submitted for reimbursement.

- DHA Form 459 must be completed and signed by the covered member and their Commander (or designee).
- Incomplete forms or forms submitted more than 120 days after the covered services were rendered to the member will be denied. Participating covered members will receive reimbursement upon review and processing of required invoices and documentation.

(iv) Reimbursement Limitations

Reimbursement is limited to $500 per year for sperm cryopreservation services and $10,000 per year for oocyte cryopreservation services, as established in statute. For purposes of the per year cap on reimbursement, a one-year period will be individualized for each covered member and measured from the first date on which reimbursable covered services are rendered. The one-year period will include any additional requests for reimbursement of costs incurred by the covered member within the 365-day window. Any claims for reimbursement for covered services provided in subsequent years will be processed in a similar manner. As this is a reimbursement demonstration, clear rules are required so that covered members have a precise understanding of what will be reimbursable and how the annual caps will be applied to their claims.

A covered member may participate more than once during the three year program duration, so long as they meet the eligibility criteria (*i.e.,* have, or anticipate having, new orders (including deployment orders) for duty for which the covered member may receive hazardous duty pay; or who will, under orders, be geographically separated from a spouse, domestic partner, or dating partner for a period of not less than 180 days, including sea duty) and remain under annual coverage limitations.

Services dated prior to program initiation or after program termination are not eligible for reimbursement. This includes new costs for storage or shipment incurred after termination of the program.

(v) Program Considerations

Participants are required to attest to having an advanced medical directive specifying disposition of gametes upon death. Covered members should consult their local legal assistance office for assistance in completing an advanced medical directive.

(vi) Program Evaluation

The demonstration will be evaluated using the following measures: participation rates, including by covered Armed Force and deployment status; total cost and cost per participant; administrative burden and claims processing outcomes; covered member experience and satisfaction; and impact on perceived readiness and retention indicators.

III. Demonstration Limitations

- The program covers only the categories of services listed, also known as ''covered services''. A list of possible services covered is provided on the cryopreservation demonstration website, available at *https://dha.mil/CryopreservationDemo;* anything not included on this list will be reviewed on a case-by-case basis. No other services—such as embryo creation, in-vitro fertilization, or other elective procedures—are eligible for reimbursement.
- The Department is not a party to any agreement between a covered member and a private medical or storage provider and assumes no liability related to gamete handling or storage conditions. Decisions regarding continued storage, disposition, or later use of gametes are solely the responsibility of the covered member and outside the scope of the program.
- All covered services must be rendered prior to or on the final date of the demonstration program; requests for reimbursement will be accepted up to 30 days thereafter. Any costs, including storage, incurred after the end of this program are not eligible for reimbursement.
- Reimbursement is limited to services provided to eligible covered members.
- Participating covered members must be on active duty in one of the covered Armed Forces (*i.e.,* Army, Navy, Marine Corps, Air Force, or Space Force), during the provision of covered services and at the point of reimbursement.
- Decisions regarding continued storage following the end of the demonstration program, as well as later use and disposition of gametes, are solely a responsibility of the covered member, and outside the scope of this program.

IV. Demonstration Duration

This demonstration project will operate for three years, beginning on the effective date specified above. The Department may extend or modify the demonstration based on evaluation results or statutory requirements.

Dated: August 11, 2026.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2026–16533 Filed 8–12–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2026–OS–0826]

Submission for OMB Review; Comment Request

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness (OUSD(P&R)), Department of Defense (DoD).

ACTION: 30-Day information collection notice.

SUMMARY: The DoD (referred to herein as ''the Department'', ''Department of War'' or ''DoW'') has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by September 14, 2026.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Reginald Lucas, (571) 372–7574, *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: ''Data for Payment of Retired Pay'' DD Form 2656, ''Reserve Component Survivor Benefit Plan (RCSBP) Election Certificate'' DD Form 2656–5, ''Survivor Benefit Plan (SBP)/Reserve Component Survivor Benefit Plan (RCSBP) Election Change Certificate'' DD Form 2656–6, ''Verification for Survivor Annuity'' DD Form 2656–7, ''Survivor Benefit Plan (SBP)/Reserve Component Survivor Benefit Plan (RCSBP)—Automatic Coverage Fact Sheet'' DD Form 2656–8, ''Survivor Benefit Plan (SBP) Former Spouse Request for Deemed Election'' DD Form 2656–10; OMB Control Number 0704–0569.

Type of Request: Revision.

Number of Respondents: 10,950.

Responses per Respondent: 1.

Annual Responses: 10,950.

Average Burden per Response: 15 minutes.

Annual Burden Hours: 27,738.

Needs and Uses: This information collection requirement is necessary for the Department of Defense to collect information regarding a uniformed service member's military retired pay and their election to participate in and designate beneficiaries under the Survivor Benefit Plan (SBP or RCSBP), as well as elections of the eligible family member(s) or Insurable Interest Beneficiary to receive coverage under SBP or RCSBP.

Affected Public: Individuals or households.

Frequency: As required.

Respondent's Obligation: Voluntary.

DoD Clearance Officer: Mr. Reginald Lucas.

Dated: August 11, 2026.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2026–16529 Filed 8–12–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2026–SCC–2674]

Agency Information Collection Activities; Comment Request; National Special Education Spending Study

AGENCY: National Center for Education Statistics (NCES), Institute of Education Sciences (IES), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995, the Department is proposing a new information collection request (ICR).

DATES: Interested persons are invited to submit comments on or before October 13, 2026.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2026–SCC–2674. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the *regulations.gov*site is not available to the public for any reason, the Department will temporarily accept comments at *ICDocketMgr@ed.gov.* Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. Please note that comments submitted after the comment period will not be accepted. Written requests for information or comments submitted by postal mail or delivery should be addressed to the National Center for Education Evaluation, U.S. Department of Education, 400 Maryland Ave. SW, LBJ, Room 5C133, Washington, DC 20202–1200.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Matt Soldner, (202) 453–7441.

SUPPLEMENTARY INFORMATION: The Department, in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. The Department is soliciting comments on the proposed information collection request (ICR) that is described below. The Department is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: National Special Education Spending Study.

OMB Control Number: 1850–1000.

Type of Review: Revision of a currently approved collection.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 14,956.

Total Estimated Number of Annual Burden Hours: 15,406.

Abstract: The Institute of Education Sciences (IES), within the U.S. Department of Education (ED), requests clearance from the Office of Management and Budget (OMB) for data collection activities for the National Study of Special Education Spending—Full Study (NSSES). The study will produce national estimates of spending on special education services for students with disabilities (SWDs), including expenditures made by states, districts, and schools, and provide policymakers and education leaders with critical information on the factors that influence special education spending, what this spending pays for, and to what extent federal appropriations from the Individuals with Disabilities Education Act of 2004 (IDEA) cover special education spending.

IES previously received OMB approval for the study's recruitment and sampling activities (OMB #1850–1000). That approval supported developing a nationally representative sample of local education agencies (LEAs) and schools; contacting state education agencies (SEAs) and LEAs to secure their participation; and collecting the directory and enrollment data needed to sample students. IES contracted with the American Institutes for Research® (AIR®) and its partner organizations—the National Opinion Research Center at the University of Chicago (NORC) and Allovue, a PowerSchool company (Allovue)—for the study's design, pilot study, and initial recruitment activities for the full study. IES will contract with an organization to carry out the full study's data collection.

This request covers the full study's data collection activities, including surveys of SEA staff, LEA administrators, and school-based personnel, as well as collecting financial data from LEAs. These data collection activities will take place during the 2026–27 and 2027–28 school years and are designed to produce nationally representative estimates of special education spending overall and by student disability category, LEA and student characteristics, and geographic context. All collection activities support the NSSES. District-level financial data files may also support future intramural or extramural research on district-level spending and use of funds.

The data collection plan and survey instruments were developed and refined through an OMB-approved pilot study (OMB #1850–0952 v.10, v.12), which tested recruitment strategies, survey content, and data collection procedures. Pilot study findings informed revisions to the study design, including improvements to data collection

instruments and procedures to reduce burden and enhance data quality.

Ross Santy,

Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2026–16541 Filed 8–12–26; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Paducah; Correction

AGENCY: Office of Environmental Management, Department of Energy.

ACTION: Notice of open meeting: correction.

SUMMARY: On July 21, 2026, the Department of Energy published a notice of open meeting announcing a meeting on August 20, 2026, of the Environmental Management Site-Specific Advisory Board (EM SSAB), Paducah. This document makes a location correction to that notice. The meeting will be held virtually rather than in person.

FOR FURTHER INFORMATION CONTACT: Zachary Boyarski by Phone: (270) 441–6812 or Email: *Zachary.Boyarski@pppo.gov.*

SUPPLEMENTARY INFORMATION:

Correction

In the **Federal Register** of July 21, 2026, in FR Doc. 2026–14658, on page 45798, in the third column, correct the **ADDRESSES** caption to read:

ADDRESSES: To register to attend and receive the virtual access information which is needed to provide oral public comment, please send an email to: *Zachary.Boyarski@pppo.gov* no later than 3 p.m. CDT on Tuesday, August 16, 2026. The meeting can be observed via live streaming on YouTube at *https://www.youtube.com/@pppoadvisoryboards8584*; no registration is necessary.

Signing Authority: This document of the Department of Energy was signed on August 11, 2026, 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 11, 2026.

Treena V. Garrett,

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

[FR Doc. 2026–16518 Filed 8–12–26; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG26–289–000.
Applicants: Stellar Wright BESS LLC.
Description: Stellar Wright BESS LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.
Filed Date: 8/6/26.
Accession Number: 20260806–5160.
Comment Date: 5 p.m. ET 8/27/26.

Take notice that the Commission received the following Complaints and Compliance filings in EL Dockets:

Docket Numbers: EL26–95–000.
Applicants: Williams Power Innovation, LLC.
Description: Petition for Declaratory Order of Williams Power Innovation, LLC.
Filed Date: 7/28/26.
Accession Number: 20260728–5154.
Comment Date: 5 p.m. ET 8/27/26.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–2214–009.
Applicants: Zion Energy LLC.
Description: Refund Report: Refund Report to be effective N/A.
Filed Date: 8/7/26.
Accession Number: 20260807–5217.
Comment Date: 5 p.m. ET 8/28/26.

Docket Numbers: ER12–954–009.
Applicants: Calpine Mid Merit, LLC.
Description: Refund Report: Refund Report to be effective N/A.
Filed Date: 8/7/26.
Accession Number: 20260807–5208.
Comment Date: 5 p.m. ET 8/28/26.

Docket Numbers: ER12–1504–014; ER12–1502–014.
Applicants: Ironwood Windpower, LLC, Cimarron Windpower II, LLC.
Description: Notice of Non-Material Change in Status of Cimarron Windpower II, LLC, et al.
Filed Date: 7/30/26.
Accession Number: 20260730–5230.
Comment Date: 5 p.m. ET 8/20/26.

Docket Numbers: ER14–873–008.
Applicants: Calpine New Jersey Generation, LLC.
Description: Refund Report: Refund Report to be effective N/A.
Filed Date: 8/7/26.
Accession Number: 20260807–5211.
Comment Date: 5 p.m. ET 8/28/26.

Docket Numbers: ER14–874–007.
Applicants: Calpine Bethlehem, LLC.
Description: Refund Report: Refund Report to be effective N/A.
Filed Date: 8/7/26.
Accession Number: 20260807–5207.
Comment Date: 5 p.m. ET 8/28/26.

Docket Numbers: ER14–875–007.
Applicants: Calpine Mid-Atlantic Generation, LLC.
Description: Refund Report: Refund Report to be effective N/A.
Filed Date: 8/7/26.
Accession Number: 20260807–5205.
Comment Date: 5 p.m. ET 8/28/26.

Docket Numbers: ER15–2495–007.
Applicants: Calpine New Jersey Generation, LLC.
Description: Refund Report: Refund Report to be effective N/A.
Filed Date: 8/7/26.
Accession Number: 20260807–5213.
Comment Date: 5 p.m. ET 8/28/26.

Docket Numbers: ER17–2566–006.
Applicants: Calpine Mid-Atlantic Generation, LLC.
Description: Refund Report: Refund Report to be effective N/A.
Filed Date: 8/7/26.
Accession Number: 20260807–5206.
Comment Date: 5 p.m. ET 8/28/26.

Docket Numbers: ER19–2916–005.
Applicants: Calpine Mid-Merit II, LLC.
Description: Refund Report: Refund Report to be effective N/A.
Filed Date: 8/7/26.
Accession Number: 20260807–5210.
Comment Date: 5 p.m. ET 8/28/26.

Docket Numbers: ER22–1089–007.
Applicants: Jackson Generation, LLC.
Description: Refund Report: Refund Report to be effective N/A.
Filed Date: 8/10/26.
Accession Number: 20260810–5114.
Comment Date: 5 p.m. ET 8/31/26.

Docket Numbers: ER22–1482–003; ER23–1241–004; ER23–1517–003; ER25–2561–002; ER26–849–001; ER26–850–001; ER26–851–001.
Applicants: IP Easley II, LLC, IP Easley, LLC, IP Aramis, LLC, IP Energy Marketing, LLC, IP Oberon II, LLC, IP Oberon, LLC, Blythe Mesa Solar II, LLC.
Description: Notice of Change in Status of Blythe Mesa Solar II, LLC, et al.
Filed Date: 7/31/26.

Accession Number: 20260731–5309.
Comment Date: 5 p.m. ET 8/21/26.

Docket Numbers: ER24–1815–000.
Applicants: Calpine New Jersey Generation, LLC.
Description: Refund Report: Refund Report to be effective N/A.
Filed Date: 8/7/26.
Accession Number: 20260807–5214.
Comment Date: 5 p.m. ET 8/28/26.

Docket Numbers: ER25–1335–004.
Applicants: Elwood Energy LLC.
Description: Refund Report: Refund Report to be effective N/A.
Filed Date: 8/10/26.
Accession Number: 20260810–5113.
Comment Date: 5 p.m. ET 8/31/26.

Docket Numbers: ER26–2170–002.
Applicants: Kentucky Utilities Company.
Description: Compliance filing: Order N0. 898 Compliance Filing Amending Bardstown and Nicholasville Contracts to be effective 5/1/2026.
Filed Date: 8/10/26.
Accession Number: 20260810–5053.
Comment Date: 5 p.m. ET 8/31/26.

Docket Numbers: ER26–3463–000.
Applicants: Mid-Atlantic Interstate Transmission, LLC.
Description: § 205(d) Rate Filing: MAIT submits an Amended IA—SA No. 7182 to be effective 10/10/2026.
Filed Date: 8/10/26.
Accession Number: 20260810–5020.
Comment Date: 5 p.m. ET 8/31/26.

Docket Numbers: ER26–3464–000.
Applicants: American Transmission Systems, Incorporated.
Description: § 205(d) Rate Filing: ATSI submits an Amended Construction Agmt—SA No. 7281 to be effective 10/10/2026.
Filed Date: 8/10/26.
Accession Number: 20260810–5023.
Comment Date: 5 p.m. ET 8/31/26.

Docket Numbers: ER26–3465–000.
Applicants: Cheyenne Light, Fuel and Power Company.
Description: § 205(d) Rate Filing: Revisions to Rate Schedule No. 6, Western Consolidated Facilities Agreement to be effective 10/10/2026.
Filed Date: 8/10/26.
Accession Number: 20260810–5039.
Comment Date: 5 p.m. ET 8/31/26.

Docket Numbers: ER26–3466–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2026–08–10_SA 4283 Ameren Illinois-Moonshine Solar 1st Rev GIA (J1382) to be effective 7/30/2026.
Filed Date: 8/10/26.
Accession Number: 20260810–5065.
Comment Date: 5 p.m. ET 8/31/26.

Docket Numbers: ER26–3467–000.
Applicants: Cheyenne Light, Fuel and Power Company.
Description: § 205(d) Rate Filing: Filing of Standard LGIA with Cheyenne Light, Fuel and Power Company to be effective 8/5/2026.
Filed Date: 8/10/26.
Accession Number: 20260810–5071.
Comment Date: 5 p.m. ET 8/31/26.

Docket Numbers: ER26–3468–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2026–08–10_SA 4835 GRE-NextEra Energy GIA (E0022) to be effective 8/3/2026.
Filed Date: 8/10/26.
Accession Number: 20260810–5072.
Comment Date: 5 p.m. ET 8/31/26.

Docket Numbers: ER26–3469–000.
Applicants: American Transmission Systems, Incorporated.
Description: § 205(d) Rate Filing: ATSI Beaver Valley Joint Operating Agreement SA No. 7689 to be effective 10/10/2026.
Filed Date: 8/10/26.
Accession Number: 20260810–5087.
Comment Date: 5 p.m. ET 8/31/26.

Docket Numbers: ER26–3470–000.
Applicants: American Transmission Company LLC, Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: American Transmission Company LLC submits tariff filing per 35.13(a)(2)(iii: 2026–08–10_SA 4834 ATC-Invenergy Clean Power E&P (J4014) to be effective 8/11/2026.
Filed Date: 8/10/26.
Accession Number: 20260810–5098.
Comment Date: 5 p.m. ET 8/31/26.

Docket Numbers: ER26–3471–000.
Applicants: ISO New England Inc.
Description: ISO New England Inc. Capital Budget Quarterly Filing for Second Quarter of 2026.
Filed Date: 8/7/26.
Accession Number: 20260807–5239.
Comment Date: 5 p.m. ET 8/28/26.

Docket Numbers: ER26–3472–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Original NSA, Service Agreement No. 8031; AF1–083 to be effective 10/10/2026.
Filed Date: 8/10/26.
Accession Number: 20260810–5126.
Comment Date: 5 p.m. ET 8/31/26.

Docket Numbers: ER26–3473–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Original NSA, Service Agreement No. 8037; AF1–050 to be effective 10/10/2026.
Filed Date: 8/10/26.
Accession Number: 20260810–5128.
Comment Date: 5 p.m. ET 8/31/26.

Docket Numbers: ER26–3474–000.
Applicants: Northern Indiana Public Service Company LLC, NiSource Generation Company LLC.
Description: Request for Authorization to Undertake Affiliate Sales of Northern Indiana Public Service Company LLC, et al.
Filed Date: 8/3/26.
Accession Number: 20260803–5277.
Comment Date: 5 p.m. ET 8/24/26.

Docket Numbers: ER26–3475–000.
Applicants: Northern Indiana Public Service Company LLC, NiSource Generation Company LLC.
Description: Request for Authorization to Undertake Affiliate Sales of Northern Indiana Public Service Company LLC, et al.
Filed Date: 8/3/26.
Accession Number: 20260803–5279.
Comment Date: 5 p.m. ET 8/24/26.

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: August 10, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026–16524 Filed 8–12–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 1388–082]

Southern California Edison Company; Notice of Intent To Prepare an Environmental Assessment

On January 29, 2025, Southern California Edison Company (SCE) filed an application to relicense the 11.25-megawatt Lee Vining Hydroelectric Project No. 1388–082. The existing project is located on both Lee Vining and Glacier Creeks in Inyo County, California, near the town of Lee Vining.

In accordance with the Commission's regulations, on May 28, 2026, Commission staff issued a notice that the project was ready for environmental analysis (REA Notice). Based on the information in the record, including comments filed on the REA Notice, staff does not anticipate that licensing the project would constitute a major federal action significantly affecting the quality of the human environment. Therefore, staff intends to prepare an environmental assessment (EA) on the application to relicense the project.[1]

The EA will be issued and circulated for review by all interested parties. All comments filed on the EA will be analyzed by staff and considered in the Commission's final licensing decision.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502–6595 or *OPP@ferc.gov.*

The application will be processed according to the following schedule. The EA will be issued for a 30-day comment period. Revisions to the schedule may be made as appropriate.

Milestone	Target date
Commission issues EA	August 7, 2027.

Any questions regarding this notice may be directed to Rebecca Kipp at (202) 502–8846 or *rebecca.kipp@ferc.gov.*

(Authority: 18 CFR 2.1)

Dated: August 7, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–16453 Filed 8–12–26; 8:45 am]

BILLING CODE 6717–01–P

[1] The unique identification number for documents relating to this environmental review is EAXX–019–20–000–1785748041.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD26–7–000]

PJM Governance and Stakeholder Reforms; Notice Regarding Dispute Resolution Procedures

On July 23, 2026, the Federal Energy Regulatory Commission (Commission) convened a Chairman and Commissioner-led technical conference to discuss PJM Interconnection, L.L.C.'s (PJM) governance and stakeholder processes, with a particular focus on identifying and evaluating concrete, actionable reforms to improve PJM's ability to address operational and market needs in a timely and efficient manner.

On July 30, 2026, the Secretary issued a notice inviting all interested persons to file post-conference comments to address issues raised during the conference on or before August 21, 2026.[1] As previewed in the July 30 Notice, this instant notice provides additional details regarding an alternative dispute resolution process.

Pursuant to section 385.601(a) of the Commission's regulations,[2] commencing on September 1, 2026, the Director of Dispute Resolution Services (DRS) will convene a forum to facilitate interest-based discussions on proposed reforms to PJM's governance and stakeholder processes. The objective of the forum is to gather feedback from PJM members and stakeholders, identify areas of consensus and divergence, and evaluate actionable reforms to inform a future filing. Non-decisional staff of DRS will act exclusively as impartial third-party facilitators, managing the process and communication of participants in an effort to reach consensus on a package of reforms that PJM can take to its full membership and subsequently file with the Commission.

Participation in the facilitated discussions requires advance registration by 5:00 p.m. Eastern Time on Tuesday, August 18, 2026. To register, please fill out the form linked here. Registration information will be collected to support facilitation planning, participant communications, and meeting logistics. DRS will organize participation to provide a balanced representation of stakeholder perspectives consistent with the objectives of each session. To facilitate productive discussions, participation in individual sessions may be limited. DRS will provide additional scheduling details and process parameters in forthcoming communications to registered individuals.

Pursuant to Rule 606 of the Commission's Rules of Practice and Procedure,[3] communications made during the dispute resolution process will be confidential and may not be disclosed except as provided by the Commission's Regulations or as otherwise agreed by participants. Participation in the facilitated discissions is separate from the Commission's public record. Stakeholders and the public have an opportunity to submit comments in response to the July 30 Notice, and will have an opportunity to comment on any reforms that may ultimately be filed with the Commission.

To promote efficient and productive discussions, PJM is invited to prepare a preliminary set of proposed governance and stakeholder-process reforms and circulate its proposal to registered individuals on or before August 26, 2026. The preliminary document should address the major themes discussed at the July 23 technical conference, such as: mechanisms to enhance PJM Board independence; the allocation and exercise of Federal Power Act section 205 filing rights across PJM's governing documents; improvements to PJM's stakeholder processes to support more timely, transparent, and efficient decision-making; and mechanisms to support meaningful and structured participation by state entities. This preliminary document will serve as a starting point to facilitate interest-based discussions, enable stakeholders to evaluate concrete reforms, and support DRS in structuring productive, solution-focused sessions. PJM's draft should be sufficiently detailed to allow stakeholders to workshop alternatives, suggest modifications, and identify areas of consensus and divergence, while remaining flexible to refinement through the facilitated dispute resolution process.

For further information about this Notice, please contact:

ADR Helpline, *ferc.adr@ferc.gov*

John Riehl, Office of Technical Reporting and Economics, (202) 502–6026, *John.Riehl@ferc.gov*

Emmett Barnes, Office of the General Counsel, (202) 502–8413, *Emmett.Barnes@ferc.gov*

(Authority: 16 U.S.C. 825h.)

[1] *Notice Requesting Post-Technical Conference Comment,* Docket No. AD26–7–000 (July 30, 2026) (July 30 Notice).

[2] 18 CFR 385.601(a) (2025).

[3] 18 CFR 385.606 (2025).

Dated: August 10, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–16522 Filed 8–12–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP26–1032–000.
Applicants: MountainWest Overthrust Pipeline, LLC.
Description: Annual Fuel Gas Reimbursement Report of MountainWest Overthrust Pipeline, LLC.
Filed Date: 7/30/26.
Accession Number: 20260730–5205.
Comment Date: 5 p.m. ET 8/11/26.

Docket Numbers: RP26–1044–000.
Applicants: Golden Pass Pipeline LLC.
Description: § 4(d) Rate Filing: Out-of-Cycle Retainage Filing to be effective 9/1/2026.
Filed Date: 8/7/26.
Accession Number: 20260807–5165.
Comment Date: 5 p.m. ET 8/19/26.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

Filings in Existing Proceedings

Docket Numbers: RP21–993–000.
Applicants: Cove Point LNG, LP.
Description: Report Filing: Cove Point—2026 Report of Operational Sales and Purchases of Gas to be effective N/A.
Filed Date: 7/29/26.
Accession Number: 20260729–5011.
Comment Date: 5 p.m. ET 8/14/26.

Docket Numbers: RP26–993–001.
Applicants: Big Sandy Pipeline, LLC.
Description: Compliance filing: Big Sandy Fuel Amendment Filing Effective 9–1–2026 to be effective 9/1/2026.
Filed Date: 8/7/26.
Accession Number: 20260807–5128.
Comment Date: 5 p.m. ET 8/19/26.

Any person desiring to protest in any of the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502–6595 or *OPP@ferc.gov.*

Dated: August 10, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026–16525 Filed 8–12–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 15359–001]

Stone Ridge Hydro, LLC; Notice of Effectiveness of Withdrawal of License Application

On March 21, 2025, Stone Ridge Hydro, LLC (Stone Ridge) filed a relicense application for the 1,680-kilowatt Herkimer Hydroelectric Project No. 15359. On July 23, 2026, Stone Ridge filed a notice of withdrawal of its application.

No motion in opposition to the notice of withdrawal has been filed, and the Commission has taken no action to disallow the withdrawal. Pursuant to Rule 216(b) of the Commission's Rules of Practice and Procedure,[1] the withdrawal of the application became effective on August 7, 2026, and this proceeding is hereby terminated.

Dated: August 10, 2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–16526 Filed 8–12–26; 8:45 am]

BILLING CODE 6717–01–P

[1] 18 CFR 385.216(b) (2025).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 3071–008]

Blue Earth County; Notice of Availability of Environmental Assessment

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission or FERC) regulations, 18 CFR part 380, Commission staff reviewed Blue Earth County's (exemptee) application for surrender of exemption for the Rapidan Hydroelectric Project No. 3071 and have prepared an Environmental Assessment (EA) for the project.[1] To surrender and decommission the project, the exemptee proposes to remove the project features including the dam and powerhouse, reestablish the river channel, and restore the left and right riverbanks in the vicinity of the dam. The project is located on the Blue Earth River, in Blue Earth County, approximately 10 miles south of Mankato, Minnesota. The project does not occupy any federal lands.

The EA contains Commission staff's analysis of the potential environmental effects of the proposed surrender, alternatives to the proposed action, and concludes that the proposed surrender, with appropriate environmental protective measures proposed by the exemptee, would not constitute a major federal action that would significantly affect the quality of the human environment.

The EA may be viewed on the Commission's website at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number (P–3071) in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at 1–866–208–3676, or for TTY, (202) 502–8659.

You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

All comments must be filed by September 9, 2026, 5:00 p.m. Eastern Time.

The Commission strongly encourages electronic filing. Please file comments

[1] The unique identification number for documents relating to this environmental review is EAXX–019–20–000–1758885949.

using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* 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–3071–008.

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 Diana Shannon at 202–502–6136 or *diana.shannon@ferc.gov.*

(Authority: 18 CFR 2.1.)

Dated: August 10,2026.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2026–16523 Filed 8–12–26; 8:45 am]

BILLING CODE 6717–01–P

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Sunshine Act Meetings

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 91 FR 51491.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: Tuesday, August 11, 2026, 10:00 a.m. Eastern Time or earlier.

CHANGES IN THE MEETING: This notice announces that the meeting was cancelled. On August 10, 2026, the EEOC published a notice in the **Federal Register**, 91 FR 51491, announcing closed meeting of the Commission to consider the following matters: Pending Litigation Matter(s). The meeting was to be held on August 11, 2026, at EEOC Headquarters, Jacqueline A. Berrien Training Center, 131 M Street NE, Washington, DC 20507. The matters to be considered were decided by the Commissioners by notation vote pursuant to Commission voting procedures. Thus, the meeting became unnecessary.

CONTACT PERSON FOR MORE INFORMATION: Raymond Windmiller, Executive Officer, (202) 921–2705.

Dated: August 11, 2026.

For the Equal Employment Opportunity Commission.

Raymond D. Windmiller,

Executive Officer, Office of the Executive Secretariat.

[FR Doc. 2026–16543 Filed 8–11–26; 4:15 pm]

BILLING CODE 6570–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (Act) (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the applications are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on the standards enumerated in paragraph 7 of the Act.

Comments received are subject to public disclosure. In general, comments received will be made available without change and will not be modified to remove personal or business information including confidential, contact, or other identifying information. Comments should not include any information such as confidential information that would not be appropriate for public disclosure.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Benjamin W. McDonough, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than August 28, 2026.

A. Federal Reserve Bank of Kansas City (Jeffrey Imgarten, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001. Comments can also be sent electronically to *KCApplicationComments@kc.frb.org:*

1. *David Holloway and Jacob Halloway, both of Sublette, Kansas; Brett Holloway, Manhattan, Kansas; Matthew Holloway, Lake Worth, Florida; and Brooke Molz, Kiowa, Kansas;* to join the Holloway Family Control Group, a group acting in concert, to retain voting shares of Santa Fe Trail Banc Shares, Inc., and thereby indirectly retain voting shares of Centera Bank, both of Sublette, Kansas. David Holloway is a member of the Holloway Family Control Group and was previously permitted by the Federal Reserve System to acquire voting shares of Santa Fe Trail Banc Shares Inc., in his individual capacity.

Board of Governors of the Federal Reserve System.

Erin Cayce,

Assistant Secretary of the Board.

[FR Doc. 2026–16513 Filed 8–12–26; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–10346 and CMS–10453]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information (including each proposed extension or reinstatement of an existing collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of

information technology to minimize the information collection burden.

DATES: Comments must be received by October 13, 2026.

ADDRESSES: When commenting, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to *http://www.regulations.gov.* Follow the instructions for ''Comment or Submission'' or ''More Search Options'' to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier: ____ / OMB Control Number: ____, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, please access the CMS PRA website by copying and pasting the following web address into your web browser: *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.*

FOR FURTHER INFORMATION CONTACT: William N. Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION:

Contents

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

Under the PRA (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA requires federal agencies to publish a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice.

Information Collections

1. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Quality Bonus Payment Appeals; *Use:* Sections 1853(n) and 1853(o) of the Social Security Act (the Act) require CMS to make Quality Bonus Payments (QBPs) to MA organizations that achieve at least 4 stars in a 5-star quality rating system. In addition, section 1854(b)(1)(C) of the Act ties the share of savings that MA organizations must provide to enrollees as the beneficiary rebate to the level of an MA organization's QBP rating. The administrative review process for an MA contract to appeal their QBP status is laid out at § 422.260(c). §§ 422.260(c)(1) and (2) describe a two-step administrative review process that includes a request for reconsideration and a request for an informal hearing on the record, and § 422.260(c)(3) describes limits to requesting an administrative review. Historically, every November CMS has released the preliminary QBP ratings for MA contracts to review their ratings and to submit an appeal request under § 422.260(c) if they believe there is a calculation error or incorrect data are used. Each MA organization continues to be afforded the right to request an administrative review of CMS's determination concerning the organization's qualification for a QBP.

The information collected on the Request for Reconsideration form from MA organizations is considered by the reconsideration official and potentially the hearing officer and CMS Administrator to review CMS's determination of the organization's eligibility for a QBP. The form asks MA organizations to select the Star Ratings measure(s) they believe was miscalculated or used incorrect data and describe what they believe is the issue. Under § 422.260(c)(3)(ii) these are the only bases for appeals. In conducting the reconsideration, the reconsideration official will review the QBP determination, the evidence and findings upon which it was based, and any other written evidence submitted by the organization with their Request for Reconsideration or by CMS before the reconsideration determination is made.

Form Number: CMS–10346.

OMB Control Number: 0938–1129.

Frequency: Yearly.

Affected Public: Private Sector, Business or other for-profit and Not-for-profit institutions.

Number of Respondents: 120.

Total Annual Responses: 20.

Total Annual Hours: 160.

For policy questions regarding this collection contact Joy Binion at 410–786–5004.

2. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* The Medicare Advantage and Prescription Drug Programs: Part C and Part D Explanation of Benefits; *Use:* Sections 1852(k)(2)(C)(i) and 1860D–(4)(a)(4) of the Act give CMS authority to require EOBs in Part C and Part D, respectively. Corresponding Part C and Part D regulations at §§ 422.111(k) and 423.128(e) further specify the requirements to provide a written EOB directly to enrollees following their use of benefits.

These requirements and the CMS model documents help ensure that Part C and Part D enrollees receive consistent and timely information about costs associated with their medical claims. Part C and Part D EOBs allow enrollees to track their out-of-pocket expenses and benefit utilization in relation to their plan's deductible and out-of-pocket threshold. This customized information positions enrollees to make informed decisions about their healthcare options. Further, the proposed updates to the Part C EOB allow enrollees to better track their utilization of supplemental benefits, which previously were not included in the EOBs in a consistent way, while the proposed updates to the Part D EOB improve clarity and accuracy of information. The EOBs also enable enrollees to make a more practical use of the information found in plans' Annual Notice of Change (ANOC) and Evidence of Coverage (EOC) documents, as well as information available through tools such as the Medicare Plan Finder. Given the complexity of the health care system, providing readable and plain language information in the EOBs supports improved transparency.

Form Number: CMS–10453.

OMB Control Number: 0938–1228.

Frequency: Monthly.

Affected Public: Private Sector, Business or other for-profit and Not-for-profit institutions.

Number of Respondents: 1,723.

Total Annual Responses: 1,723.

Total Annual Hours: 17,230.

For policy questions regarding this collection contact Lucia Patrone at 410–786–8621.

William N. Parham, III,

Director, Division of Information Collections and Regulatory Impacts, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2026–16455 Filed 8–12–26; 8:45 am]

BILLING CODE 4169–69–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–5547–N]

Medicare Program; Alternative Payment Model (APM) Incentive Payment Advisory for Clinicians—Request for Current Billing Information for Qualifying APM Participants

AGENCY: Centers for Medicare & Medicaid Services (CMS), Department of Health and Human Services (HHS).

ACTION: Payment advisory.

SUMMARY: This advisory is to alert certain clinicians who are Qualifying Alternative Payment Model (APM) participants (QPs) and eligible to receive an APM Incentive Payment that the Centers for Medicare & Medicaid Services (CMS) does not have the current billing information needed to disburse the payment. This advisory provides information to these clinicians on how to update their billing information to receive this payment for the 2026 payment year.

DATES: This notice is applicable on August 13, 2026.

FOR FURTHER INFORMATION CONTACT: Tanya Dorm, (667) 290–9530.

SUPPLEMENTARY INFORMATION:

I. Background

Under the Medicare Quality Payment Program, an eligible clinician who participates in an Advanced Alternative Payment Model (APM) and meets or exceeds the applicable payment amount or patient count thresholds for a performance period is a qualifying APM participant (QP) for that year. For payment years 2019 through 2026, which respectively correspond to the QP performance periods for 2017 through 2024, an eligible clinician who attains QP status for a year earns a lump sum APM incentive payment that is paid in the payment year. For payment years 2021 through 2024, the amount of the APM incentive payment is equal to 5 percent of the estimated aggregate paid amounts for covered professional services furnished by the QP during the calendar year immediately preceding the payment year. The APM incentive payment percentage is 3.5 percent for the 2023 performance year and 2025 payment year, and 1.88 percent for the 2024 performance year and 2026 payment year.

II. Provisions of the Advisory

The Centers for Medicare & Medicaid Services (CMS) has identified those eligible clinicians who attained QP status in the 2024 performance period and earned a 1.88 percent APM incentive payment for the 2026 payment year based on aggregate paid amounts for the covered professional services they furnished in the calendar year 2025 base period.

When CMS processed the 2026 APM incentive payments, CMS was unable to identify a taxpayer identification number (TIN) or TINs associated with some QPs and was therefore unable to disburse the payment. To successfully issue the APM incentive payment for the 2026 payment year, CMS is requesting assistance identifying current Medicare billing information for these QPs in accordance with 42 CFR 414.1450(c)(8).

CMS has compiled a list of QPs for whom we were unable to identify any associated TIN to which we can make the APM incentive payment. These QPs, and any others who anticipated receiving an APM Incentive Payment but have not, should follow the instructions to provide CMS with updated Medicare billing information at the following web address: 2026 QP Notice for APM Incentive Payment.

If you have any questions concerning submission of information through the Quality Payment Program (QPP) website, please contact the QPP Help Desk at 1–866–288–8292.

All information must be received by October 13, 2026. After that date, any claim to an APM incentive payment for the 2026 payment period based on an eligible clinician's QP status for the 2024 QP performance period will be forfeited. To facilitate payment, please include all required documentation as specified in the previous link.

All submissions received on or before October 13, 2026, will be held and processed after the close of the response period. CMS will not accept requests for additional payment review or reprocessing after October 13, 2026. Any claim related to a 2025 APM Incentive that is submitted after October 13, 2026, will be forfeited and will not be considered for review. If your banking information has changed within the last year, we strongly recommend submitting a voided check and CMS Form 588 [1] to help avoid payment delays. Please note that CMS will not notify you if there is an issue processing your payment.

III. Collection of Information Requirements

This advisory is intended to alert certain QPs that CMS is requesting assistance identifying current Medicare billing information so that we can disburse APM incentive payments. This request for follow-up information is exempt from the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) as specified under implementing regulation 5 CFR 1320.3(h)(9) with regard to the clarification of responses.

The Administrator of the Centers for Medicare & Medicaid Services (CMS), Mehmet Oz, having reviewed and approved this document, authorizes Chyana Woodyard, who is the Federal Register Liaison, to electronically sign this document for purposes of publication in the **Federal Register**.

Chyana Woodyard,

Federal Register Liaison, Centers for Medicare & Medicaid Services.

[FR Doc. 2026–16472 Filed 8–12–26; 8:45 am]

BILLING CODE 4169–69–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2017–D–6530]

Formal Meetings Between the Food and Drug Administration and Sponsors or Applicants of Prescription Drug User Fee Act Products; Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a final guidance for industry titled ''Formal Meetings Between the FDA and Sponsors or Applicants of PDUFA Products.'' This guidance outlines the recommendations to industry on formal meetings between FDA and sponsors or applicants relating to the development and review of new drug or biological products regulated by the Center for Drug Evaluation and Research (CDER) and the Center for Biologics Evaluation and Research (CBER). This guidance

[1] Form CMS–588 is currently approved under OMB control number 0938–0626.

finalizes the draft guidance of the same title issued on September 22, 2023.

DATES: The announcement of the guidance is published in the **Federal Register** on August 13, 2026.

ADDRESSES: You may submit either electronic or written comments on Agency guidances at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2017–D–6530 for ''Formal Meetings Between the FDA and Sponsors or Applicants of PDUFA Products.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)). Submit written requests for single copies of this guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002; or the Office of Communication, Outreach and Development, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 3128, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

FOR FURTHER INFORMATION CONTACT: Jennifer Mercier, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 5390, Silver Spring, MD 20993–0002, 301–796–0957; or Phillip Kurs, Center for Biologics Evaluation and Research, Food and Drug Administration, 240–402–7911.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a guidance for industry titled ''Formal Meetings Between the FDA and Sponsors or Applicants of PDUFA Products.'' This guidance outlines the recommendations to industry on formal meetings between FDA and sponsors or applicants relating to the development and review of drug or biological products as agreed upon during the Prescription Drug User Fee Act (PDUFA) VII negotiations. This guidance discusses the principles of good meeting management practices and describes standardized procedures for requesting, preparing, scheduling, conducting, and documenting such formal meetings. The guidance describes the different meeting types, formats, and timelines associated with those requests. It also provides industry with the information necessary to have a complete meeting request and background package to help facilitate the meeting to gain useful feedback for product development. The guidance provides examples to help guide stakeholders on selecting and requesting the proper meeting type for a given scenario.

This guidance finalizes the draft guidance titled ''Formal Meetings Between the FDA and Sponsors or Applicants of PDUFA Products'' issued on September 22, 2023 (88 FR 65395). FDA considered comments received on the draft guidance as the guidance was finalized. Changes from the draft to the final guidance include additional scenarios for Type D meetings, clarification on Initial Targeted Engagement for Regulatory Advice on CDER and CBER ProducTs meetings, and the addition of information on meeting formats that FDA may grant. In addition, editorial changes were made to improve clarity.

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the current thinking of FDA on ''Formal Meetings Between the FDA and Sponsors or Applicants of PDUFA Products.'' It does not establish any rights for any person and is not binding on FDA or the public.

You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

II. Paperwork Reduction Act of 1995

While this guidance contains no collection of information, it does refer to previously approved FDA collections of information. The previously approved collections of information are subject to review by the Office of Management and Budget under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3521). The collections of information in 21 CFR part 312 relating to submission of investigational new drug applications and related meetings, including pre-IND meetings, INTERACT meetings, meetings at the ''End-of-phase 2'' and ''pre-NDA'' stages, pre-new drug application (pre-NDA/pre-sNDA)/pre-biologics license application (pre-BLA/pre-sBLA) meetings governed by 21 CFR 312.47, and dispute resolution meetings under 21 CFR 312.48, have been approved under OMB control number 0910–0014. The collections of information in 21 CFR part 314 relating to submission of new drug applications, amendments and supplemental applications and related meetings, including meetings between sponsors or applicants and FDA under 21 CFR 314.102, meetings requested within 30 days of FDA issuance of a refuse-to-file letter under 21 CFR 314.101, and dispute resolution meetings under 21 CFR 314.103, as well as the guidance ''Formal Dispute Resolution: Sponsor Appeals Above the Division Level,'' have been approved under OMB control number 0910–0001. The collections of information in 21 CFR part 601 relating to the submission of biologics license applications and related meetings, including formal meetings between sponsors or applicants and FDA, have been approved under OMB control number 0910–0338.

III. Electronic Access

Persons with access to the internet may obtain the guidance at *https://www.fda.gov/drugs/guidance-compliance-regulatory-information/guidances-drugs, https://www.fda.gov/vaccines-blood-biologics/guidance-compliance-regulatory-information-biologics/biologics-guidances, https://www.fda.gov/regulatory-information/search-fda-guidance-documents,* or *https://www.regulations.gov.*

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–16452 Filed 8–12–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2016–N–3120]

Kremers Urban Pharmaceuticals, Inc.; Grant of Hearing Request Regarding a Proposal To Withdraw Approval of an Abbreviated New Drug Application for Extended-Release Methylphenidate Tablets

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or the Agency) is announcing a formal evidentiary public hearing on the proposal to withdraw approval of the abbreviated new drug application (ANDA) 091695, submitted by Kremers Urban Pharmaceuticals, Inc. (Kremers) for methylphenidate hydrochloride extended-release tablets. On October 18, 2016, the Director of FDA's Center for Drug Evaluation and Research (CDER) published a notice of opportunity for hearing on a proposal to withdraw approval of ANDA 091695. Kremers submitted a timely request for hearing on that proposal. This notice of hearing provides factual and legal information concerning CDER's proposal to withdraw approval of ANDA 091695 and identifies the factual issues that will be the subject of the evidentiary hearing.

DATES: A prehearing conference will be held on September 28, 2026, beginning at 10:00 a.m. Eastern Daylight Time. Any person wishing to participate in this hearing shall submit a written notice of participation by September 14, 2026. Disclosure of data and information as required by 21 CFR 12.85(b) must be made by October 13, 2026.

ADDRESSES: You may submit a written notice of participation and data and information required under 21 CFR 12.85 by either of the following methods:

Electronic Submissions

Submit electronically in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting information. Information submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your information will be made public, you are solely responsible for ensuring that your information 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 information, that information will be posted on *https://www.regulations.gov.*
- If you want to submit any information with confidential information that you do not wish to be made available to the public, submit the information as a written/paper submission and in the manner detailed (see ''Written/Paper Submission'' 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 submissions sent to the Dockets Management Staff, FDA will post your submission, as well as any attachments, except for the information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2016–N–3120 for ''Kremers Urban Pharmaceuticals, Inc.; Grant of Hearing Request Regarding a Proposal to Withdraw Approval of an Abbreviated New Drug Application for Extended-Release Methylphenidate Tablets.'' Received submissions 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 make a submission with confidential information that you do not wish to be made publicly available, send your submissions 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 any decisions on this matter. 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 submissions 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 information 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.

DAB E-File: Beginning on the date of this notice, parties to the hearing and participants should make submissions related to this hearing to Departmental Appeals Board electronic filing system (DAB E-File) at: *https://dab.efile.hhs.gov/,* except insofar as they are submitting initial notices of participation or disclosing data and information pursuant to 21 CFR 12.85. Submissions to DAB E-File by parties and participants must conform to the Case Development Order (Ref. 1) and other orders issued by the presiding officer. Although certain regulations in 21 CFR part 12 require submissions for hearing matters to be filed with the Dockets Management Staff, FDA will deem a submission made by a party or participant to DAB E-File that conforms to the presiding officer's orders and this notice to satisfy any such applicable requirement and will make the submission available in the docket (see ''Docket''). Non-parties and non-participants should continue to make submissions through Dockets Management Staff, as detailed in ''Electronic Submissions'' and ''Written/Paper Submissions.'' The record will continue to be accessible at *https://www.regulations.gov* or through the Dockets Management Staff, between 9 a.m. and 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Karen Fikes, Office of Scientific Integrity, Food and Drug Administration, 10903 New Hampshire Avenue, Bldg. 1, Rm. 4218, Silver Spring, MD 20993, 301–796–9603.

SUPPLEMENTARY INFORMATION:

I. Background

CONCERTA (methylphenidate hydrochloride) extended-release tablets, 18 mg, 27 mg, 36 mg, 54 mg, are the subject of the new drug application 021121, held by Janssen Pharmaceuticals, Inc., which FDA approved on August 1, 2000. CONCERTA is a central nervous system stimulant intended for the treatment of attention deficit hyperactivity disorder in children 6 years of age and older, adolescents, and adults up to the age of 65. CONCERTA is a multiphasic modified-release product that is formulated to release a bolus of methylphenidate, resulting in an initial rapid rise in plasma concentration of the drug comparable to the effect of an immediate-release methylphenidate formulation, followed by sustained delivery later in the day, thereby allowing for once-daily dosing. According to its approved labeling, CONCERTA is expected to have a 12-hour duration of effectiveness. The relative bioavailability of CONCERTA in adults is comparable to immediate-release methylphenidate administered three times daily, but the CONCERTA formulation minimizes the fluctuations between peak and trough concentrations associated with immediate-release methylphenidate administered three times daily.

FDA approved ANDA 091695, held by Kremers, for a generic version of CONCERTA under the requirements of section 505(j) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 355(j)) and FDA's implementing regulations.[1] FDA approved ANDA 091695 on July 9, 2013, for the 18 mg and 27 mg strengths and on September 23, 2013, for the 36 mg and 54 mg strengths.

At the time of approval, FDA determined that ANDA 091695 included data sufficient to demonstrate the bioequivalence of the Kremers product to CONCERTA. The bioequivalence testing and data submitted in the ANDA were consistent with the recommendations provided in a draft guidance for industry on ''Methylphenidate Hydrochloride,'' issued on September 14, 2012 (77 FR 56851). The draft guidance provided information and recommendations for establishing bioequivalence to CONCERTA that reflected FDA's understanding, at that time, of how to evaluate the pharmacokinetic properties of such methylphenidate hydrochloride extended-release tablets to support a demonstration of bioequivalence. The demonstration of bioequivalence was necessary to the approval of Kremers' product. Unlike the sponsor of CONCERTA, Kremers was not required to submit clinical studies to demonstrate the safety and effectiveness of its product. Instead, FDA approved Kremers' ANDA based on a finding that the product was bioequivalent to CONCERTA and met the other requirements for ANDA approval in section 505(j) of the FD&C Act and FDA's implementing regulations.

After approval of ANDA 091695, FDA received adverse event reports describing an insufficient therapeutic effect of Kremers' product, particularly during the latter part of the 12-hour period after dosing. Due to those adverse event reports, CDER initiated a ''tracked safety issue'' to investigate the reports of insufficient therapeutic effect together with other data and information related to the Kremers product. After reevaluating the question of what evidence is needed to demonstrate bioequivalence to CONCERTA, FDA concluded that, to ensure therapeutic effect throughout the 12-hour therapeutic time course, an absence of a significant difference in drug exposure between a proposed generic product and CONCERTA must be shown during the entire therapeutic time course, including the latter part of the 12-hour period after drug administration. On November 6, 2014 (79 FR 65978), FDA issued a revised draft guidance for industry on ''Bioequivalence Recommendations for CONCERTA (Methylphenidate Hydrochloride) Extended-Release Tablets'' with recommendations for establishing bioequivalence to CONCERTA that reflected CDER's new understanding that there would need to be a comparison of the extent of methylphenidate exposure produced by a generic drug versus CONCERTA during the specific time period that corresponds to the latter part of the expected 12-hour duration of effectiveness.

CDER reanalyzed Kremers' original bioequivalence data submitted to support approval under the new recommendations in the revised draft guidance and concluded that the data failed to show an absence of a significant difference in the extent of drug exposure between the 54-mg

[1] Kremers is now owned by Lannett Company, Inc. (Lannett). The original applicant for ANDA 091695 was Kudco Ireland, Ltd. (Kudco). This notice of hearing refers to Kremers, Lannett, and Kudco collectively as Kremers.

strength of the Kremers product (on which the in vivo bioequivalence testing was conducted) and CONCERTA during the 7- to 12-hour time period after administration under fasting conditions and during the 8- to 12-hour time period after administration under fed conditions. CDER also analyzed new data submitted by Kremers in June 2015 under the recommendations in the revised draft guidance and found that Kremers' product failed to meet the recommendations for bioequivalence because the data did not show an absence of a significant difference in the extent of drug exposure between the Kremers product and CONCERTA during the 8- to 12-hour time period after administration under fed conditions.

On October 18, 2016, CDER published a notice of opportunity for hearing (NOOH) on its proposal to withdraw approval of ANDA 091695 held by Kremers for methylphenidate hydrochloride extended-release tablets (81 FR 71741). Kremers submitted a timely request for hearing on November 10, 2016, and its summary of data, information, and analyses in support of its request for hearing on December 4, 2017. Kremers submitted a supplement to its submission on May 2, 2018.

II. Presiding Officer

The Office of the Commissioner hereby appoints Administrative Law Judge Kourtney LeBlanc, at the Department of Health and Human Services' Departmental Appeals Board, to serve as presiding officer under 21 CFR 12.60 and to conduct the hearing in accordance with authority prescribed in 21 CFR 12.70.

III. Statutory Grounds for the Hearing

In the NOOH, published October 18, 2016, CDER proposed to withdraw approval of ANDA 091695 under section 505(e)(3) of the FD&C Act (21 U.S.C. 355(e)(3)) and 21 CFR 314.150(a)(2)(iii). Section 505(e)(3) of the FD&C Act requires FDA to withdraw an approval if it finds ''on the basis of new information before [FDA] with respect to such drug, evaluated together with the evidence available to [FDA] when the application was approved, that there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.'' The NOOH explained that, absent information showing bioequivalence between the Kremers product and CONCERTA, there is no basis to conclude that the finding of safety and effectiveness for CONCERTA can support approval of the Kremers product.

Kremers has the burden of proof in this proceeding. See 21 CFR 12.87(d) (putting the burden of proof on the hearing participant contesting withdrawal of approval of a drug application).

IV. Factual Issues for the Hearing

The central factual issue for this hearing is whether the Kremers methylphenidate product has been shown to be bioequivalent to CONCERTA. On February 24, 2026, pursuant to 21 CFR 12.85(a)(4), CDER submitted to the Dockets Management Staff, *inter alia,* a narrative position statement that identifies two specific sub-issues for the hearing:

1. Given that CONCERTA is approved for a 12-hour duration of effectiveness, to establish bioequivalence to CONCERTA, is it necessary to show that there is an absence of a significant difference in drug exposure between the Kremers methylphenidate product and CONCERTA during the entire therapeutic time course, including the latter part of the 12-hour period after drug administration?

2. If so, has it been shown that there is an absence of a significant difference in drug exposure between the Kremers methylphenidate product and CONCERTA during the entire therapeutic time course, including the latter part of the 12-hour period?

The Office of the Commissioner is granting a hearing on the question raised by the second of the two sub-issues identified by CDER. But the first sub-issue identified by CDER appears to be a legal question turning on the meaning of ''bioequivalent'' in section 505(j)(2)(A)(iv) of the FD&C Act (21 U.S.C. 355(j)(2)(A)(iv)) (*see also* 21 CFR part 320). Under 21 CFR 12.24(b)(1), however, ''[a] hearing will not be granted on issues of policy or law.'' As a result, the Office of the Commissioner is granting a hearing on the first sub-issue only to the extent that it raises a factual or scientific question not captured by the second sub-issue.[2] The presiding officer may also further revise these factual issues for the hearing under 21 CFR 12.35(b).

V. Parties to the Hearing

The parties to the hearing will be FDA's CDER and Kremers. Other interested persons shall be permitted to participate as nonparty participants as provided by 21 CFR 12.45 and 12.89.

VI. Disclosure of Information by CDER, Kremers, and Other Hearing Participants

In accordance with 21 CFR 12.85(a), CDER has filed with the Dockets Management Staff a narrative statement setting forth its position on the issues of the hearing and a summary of the types of evidence to be introduced in support of its position in the hearing, together with copies of data and information contained in the Center's files that relate to the issues to be resolved at the hearing. Hearing participants other than CDER, including Kremers, shall disclose data and information and submit their narrative statements pursuant to 21 CFR 12.85(b) to the Dockets Management Staff (see **ADDRESSES**) on or before October 13, 2026, or within another period of time set by the presiding officer. Interested persons may also examine the data on the drug subject to this hearing notice (with the exception of any data identified as confidential pursuant to the provisions of 21 CFR 10.20(j)) via *https://www.regulations.gov* or at the Dockets Management Staff, between 9 a.m. and 4 p.m., Monday through Friday (see **ADDRESSES**).

VII. Prehearing Conference

The prehearing conference will be held on September 28, 2026, beginning at 10:00 a.m. Eastern Daylight Time, by videoconference with instructions to be provided. The hearing will be held on a date to be set at the prehearing conference. Written notices of participation shall be filed with the Dockets Management Staff no later than September 14, 2026. All participants are required both to attend the prehearing conference and to be prepared to comply with the provisions of 21 CFR 12.92.

VIII. Conclusion

In accordance with the foregoing, under section 505 the FD&C Act (21 U.S.C. 355) and under authority delegated to me, I order that a formal evidentiary public hearing be held on the issues set out in this notice. The hearing will be open to the public by visiting the HHS Live Streaming page at *www.hhs.gov/live.* A direct link for the hearing will be visible on the HHS Live Streaming page once a hearing date has been set by the presiding officer after the prehearing conference. Interested persons are encouraged to monitor the docket for any updated links for public access.

[2] Insofar as Kremers or another participant wishes to challenge the legal underpinnings of CDER's proposal to withdraw approval of the Kremers methylphenidate product, they may do so via an appropriate appeal to the Office of the Commissioner under 21 CFR part 12 (*see, e.g.,* 21 CFR 12.120) if the presiding officer makes a decision resting on those underpinnings. The record of the hearing will inform the Office of the Commissioner's decision on any such appeal.

IX. Reference

1. U.S. Department of Health and Human Services, Departmental Appeals Board, Civil Remedies Division, Kremers Urban Pharmaceuticals, Inc. Proposal to Withdraw Approval of an Abbreviated New Drug Application for Extended Release Methylphenidate Tablets, Case Development Order [Civil Remedies Division Procedures, March 28, 2016], August 13, 2026.

George Warren,

Director of the Office of Scientific Integrity.

[FR Doc. 2026–16536 Filed 8–12–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: The inventions listed below are owned by an agency of the U.S. Government and are available for licensing to achieve expeditious commercialization of results of federally-funded research for the benefit of the public health.

FOR FURTHER INFORMATION CONTACT: Licensing information may be obtained by communicating with Vidita Choudhry, Ph.D., National Heart, Lung, and Blood, Office of Technology Transfer and Development, 31 Center Drive Room 4A25, MSC2479, Bethesda, MD 20892–2479; telephone: 301–594–4095; email: *vidita.choudhry@nih.gov*. A signed Confidential Disclosure Agreement may be required to receive any unpublished information.

SUPPLEMENTARY INFORMATION: Technology description follows.

Novel Spironolactone Analogues as Anti-Inflammatory Therapeutics

Available for licensing and commercial development are patent rights covering a new class of spironolactone anti-inflammatory drugs, pharmaceutical compositions thereof, and their uses in treating inflammation. These new compounds present treatment options for treating a broad range of chronic inflammatory conditions such as atherosclerosis, autoimmune diseases, and chronic inflammatory lung disease.

Inflammation contributes to many forms of acute and chronic diseases such as cardiovascular disease and chronic respiratory disease, which result in a substantial percent of mortality worldwide. There is still need for clinically approved therapeutic strategies that effectively reduce pathologic inflammation. One promising candidate is Spironolactone (SPL), a mineralocorticoid receptor antagonist that was originally utilized by NIH investigators against pulmonary arterial hypertension. It has become recently elucidated that SPL suppresses inflammation by promoting proteasomal degradation of xeroderma pigmentosum type B (XPB), an integral subunit of the transcription factor TFIIH that activates inflammatory genes. Researchers at the National Heart, Lung, and Blood Institute (NHLBI) have developed twenty-nine (29) different SPL-based analogues, all of which demonstrate an effective potency at safe dosage levels, making them advantageous compared to known SPLs. Several lead compounds demonstrate potent, dose-dependent XPB degradation and inhibition of key inflammatory signaling pathways, including AP–1 and NF–kB, at concentrations significantly lower than those required for SPL. These analogs may be useful for treating multiple inflammatory disease and related conditions without deleterious side effects.

Potential Commercial Applications:

A class of novel anti-inflammatory drugs (long-term immunosuppressants) for the treatment for a wide variety of inflammatory disorders, such as (but not limited to):

- Pulmonary arterial hypertension
- Atherosclerosis
- Lupus erythematosus
- Rheumatoid arthritis
- Chronic obstructive pulmonary disease (COPD)
- Asthma

Development Stage:

- *Early Stage*
- *In vitro data available*

Inventors: Jason Elinoff (NHLBI), Li-Yuan Chen (NHLBI), Rolf Swenson (NHLBI), and Venkatareddy Sabbasani (NHLBI).

Intellectual Property:

- NIH Reference No. E–029–2026–0–US–01; U.S. Provisional Patent Application 64/044,506 filed April 20, 2026.

Licensing Contact: Vidita Choudhry, Ph.D.; 301–594–4095; *vidita.choudhry@nih.gov*. This notice is made in accordance with 35 U.S.C. 209 and 37 CFR part 404.

Dated: August 11, 2026.

Michael A. Shmilovich,

Acting Director, Office of Technology Transfer and Development, National Heart, Lung, and Blood Institute.

[FR Doc. 2026–16544 Filed 8–12–26; 8:45 am]

BILLING CODE 4167–05–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Eye Institute; Notice of Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Advisory Eye Council.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting. The open session will be videocasted and can be accessed from the NIH Videocasting website (*https://videocast.nih.gov/watch/c4dbedd4-901a-11f1-82c0-124f0a52e769*). Registration is not required to access the videocast.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and 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: National Advisory Eye Council.

Date: September 25, 2026.

Open: 9:00 a.m. to 2:30 p.m.

Agenda: Presentation of the NEI Director's report, discussion of NEI programs, and concept clearances.

Address: National Eye Institute, Building 31, 31/C Room F and G 31 Center Drive, Bethesda, MD 20892.

Meeting Format: In-Person and Virtual.

Closed: 2:45 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Address: National Eye Institute, Building 31 31/C, Room F and G, 31 Center Drive, Bethesda, MD.

Meeting Format: In-Person and Virtual.

Contact Person: Hyo-Jung Anna Han, Acting Director, Division of Extramural Activities, National Eye Institute, 6700B

Rockledge Drive, Bethesda, MD 20892, *anna.han@nih.gov*.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has procedures at *https://security.nih.gov/visitors/Pages/visitor-campus-access.aspx* for entrance into on-campus and off-campus facilities. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors attending a meeting on campus or at an off-campus federal facility will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: *https://www.nei.nih.gov/about/advisory-committees/national-advisory-eye-council-naec,* where an agenda and any additional information for the meeting will be posted when available.

Dated: August 10, 2026.

Rosalind M. Niamke,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2026–16538 Filed 8–12–26; 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; Imaging for Clinical Decision Making.

Date: September 22–23, 2026.

Time: 9:00 a.m. to 5:00 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: Ivan K. Navarro, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–402–8693, *ivan.navarro@nih.gov*.

Name of Committee: Center for Scientific Review, Special Emphasis Panel; PAR Panel: Biomedical Imaging, Radiation, Metabolism, and Neurotechnology Instrumentation S10 Grant Programs.

Date: September 23–24, 2026.

Time: 10:00 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: Evon Sami Abisaid, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, Bethesda, MD 20892, 301–594–5376, *evon.abisaid@nih.gov*.

Name of Committee: Healthcare Delivery and Methodologies, Integrated Review Group; Clinical Informatics and Digital Health Study Section.

Date: September 24–25, 2026.

Time: 8:00 a.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: Debasmita Patra, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1006E, Bethesda, MD 20892, 301–827–5187, *debasmita.patra@nih.gov*.

Name of Committee: Emerging Technologies and Training, Neurosciences Integrated Review Group; Neuro Informatics, Computational and Data Analysis Study Section.

Date: September 24–25, 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: Aurea D. De Sousa, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5186, Bethesda, MD 20892, 301–827–6829, *aurea.desousa@nih.gov*.

Name of Committee: Brain Disorders and Clinical Neuroscience, Integrated Review Group; Pathophysiology of Eye Disease—1 Study Section.

Date: September 28–29, 2026.

Time: 8:30 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: Afia Sultana, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4189, Bethesda, MD 20892, 301–827–7083, *sultanaa@mail.nih.gov*.

Name of Committee: Center for Scientific Review, Special Emphasis Panel; PAR Panel: Shared Instrumentation: Bioengineering, Computation and Technology Development B (S10).

Date: September 28–29, 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: Alexander Gubin, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4196, Bethesda, MD 20892, 301–827–3365, *gubina@csr.nih.gov*.

Name of Committee: Center for Scientific Review, Special Emphasis Panel; Pain Mechanisms.

Date: September 29–30, 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: Nesar Uddin Akanda, MD, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–594–4508, *akandanu@nih.gov*.

Name of Committee: Center for Scientific Review, Special Emphasis Panel; PAR 26–002: Collaborative International Research Projects.

Date: September 29, 2026.

Time: 10:00 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: Nadeem Khan, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–827–3103, *nadeem.khan@nih.gov*.

Name of Committee: Bioengineering Sciences & Technologies, Integrated Review Group; Innovations in Nanosystems and Nanotechnology Study Section.

Date: October 14–15, 2026.

Time: 9:00 a.m. to 6:30 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: Yingli Fu, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–594–0840, *yingli.fu@nih.gov*.

Name of Committee: Surgical Sciences, Biomedical Imaging and Bioengineering, Integrated Review Group; Imaging Guided Interventions and Surgery Study Section.

Date: October 15–16, 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: Steven A. Ripp, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–594–3010, *steven.ripp@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 10, 2026.

Sterlyn H. Gibson

Program Specialist, Office of Federal Advisory Committee Policy.

[FR Doc. 2026–16468 Filed 8–12–26; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services

Agency Information Collection Activities: Proposed Collection; Public Comment Request: Information Collection Request Title: SAMHSA Data Security Requirements for Accessing Confidential Data (OMB No. 0930–0396)

AGENCY: Substance Abuse and Mental Health Services Administration; Center for Behavioral Health Statistics and Quality.

ACTION: Notice.

SUMMARY: Substance Abuse and Mental Health Services (SAMHSA), within the Department of Health and Human Services, has submitted the following information collection requirement to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995. This is the first notice for public comment. SAMHSA will forward the proposed Data Security Requirements for Accessing Confidential Data information collection to the OMB for clearance simultaneously with the publication of the second notice, following the expiration of this first notice. The full submission may be found at: *http://www.reginfo.gov/public/do/PRAMain.*

DATES: Written comments should be received by October 13, 2026.

ADDRESSES: SAMHSA Reports Clearance Officer, Room 15E–57A, 5600 Fishers Lane, Rockville, MD 20857 OR email to *Samhsapra@samhsa.hhs.gov.*

FOR FURTHER INFORMATION CONTACT: SAMHSA Reports Clearance Officer, Room 15E–57A, 5600 Fishers Lane, Rockville, MD 20857 OR email to *Samhsapra@samhsa.hhs.gov.*

SUPPLEMENTARY INFORMATION:

Comments: Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of SAMHSA, including whether the information will have practical utility; (b) the accuracy of SAMHSA's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, use, and clarity of the information to be collected, including through the use of automated collection techniques or other forms of information technology; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated or other forms of information technology.

Proposed Information Collection: Data Security Requirements for Accessing Confidential Data (OMB Control Number: 0930–0396)—Extension

Title III of the Foundations for Evidence-Based Policymaking Act of 2018 (44 U.S.C. 3583) mandates that the Director of OMB establish a standard application process (SAP) for requesting access to certain confidential data assets. The Center for Behavioral Health Statistics and Quality (CBHSQ) is a federally recognized statistical unit and the adoption of the SAP is required for statistical agencies/units designated under the Confidential Information Protection and Statistical Efficiency Act of 2018 (CIPSEA). The SAP Portal is a single web-based common application designed to collect information from individuals requesting access to confidential data assets from federal statistical agencies/units.

The SAP allows agencies, the Congressional Budget Office, State, local, and Tribal governments, researchers, and other individuals, as appropriate, to apply to access confidential data assets held by a federal statistical agency or unit for the purposes of developing evidence. With the Interagency Council on Statistical Policy (ICSP) as advisors, the entities upon whom this requirement is levied are working with the SAP Project Management Office (PMO) and with OMB to implement the SAP.

The SAP Portal is a single web-based common application designed to collect information from individuals requesting access to confidential data assets from federal statistical agencies and units. When an application for confidential data is approved through the SAP Portal, SAMHSA will collect information to fulfill its data security requirements. This is a required step before providing the individual with access to restricted use microdata for the purpose of evidence building. SAMHSA's data security agreements and other paperwork, along with the corresponding security protocols, allow SAMHSA to maintain careful controls on confidentiality and privacy, as required by law. SAMHSA's collection of data security information will occur outside of the SAP Portal.

The following bullets outline the major components and processes in and around the SAP Portal, leading up to SAMHSA's collection of security requirements.

- *SAP Policy:* At the recommendation of the ICSP, the SAP Policy establishes the SAP to be implemented by statistical agencies and units and incorporates directives from the Evidence Act. The SAP Policy may be found in OMB Memorandum 23–04.
- *The SAP Portal:* The SAP Portal is an application interface connecting applicants seeking data with a catalog of metadata for data assets owned by the federal statistical agencies and units. The SAP Portal is not a new data repository or warehouse; confidential data assets will continue to be stored in secure data access facilities owned and hosted by the federal statistical agencies and units. The Portal provides a streamlined application process across agencies, reducing redundancies in the application process.
- *Data Discovery:* Individuals begin the process of accessing restricted use data by discovering confidential data assets through the SAP metadata catalog, maintained by federal statistical agencies at *https://sap.nsf.gov/.*
- *SAP Portal Application Process:* Individuals who have identified and wish to access confidential data assets apply through the SAP Portal. Applicants must create an account and follow all steps to complete the application. Applicants enter personal, contact, and institutional information for the research team and provide summary information about their proposed project.
- *Submission for Review:* Agencies approve or reject an application within

a prompt timeframe. Agencies may also request applicants to revise and resubmit their application.

• *Access to Confidential Data:* Approved applicants are notified through the SAP Portal that their proposal has been accepted. This concludes the SAP Portal process. Agencies will contact approved applicants to initiate completion of their security documents. The completion and submission of the agency's security requirements will take place outside of the SAP Portal.

• *Collection of Information for Data Security Requirements:* In the instance of a positive determination for an application requesting access to a SAMHSA-owned confidential data asset, SAMHSA will contact the applicant(s) to initiate the process of collecting information to fulfill its data security requirements. This process allows SAMHSA to place the applicant(s) in a trusted access category.

The estimated response burden is as follows:

The amount of time to complete the agreements and other paperwork that comprise SAMHSA's security requirements will vary based on the confidential data assets requested. To obtain access to SAMHSA confidential data assets, it is estimated that the average time to complete and submit SAMHSA's data security agreements and other paperwork is 40 minutes. This estimate does not include the time needed to complete and apply within the SAP Portal. All efforts related to SAP Portal applications occur prior to and separate from SAMHSA's effort to collect information related to data security requirements.

The expected number of applications in the SAP Portal that receive a positive determination from SAMHSA each year may vary. Overall, per year, SAMHSA estimates it will collect data security information for 15 application submissions that received a positive determination within the SAP Portal. SAMHSA estimates that the total burden for the collection of information for data security requirements over the course of the three-year OMB clearance will be about 30 hours and, as a result, an average annual burden of 10 hours.

Alicia Broadus,

Public Health Advisor.

[FR Doc. 2026–16531 Filed 8–12–26; 8:45 am]

BILLING CODE;P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2025–0196]

Collection of Information Under Review by Office of Management and Budget; OMB Control Number: 1625–0016

AGENCY: Coast Guard, DHS.

ACTION: Thirty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 the U.S. Coast Guard is forwarding an Information Collection Request (ICR), abstracted below, to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting an extension of its approval for the following collection of information: 1625–0016, Welding and Hot Work Permits; Posting of Warning Signs; without change. Our ICR describes the information we seek to collect from the public. Review and comments by OIRA ensure we only impose paperwork burdens commensurate with our performance of duties.

DATES: You may submit comments to the Coast Guard and OIRA on or before September 14, 2026.

ADDRESSES: Comments to the Coast Guard should be submitted using the Federal eRulemaking Portal at *https://www.regulations.gov.* Search for docket number [USCG–2025–0196]. Written comments and recommendations to OIRA for the proposed information collection should be sent within 30 days of publication of this notice to *https://www.reginfo.gov/public/do/PRAMain.*

Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

A copy of the ICR is available through the docket on the internet at *https://www.regulations.gov.* Additionally, copies are available from: Commandant (CG–PM), Attn: Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave. SE, Stop 7710, Washington, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: A.L. Craig, Office of Privacy Management, telephone (571) 607–4058, or email *hqs-dg-m-cg-61-pii@uscg.mil.*

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection. The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) the practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. These comments will help OIRA determine whether to approve the ICR referred to in this Notice.

We encourage you to respond to this request by submitting comments and related materials. Comments to Coast Guard or OIRA must contain the OMB Control Number of the ICR. They must also contain the docket number of this request, USCG–2025–0196, and must be received by September 14, 2026.

Submitting Comments

We encourage you to submit comments through the Federal eRulemaking Portal at *https://www.regulations.gov.* If your material cannot be submitted using *https://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. Documents mentioned in this notice as being available in the docket, and public comments, are in our online docket at *https://www.regulations.gov* and can be viewed by following that website's instructions. If you go to the online docket and sign up for email alerts, you will be notified when comments are posted.

We accept anonymous comments. Comments we post to *https://www.regulations.gov* will include any personal information you have provided. For more about privacy and submissions to the Coast Guard in response to this document, see DHS's eRulemaking System of Records notice (85 FR 14226, March 11, 2020). For more about privacy and submissions to

OIRA in response to this document, see the *https://www.reginfo.gov,* comment-submission web page. OIRA posts its decisions on ICRs online at *https://www.reginfo.gov/public/do/PRAMain* after the comment period for each ICR. An OMB Notice of Action on each ICR will become available via a hyperlink in the OMB Control Number: 1625–0016.

Previous Request for Comments

This request provides a 30-day comment period required by OIRA. The Coast Guard published the 60-day notice (90 FR 40615, August 20, 2025) required by 44 U.S.C. 3506(c)(2). We received four unique and eight duplicate submissions to the 60-day notice. None of the submissions were related to the notice. Based on the comments received, no change was made to the Collection.

Information Collection Request

Title: Welding and Hot Work Permits; Posting of Warning Signs.

OMB Control Number: 1625–0016.

Summary: This information collection helps to ensure that waterfront facilities and vessels are in compliance with safety standards. A permit must be issued prior to welding or hot work at certain waterfront facilities; and, the posting of warning signs is required on certain facilities.

Need: The information is needed to ensure safe operations on certain waterfront facilities and vessels.

Forms: CG–4201, Welding and Hot Work.

Respondents: Owners and operators of certain waterfront facilities and vessels.

Frequency: On occasion.

Hour Burden Estimate: The estimated burden has increased from 497 hours to 519 hours a year, due to an increase in the estimated annual number of responses.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended.

Dated: July 31, 2026.

Bradley E. White,

Chief, Office of Privacy Management, U.S. Coast Guard.

[FR Doc. 2026–16517 Filed 8–12–26; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6337–N–02]

Notice on Community Development Block Grant Disaster Recovery (CDBG–DR) Formula

AGENCY: Office of the Assistant Secretary for Policy Development and Research (PD&R), Department of Housing and Urban Development (HUD).

ACTION: Notice.

SUMMARY: This notice seeks additional comment on an earlier Request for Information (RFI) on the methodology HUD uses to calculate Community Development Block Grant Disaster Recovery (CDBG–DR) allocation amounts. It also notifies the public that HUD will use the formula described in the 2025 notice for allocations to 2023 and 2024 disasters until a final rule is completed. This notice also seeks comment on potential formula modifications that HUD is considering.

DATES: Comments are requested on or before September 14, 2026. Late-filed comments will be considered to the extent practicable.

ADDRESSES: Interested persons are invited to submit comments responsive to this notice. All submissions must refer to the docket number and title of the notice. Comments may include written data, views, or arguments. Each individual or organization is encouraged to submit only one response and to limit their submissions to 10 pages in 12-point or larger font, with a page number provided on each page. Commenters are encouraged to identify the number of the specific question or questions to which they are responding. Responses should include the name of the person(s) or organization(s) filing the comment but should not include any personally identifiable information.

There are two methods for submitting public comments.

1. Electronic Submission of Comments. Interested persons may submit comments electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* OR by electronic mail to the Office of Disaster Recovery at *Disaster_Recovery@hud.gov.* If submitting comments by electronic mail, please include the docket number and ''RFI for HUD CDBG–DR Formula'' in the subject line of the message.

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

HUD strongly encourages commenters to submit their feedback and recommendations electronically. Electronic submission of comments allows the commenter maximum time to prepare and submit a response, ensures timely receipt by HUD, and enables HUD to make comments immediately available to the public. Comments submitted electronically through the *http://www.regulations.gov* website can be viewed by other commenters and interested members of the public. Commenters should follow the instructions provided on that site to submit comments electronically.

Note: To receive consideration as public comments, comments must be submitted through one of the two methods specified above. Again, all submissions must refer to the docket number and title of the notice.

FOR FURTHER INFORMATION CONTACT: Todd Richardson, Office of Policy Development and Research, Department of Housing and Urban Development, 451 7th Street SW, Room 8138, Washington, DC 20410–0500; telephone number (202) 402–5706 (this is not a toll-free number). HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit *https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs.*

SUPPLEMENTARY INFORMATION:

I. Purpose of This Notice

Section 504 of the 21st Century ROAD to Housing Act includes the Reforming Disaster Recovery Act that authorizes the CDBG-Disaster Recovery program and specifically requires HUD to issue a notice in the **Federal Register** containing the latest formula allocation methodologies used to determine the total estimate of unmet needs related to housing, economic revitalization, and infrastructure in the most impacted and distressed areas resulting from a catastrophic major disaster. The statute requires HUD to solicit public comments on the described methodologies and seek alternative methods for formula allocation within a similar total amount of funding; the impact of formula methodologies on rural areas and Tribal areas; adjustments to improve targeting to the most serious needs; objective criteria for grantee capacity and concentration of damage to inform grantee determinations and minimum allocation thresholds; and research and data to inform an

additional amount to be provided for mitigation depending on type of disaster, which shall be up to 18 percent of the total estimate of unmet needs.

On December 20, 2022, HUD requested comment on the CDBG–DR formula in use at the time through an RFI (December 2022 Notice).[1] HUD published a later notice on January 16, 2025 (the January 2025 Notice),[2] announcing a revised formula, which is substantially similar to the methodology published for public comment in the December 2022 Notice. HUD intends to use the formula published in January 2025 as the allocation methodology until such time as HUD publishes an updated formula notice or completes rulemaking.

II. Specific Information Requested

HUD's intent is for future modifications to make the formula simpler and more transparent to help ensure allocations are quickly delivered based on the scale and severity of unmet need. To that end, HUD is seeking additional comment on the current allocation formula, as described in the December 2022 Notice and in the January 2025 Notice, and the following specific questions:

1. Are there alternative methods for formula allocation HUD should consider within a similar total amount of funding? Some ideas HUD is considering and seeking comment are:

a. Housing need multipliers. HUD is seeking comment on changing the multiplier for determining a dollar amount of unmet housing needs. HUD is seeking comment on adding a new category—''destroyed''—separate from its current severe definition, for having a specific multiplier calculated. In addition, HUD is seeking comment on no longer matching to SBA data to determine the amount used for the multiplier and instead use historic experience of multipliers by disaster type and adjusting for cost differences by geography using private sector construction cost data (similar to the methods used for the HOME and Housing Trust Fund formulas) and inflation over time. HUD is also seeking comment on how to define reasonable costs to rebuild, including comment on how to incorporate standards for determining if local regulations are causing unreasonable higher costs to rebuild and how to best assess whether and to what extent a locality has taken action(s) consistent with HUD's State and Local Best Practices for Home Construction. HUD is seeking comment on using rental unit multipliers different than owner unit multipliers to reflect generally fewer square feet for rental units than owner units. *Discussion:* HUD has found that disasters with large numbers of destroyed housing have much different recovery needs than those with only damaged homes. In addition, the timing of when there is reliable SBA disaster loan data on cost to repair for a disaster and the timing for allocating CDBG–DR funds are not well synchronized. To facilitate a faster CDBG–DR allocation, HUD is seeking comment on no longer relying on the SBA disaster loan data to determine the multipliers.

b. Economic revitalization. For economic revitalization, HUD is seeking comment on not using SBA business disaster loan data, but instead presuming that economic revitalization unmet need equals some percentage of the calculated housing unmet need. *Discussion:* Data on grantee action plans for the major CDBG–DR appropriations years for disasters in 2011–2013, 2016, 2017, 2018, 2020/21, 2022, and 2023/24 show that relatively little funding has been planned for economic development, ranging from 0 percent to 7 percent, the median is 2 percent. HUD is seeking comment on this approach of basing economic revitalization need off of housing need; and if that percentage should be a flat amount, such as 2 percent, or adjusted based on type of disaster and what percentages HUD should consider.

c. Infrastructure. For infrastructure, HUD is seeking comment on no longer using FEMA Public Assistance Category C to G estimates for determining infrastructure need. Instead, HUD is considering determining unmet infrastructure need as a percentage of the calculated housing unmet needs. *Discussion:* Similar to the issue with SBA business data, FEMA's estimates for infrastructure need often change significantly over time so the timing of the formula allocation is often not in alignment with the timing for the best estimates for FEMA Public Assistance needs. At the same time, HUD knows that some grantees often do expend considerable share of CDBG–DR on infrastructure, and others very little. Data on grantee plans for the major appropriations for disasters in 2011–2013, 2016, 2017, 2018, 2020/21, 2022, and 2023/24 show a range by appropriation on planned infrastructure expenditures of 9 percent to 31 percent, median of 22 percent. HUD is seeking comment on this approach of basing infrastructure need off of housing need; and if that percentage should be adjusted based on type of disaster and what percentages HUD should consider.

d. Extraordinary Circumstances. The expectation is that the vast majority of estimated unmet needs for CDBG–DR allocations would use the standard methodology. However, due to the unpredictability of natural disasters, HUD is seeking comment on including an element to the formula that reserves the right for the Secretary to use alternative data or methods in the case of extraordinary circumstances. *Discussion.* Over the more than 25 years HUD has calculated formula allocations for CDBG–DR, there have been occasional disasters where there was a particular type of unmet need not previously considered. For example, in 2018, HUD made an adjustment for undamaged homes permanently inaccessible due to lava flow in Hawaii.

2. How should HUD measure the impact of formula methodologies on rural areas and Tribal areas? HUD is seeking comment on revising its definition for most impacted and distressed areas to have separate thresholds for metropolitan, non-metropolitan (a proxy for rural areas), and tribal areas.

3. What adjustments to the formula should HUD consider to improve its targeting to the most serious needs? The 21st Century ROAD to Housing Act limits grantee eligibility to those impacted by ''catastrophic disasters.'' For a ''catastrophic'' standard solely used for determining CDBG–DR eligibility, HUD is seeking comment on what that standard might be. For example, HUD is exploring limiting the disasters it funds to those of large scale as measured by a large number of housing units with major-high or severe damage with unmet needs (as defined in the 2022 RFI, except that major high includes homes with 1 foot or more flooding on first floor) or a high concentration of homes with major-high or severe need relative to all occupied homes in a small geography. These standards could be set differently based on whether the disaster is in a metropolitan area, a non-metropolitan area, or a tribal area.

4. How might HUD determine separate thresholds for metropolitan, non-metropolitan, and tribal areas to inform its determinations of most serious need?

5. Should HUD consider updating thresholds for the housing damage definitions of minor-low, minor-high, major-low, major-high, and severe, given these thresholds were originally established for Hurricane Sandy and have been used since; and if so, how should they be updated?

[1] 87 FR 77855.

[2] 90 FR 4759.

6. Are there objective criteria to measure grantee capacity and concentration of damage in regards to determining the appropriate jurisdiction to receive the allocation? HUD is seeking comment on a policy that assumes states are generally going to have more capacity and HUD's preference will be to award grants to states unless HUD's review of capacity and concentration of damage warrant allocation to local governments or Indian tribes. For tribes, HUD is seeking comments on a general policy that, if a tribe receives a disaster declaration and the disaster meets the definition of catastrophic, HUD's Office of Native American Programs make the determination of tribal capacity to administer the grant.

7. Are there other objective criteria HUD should consider for assessing concentration of damage to inform grantee determinations and minimum allocation thresholds?

8. Is there research and data that could inform HUD on how to calculate an additional amount to be provided for mitigation depending on type of disaster? HUD is seeking comments offering research that would recommend different percentages (not to exceed 18 percent) by disaster type.

9. How might HUD consider repetitive loss data (*i.e.,* properties that have experienced damage from multiple disasters) or damage to critical infrastructure in the allocation formula?

III. Response Guidance

For comments submitted by mail responses should not exceed 35 pages. Please provide the following information at the start of your response to this notice: Company/institution name (if applicable); contact information, including address, phone number, and email address. Do not submit Confidential Business Information (CBI) in your response to this notice. Responses identified as containing CBI will not be reviewed and will be discarded.

Please identify each answer by responding to a specific question or topic if applicable. You may answer as many or as few questions as you wish. To help you prepare your comments, please see the *How Do I Prepare Effective Comments* segment of the Commenting on HUD Rules web page, *https://www.hud.gov/program_offices/general_counsel/Commenting-On-HUD-Rules#1*. While that web page is written for commenting on regulatory proposals, these tips are generally applicable to this RFI.

Reid Wilson,

Deputy Chief of Staff to the Secretary, Performing the Delegable Duties of the Principal Deputy Assistant Secretary for Policy Development and Research.

[FR Doc. 2026–16499 Filed 8–12–26; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7106–N–35]

Privacy Act of 1974; System of Records

AGENCY: Office of Chief Information Officer (OCIO), and Infrastructure and Operations (IOO), HUD.

ACTION: Notice of a new system of records.

SUMMARY: Pursuant to the provisions of the Privacy Act of 1974, as amended, the Department of Housing and Urban Development (HUD), Office of Chief Information Officer (OCIO), and Infrastructure and Operations (IOO), is issuing a public notice of its intent to establish a Privacy Act System of Records Notice (SORN) titled ''Sumo Logic.'' Sumo Logic serves as HUD's Security Information and Event Management (SIEM) tool, supporting centralized log collection, aggregation, and security monitoring. It collects system log data from HUD applications, infrastructure, security tools, and cloud platforms, and performs event correlation, custom searches, dashboard monitoring, scheduled reporting, and other standard security monitoring. This newly established system will be included in HUD's inventory of record systems. HUD had previously published a SORN for this system on June 10, 2026 (91 FR 35248). However, the underlying authority was revoked and replaced. Accordingly, HUD withdraws the SORN published on June 10, 2026, and instead publishes this SORN with the updated authority.

DATES: Comments will be accepted on or before September 14, 2026. This proposed action will be effective on the date following the end of the comment period unless comments are received which result in a contrary determination.

ADDRESSES: You may submit comments, identified by docket number or by one of the following methods:

Federal e-Rulemaking Portal: http://www.regulations.gov. Follow the instructions provided on that site to submit comments electronically.

Fax: 202–619–8365.

Email: privacy@hud.gov.

Mail: Attention: The Privacy Office; Kimberly Morton, Acting Chief Privacy Officer; The Executive Secretariat; 451 7th Street SW, Room 10139; Washington, DC 20410–0001.

Instructions: All submissions received must include the agency name and docket number for this rulemaking. All comments received will be posted without change to *http://www.regulations.gov.*

Docket: For access to the docket to read background documents or comments received go to *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Kimberly Morton, Acting Chief Privacy Officer; 451 7th Street SW, Room 10139; Washington, DC 20410–0001; telephone number (804) 822–4801 (this is not a toll-free number). HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit *https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs.*

SUPPLEMENTARY INFORMATION: The Department of Housing and Urban Development (HUD), Office of Chief Information Officer (OCIO), maintains the ''Sumo Logic'' system of records. This system enhances enterprise-wide cybersecurity monitoring and incident response. By consolidating log data from HUD systems and platforms, Sumo Logic supports real-time threat detection, reporting and compliance with federal information security standards.

SYSTEM NAME AND NUMBER:

Sumo Logic, HUD/OCIO–05.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

HUD Headquarters, 451 7th Street SW, Washington, DC 20410–0001.

SYSTEM MANAGER(S):

Thomas Zeppa, Acting Director, Office of Chief Information Officer (OCIO), Cyber Security Operations Center, 451 7th Street SW, Washington, DC 20410–0001; Telephone (202) 227–5276.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Federal Information System Modernization Act of 2014 (FISMA), Public Law 113–283, 44 U.S.C. 3554; Executive Order 14028, Improving the Nation's Cybersecurity (May 12, 2021);

and OMB Memorandum M–26–14, Ensuring Effective and Efficient Agency Logging and Network Visibility to Defend Against Evolving Cyber Threats (May 22, 2026).

PURPOSES OF THE SYSTEM:

Sumo Logic supports HUD's cybersecurity operations by enabling centralized system monitoring, threat detection, event correlation and incident investigation.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The system covers federal employees, contractors, detail personnel, and other personnel who access, administrate, or use agency information systems, as well as individuals whose accounts, credentials, or devices interact with HUD networks, applications, or services, such as vendors, partners or members of the public.

CATEGORIES OF RECORDS IN THE SYSTEM:

Device identifiers, email addresses, full names, geolocation information, phone numbers, user IDs, and web uniform resource locator(s).

RECORD SOURCE CATEGORIES:

Amazon Web Services Cloud Computing, and Mainframe (IBM) systems.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

(1) To a congressional office from the record of an individual, in response to an inquiry from the congressional office made at the request of that individual.

(2) To contractors, grantees, experts, consultants, Federal agencies, and non-Federal entities, including, but not limited to, State and local governments and other research institutions or their parties, and entities and their agents with whom HUD has a contract, service agreement, grant, cooperative agreement, or other agreement, for the purposes of statistical analysis and research in support of program operations, management, performance monitoring, evaluation, risk management, and policy development, to otherwise support the Department's mission, for other research and statistical purposes not otherwise prohibited by law or regulation. Records under this routine use may not be used in whole or in part to make decisions that affect the rights, benefits, or privileges of specific individuals. The entity receiving information under this routine use may not further disclose the records in an identifiable form.

(3) To contractors, grantees, experts, consultants and their agents, or others performing or working under a contract, service, grant, cooperative agreement, or other agreement, with HUD, when necessary to accomplish an agency function related to this system of records. Disclosure requirements are limited to only those data elements considered relevant to accomplishing an agency function.

(4) To contractors, experts and consultants with whom HUD has a contract, service agreement, or other assignment of the Department, when necessary to utilize relevant data for the purpose of testing new technology and systems designed to enhance program operations and performance.

(5) *To appropriate agencies, entities, and persons when:* (1) HUD suspects or has confirmed that there has been a breach of the system of records; (2) HUD has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, HUD (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with HUD's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

(6) To another Federal agency or Federal entity, when HUD determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

(7) To appropriate Federal, State, local, tribal, or governmental agencies or multilateral governmental organizations responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where HUD determines that the information would assist in the enforcement of civil or criminal laws and when such records, either alone or in conjunction with other information, indicate a violation or potential violation of law.

(8) To a court, magistrate, administrative tribunal, or arbitrator in the course of presenting evidence, including disclosures to opposing counsel or witnesses or jurors in the course of civil discovery, litigation, mediation, or settlement negotiations, or in connection with criminal law proceedings; when HUD determines that use of such records is relevant and necessary to the litigation and when any of the following is a party to the litigation or have an interest in such litigation: (1) HUD, or any component thereof; or (2) any HUD employee in his or her official capacity; or (3) any HUD employee in his or her individual capacity where HUD has agreed to represent the employee; or (4) the United States, or any agency thereof, where HUD determines that litigation is likely to affect HUD or any of its components.

(9) To any component of the Department of Justice or other Federal agency conducting litigation or in proceedings before any court, adjudicative, or administrative body, when HUD determines that the use of such records is relevant and necessary to the litigation and when any of the following is a party to the litigation or have an interest in such litigation: (1) HUD, or any component thereof; or (2) any HUD employee in his or her official capacity; or (3) any HUD employee in his or her individual capacity where the Department of Justice or agency conducting the litigation has agreed to represent the employee; or (4) the United States, or any agency thereof, where HUD determines that litigation is likely to affect HUD or any of its components.

(10) To the National Archives and Records Administration, Office of Government Information Services (OGIS), to the extent necessary to fulfill its responsibilities in 5 U.S.C. 552(h), to review administrative agency policies, procedures and compliance with the Freedom of Information Act (FOIA), and to facilitate OGIS' offering of mediation services to resolve disputes between persons making FOIA requests and administrative agencies.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records are stored electronically within the FedRAMP-authorized Sumo Logic Cloud SIEM platform.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records from this system may be retrieved by Full name, user IDs and email address.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records are managed in accordance with the General Records Schedule (GRS) 3.2, System Access Records, items 036, which covers Cybersecurity logging records. These records are temporary and can be destroyed when 30 months old, although longer retention is

authorized for business use. Disposition Authority: DAA–GRS 2022–0005–0002.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

For Electronic Records: Records are maintained and stored in the Sumo Logic environment, which operates within HUD's infrastructure. Access is restricted based on the user's roles and system privileges. Records reside in an encrypted database, and the environment complies with security and privacy controls outlined in the Federal Information Security Management Act (FISMA), National Institute of Standards and Technology (NIST) Special Publications, and Federal Information Processing Standards (FIPS). Access requires a valid HSPD–12 ID credential, connection to HUD's Local Area Network (LAN), a valid User ID, Password and Personalized Identification Number (PIN). Records are accessible only to individuals who require access to perform official duties.

For Electronic Records (cloud based): Records are secured and maintained on a cloud-based server and operating system hosted in a Federal Risk and Authorization Management Program (FedRAMP) authorized, and FISMA Moderate environment. All data is protected by firewalls and encrypted both at rest and in transit, in accordance with HUD encryption standards.

RECORD ACCESS PROCEDURES:

Individuals seeking to determine whether this System of Records contains information on themselves should address written inquiries to the Department of Housing and Urban Development 451 7th Street SW, Washington, DC 20410–0001.

For verification, individuals should provide their full name, current address, and telephone number. In addition, the requester must provide either a notarized statement or an unsworn declaration made under 24 CFR 16.4.

CONTESTING RECORD PROCEDURES:

The HUD rule for accessing, contesting, and appealing agency determinations by the individual concerned are published in 24 CFR 16.8 or may be obtained from the system manager.

NOTIFICATION PROCEDURES:

Individuals requesting notification of records of themselves should address written inquiries to the Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410–0001. For verification purposes, individuals should provide their full name, office or organization where assigned, if applicable, and current address and telephone number. In addition, the requester must provide either a notarized statement, or an unsworn declaration made under 24 CFR 16.4.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

None.

Kimberly Morton,

Acting Chief Privacy Officer, Office of Administration.

[FR Doc. 2026–16535 Filed 8–12–26; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS–HQ–MB–2026–2443; FXMB123109WEBB0–267–FF09M26000; OMB Control Number 1018–0019]

Agency Information Collection Activities; Submission to the Office of Management and Budget; North American Woodcock Singing Ground Survey

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the U.S. Fish and Wildlife Service (Service), are proposing to renew an information collection with change.

DATES: Interested persons are invited to submit comments on or before September 14, 2026.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice 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 Service Information Collection Clearance Officer, U.S. Fish and Wildlife Service, MS: PRB (JAO/3W), 5275 Leesburg Pike, Falls Church, VA 22041–3803 (mail); or by email to *Info_Coll@fws.gov.* Please reference ''1018–0019'' in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: Madonna L. Baucum, Service Information Collection Clearance Officer, by email at *Info_Coll@fws.gov,* or by telephone at (703) 358–2503. 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 information collection request at *https://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act (PRA; 44 U.S.C. 3501 *et seq.*) and its implementing regulations at 5 CFR part 1320, 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 Office of Management and Budget (OMB) control number.

On March 2, 2026, we published in the **Federal Register** (91 FR 10109) a notice of our intent to request that OMB approve this information collection. In that notice, we solicited comments for 60 days, ending on May 1, 2026. We also published the notice on *Regulations.gov* (Docket No. FWS–HQ–MB–2026–0166). We received two comments in response to that notice. However, the commenters did not address the information collection requirements; therefore, no response is required to those comments.

As part of our continuing effort to reduce paperwork and respondent burdens, we are again inviting 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; and

(4) How might the agency minimize the burden of the collection of information on those who are to

respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, email address, or other personally identifiable information in your comment, you should be aware that your entire comment—including your personally identifiable information—may be publicly available at any time. While you can ask us in your comment to withhold your personally identifiable information from public review, we cannot guarantee that we will be able to do so.

Abstract: The Migratory Bird Treaty Act (16 U.S.C. 703–712) designates the Department of the Interior as the primary agency responsible for managing migratory bird populations frequenting the United States and setting hunting regulations that allow for the well-being of migratory bird populations. These responsibilities dictate that we gather accurate data on various characteristics of migratory bird populations.

The North American Woodcock Singing Ground Survey is an essential part of the migratory bird management program. Federal, State, Provincial, Tribal, and local conservation agencies conduct the survey annually to provide the data necessary to determine the population status of the American woodcock. In addition, the information is vital in assessing the relative changes in the geographic distribution of the species. We use the information primarily to develop recommendations for hunting regulations. Without information on the population's status, we might promulgate hunting regulations that:

- Are not sufficiently restrictive, which could cause harm to the woodcock population, or
- Are too restrictive, which would unduly restrict recreational opportunities afforded by woodcock hunting.

State, local, Tribal, Provincial, and Federal conservation agencies, as well as other participants, use Form 3–156 to conduct annual field surveys. Instructions for completing the survey and reporting data are on the reverse of the form and on the internet. Observers scan/email or scan/upload (via the link provided) Form 3–156 to State and Province coordinators and/or enter the information electronically through the internet at *https://naturecounts.ca/nc/amwo/main.jsp.*

We collect observer information (name and email address) so that we can contact the observer if questions or concerns arise. Observers provide information on:

- Sky condition, temperature, wind, and precipitation;
- Stop number;
- Odometer reading;
- Time at each stop;
- Number of American Woodcock males heard peenting (calling);
- Disturbance level; and/or
- Comments concerning the survey.

Data results are entered via a web browser application by the observer or a State or Province coordinator. A mobile application which operates on portable electronic devices is also available to enter data while in the field. Substantial improvements are still being made to the browser that will mimic the user experience of the mobile application. The data entry feature for both will still be collecting data on all the same fields within the survey form. For those routes with spatial data within the mobile application, a mapping feature allows observers to see each stop location along the route and keep track of their current location. This will assist in stop location verification efforts and help maintain a verified spatial reference for the survey. Stop location verification, or more broadly, device location verification, is the process of confirming the physical location of a user's device (phone, computer) using GPS, Wi-Fi, or cellular network data.

The administrator sends paper-based survey forms to every observer; however, the observer is not required to submit the paper-based results to the Service. They are advised to send a copy to State and Province coordinators for data entry, quality assurance and quality control checks, and/or follow up.

Proposed Revision

With our November 2023 submission, we also included the following collections: North American Woodcock Singing Ground Survey—CAN and North American Woodcock Singing Ground Survey—U.S. These two collections were for observers who only submitted their survey form with no data entry; therefore, Service staff entered their data for them. This no longer occurs so we removed these two information collections for the current renewal.

We use the information that we collect to analyze the survey data and prepare reports. Assessment of the population's status serves to guide the Service, the States, and the Canadian Government in the annual promulgation of hunting regulations.

Title of Collection: North American Woodcock Singing Ground Survey.

OMB Control Number: 1018–0019.

Form Number: Form 3–156 (US) and Form 3–156 (CAN).

Type of Review: Renewal, without change, of a currently approved collection.

Respondents/Affected Public: State, local, Tribal, and Provincial governments.

Respondent's Obligation: Voluntary.

Frequency of Collection: Annually.

Total Estimated Annual Nonhour Burden Cost: None.

Requirement	Average number of annual respondents	Average number of responses each	Average number of annual responses	Average completion time per response (hours)	Estimated (rounded) annual burden hours
Survey—US (Web Browser—App Submission)					
Government	530	1	530	2.17	1,150
Survey—CAN (Web Browser—App Submission)					
Foreign Gov	189	1	189	2.17	410

Requirement	Average number of annual respondents	Average number of responses each	Average number of annual responses	Average completion time per response (hours)	Estimated (rounded) annual burden hours
Survey—US (Mobile App)					
Government	15	1	15	1.92	29
Survey—CAN (Mobile App)					
Foreign Gov	60	1	60	1.92	115
Totals	794		794		1,704

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Madonna Baucum,

Information Collection Clearance Officer, U.S. Fish and Wildlife Service.

[FR Doc. 2026–16520 Filed 8–12–26; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS–HQ–MB–2026–2146; FXMB1231099BPP0–267–FF09M21200; OMB Control Numbers 1018–0022, 1018–0146, 1018–NEW1, 1018–NEW2]

Agency Information Collection Activities; Federal Fish and Wildlife Permit Applications and Reports—Migratory Birds

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the U.S. Fish and Wildlife Service (Service), are proposing to revise two existing information collections and proposing two new information collections.

DATES: Comments will be accepted on or before October 13, 2026. Comments submitted electronically using the Federal eRulemaking Portal (see **ADDRESSES**, below) must be received by 11:59 p.m. eastern time on the closing date. To ensure your comment is received and considered, you must submit it using one of the methods identified in the **ADDRESSES** section of this document. Comments submitted through any method not authorized in this document, or sent to an address not listed here, will not be considered.

ADDRESSES:

Comment submission: All submissions must include the docket number [FWS–HQ–MB–2026–2146] for this document. You must submit comments using one of the following methods:

- *Electronic submission:* Federal eRulemaking Portal at: *https://www.regulations.gov.* In the Search box, enter FWS–HQ–MB–2026–2146, which is the docket number for this action. Then click the Search button. On the resulting page, you may submit a comment by clicking on ''Comment.'' Please ensure that you have found the correct document before submitting your comments.
- *U.S. mail:* Service Information Collection Clearance Officer, Attn: Docket No. FWS–HQ–MB–2026–2146, U.S. Fish and Wildlife Service, MS: PRB (JAO/3W), 5275 Leesburg Pike, Falls Church, VA 22041–3803.

Comments submitted through any method not authorized in this document, or sent to an address not listed here, will not be considered. We will not accept comments via email, fax, or hand delivery. We are not required to consider comments that are submitted after the comment period ends or that are submitted via a method outside of these instructions. Comments containing profanity, vulgarity, threats, or other inappropriate content will not be considered. We will post all comments at *https://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Madonna Baucum, Service Information Collection Clearance Officer, by email at *Info_Coll@fws.gov,* or by telephone at (703) 358–2503. Individuals who are hearing or speech impaired may call the Federal Relay Service at 1–800–877–8339 for TTY assistance. You may also view the information collection request (ICR) at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) and 5 CFR 1320.8(d)(1), we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection (IC) requirements and minimize the public's reporting burden. It also helps the public understand our IC requirements and provide the requested data in the desired format.

As part of our continuing effort to reduce paperwork and respondent burdens, we are soliciting comments from the public and other Federal agencies on the proposed ICR described below. We are especially interested in public comments addressing the following:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;

(2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) How might the agency minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, email address, or other personally identifiable information in your comment, you should be aware that your entire comment—including your personally identifiable information—may be publicly available at any time. While you can ask us in your comment to withhold your personally identifiable information from public review, we cannot guarantee that we will be able to do so.

Abstract: The U.S. Fish and Wildlife Service (Service) is the Federal agency primarily responsible for managing migratory birds, including bald eagles and golden eagles. Our authority derives primarily from the Migratory Bird Treaty Act of 1918, as amended (MBTA; 16 U.S.C. 703–712), which implements migratory bird conventions with Canada, Mexico, Japan, and the Russian Federation. As part of this effort, we collect information to determine the eligibility of applicants in certain activities in accordance with the criteria in various Federal wildlife conservation laws and international treaties, including the MBTA and the Bald and Golden Eagle Protection Act (Eagle Act; 16 U.S.C. 668–668d).

Regulations implementing these statutes are in Chapter I, Subchapter B of Title 50, Code of Federal Regulations (CFR), which stipulate general and specific requirements that, when met, allow us to issue permits to authorize activities that are otherwise prohibited:

- 50 CFR part 10—General Provisions
- 50 CFR part 13—General Permit Procedures
- 50 CFR part 20—Migratory Bird Hunting
- 50 CFR part 21—Migratory Bird Permits

With this notice, we are submitting four simultaneous ICRs to the Office of Management and Budget (OMB) requesting approval of existing, revised, new, and discontinued ICs associated with the following OMB Control Numbers:

- 1018–0022, *Federal Fish and Wildlife Permit Applications and Reports—Migratory Birds; 50 CFR 10, 13, 20, 21,* expires 12/31/2026;
- 1018–0146, *Depredation and Control Orders Under 50 CFR 21, Subpart D,* expires 08/31/2026;
- 1018–NEW1, *Federal Fish and Wildlife Permit Applications and Reports—Possession of Migratory Bird Specimens; 50 CFR 10, 13, 21;* and
- 1018–NEW2, *Federal Fish and Wildlife Permit Applications and Reports—Falconry Standards and Permitting; 50 CFR 10, 13, 21.*

We will request OMB approval of the existing, revised, new, and discontinued ICs as described below:

1. OMB Cont. No. 1018–0022, Federal Fish and Wildlife Permit Applications and Reports—Possession of Live Migratory Birds; 50 CFR 10, 13, 21—

A. *Revised Title*—We propose to change the title of this collection from ''Federal Fish and Wildlife Permit Applications and Reports—Possession of Live Migratory Birds; 50 CFR 10, 13, 20, 21'' to ''Federal Fish and Wildlife Permit Applications and Reports—Possession of Live Migratory Birds; 50 CFR parts 10, 13, 21''.

B. *Monitoring and Reporting*—Most permit types require the permittee to submit a report of their activities on an annual basis. The Service uses these reports to ensure the applicant remains in compliance with the terms of their permit. We use the number of birds reported by activity to ascertain the effects of the permit and the permitting program on populations of migratory birds to ensure the program is not causing a population decline that could be avoided.

Submission of reports is generally on an annual basis, although some are dependent on specific events. Events that result in the death of an unusually large number of birds or federally listed threatened or endangered species or eagles requires the permittee to report such events within 48 hours or as soon as practical. Service biologists use these immediate reports to provide technical assistance to minimize additional take during the existing event and to prevent these events in the future.

We continually review the application and report forms in this collection to clarify the questions asked and the information requested and to be consistent across all applications. This effort focuses on questions frequently misinterpreted or not addressed by applicants to ensure they (a) are easier to understand and complete and (b) will accommodate future electronic permitting.

C. *Applications*—All Service permit applications are in the 3–200 series of forms, each tailored to a specific activity based on the regulatory requirements for specific types of permits. Sections A through D on the applications are the same for all permit types. These sections collect standard identifier information, such as the name and address, telephone numbers, tax identification number, and email address for the applicant. Regulations at 50 CFR 13.12, ''General information requirements on applications for permits'', require submission of this information. With this revision, we propose to amend the information contained in Sections A through D. Standardizing general information common to the application forms makes filing applications easier for the public as well as expedites our review of applications. We use this information to establish a permit record that is unique to the applicant.

Section E of each application collects information specific to the activity the applicant wishes to conduct, as well as information concerning:

- The purpose of the activity;
- The type of species and number of bird(s) involved in the activity;
- The applicant's education and experience conducting the activity; and
- The methods used.

For captive-held bird(s), we ask for information about the holding facility, including the size of the enclosures and the material used in construction of the facility. As part of our efforts to reduce the number of questions on application forms, we propose to standardize much of the information contained in Section E of each application form and minimize information collected specific to the activity, as specified above. Section E will continue to include questions to determine:

- The location of records required by statute;
- Who, other than the permittee, will be conducting the authorized activity; and,
- Whether the applicant is not otherwise disqualified to receive a permit because of past violations of wildlife statutes.

The information that we collect on applications and reports is the minimum necessary for us to determine if the applicant meets/continues to meet issuance requirements for the particular activity and that any birds held in captivity are done so in a healthful and humane manner. Application forms within this collection include:

1. Waterfowl Sale and Disposal Permit (Form 3–200–9) *(Revised)*
2. Migratory Bird Rehabilitation Permit (Form 3–200–10b) *(Revised)*
3. Migratory Bird Special Purpose—Possession of Live and/or Dead and Salvage for Educational Purposes (Form 3–200–10c) *(Revised)*
4. Migratory Bird Raptor Propagation Permit (Form 3–200–12) *(Revised)*
5. Migratory Bird Special Purpose—Abatement Activities Using Raptors Permit (Form 3–200–79) *(Revised)*

This collection also includes the following permit application forms, which the Service proposes to revise and move to other OMB Control Numbers (see below):

- Migratory Bird Import/Export Permit (Form 3–200–6)
- Migratory Bird and Eagle Scientific Collecting Permit (Form 3–200–7)
- Migratory Bird Taxidermy Permit (Form 3–200–8)
- Migratory Bird Special Purpose—Miscellaneous (Form 3–200–10f)
- Migratory Bird Depredation Permit (Form 3–200–13)
- Special Canada Goose Permit (Form 3–200–67)
- Migratory Bird Special Purpose—Utility Permit (Form 3–200–81)

- Special Double-Crested Cormorant Permit (Form 3–200–90)

The Service proposes to discontinue Form 3–200–10e, Migratory Bird Special Purpose—Game Bird Propagation (see below).

D. *Annual Reports*—All activities conducted under these regulations require submission of an annual report to the Service. The Service uses these reports to ensure the applicant remains in compliance with the terms of their authorization or permit. Annual report forms within this collection include:

1. Waterfowl Sale and Disposal (Form 3–202–2) *(Revised)*
2. Migratory Bird Rehabilitation (Form 3–202–4) *(Revised)*
3. Migratory Bird Special Purpose—Possession of Live and/or Dead and Salvage of Migratory Birds for Educational Purposes (Form 3–202–5) *(Replaced with Form 3–202–2)*
4. Migratory Bird Special Purpose—Game Bird Propagation (Form 3–202–6) *(Replaced with Form 3–202–2)*
5. Migratory Bird Raptor Propagation (Form 3–202–8) *(Replaced with Form 3–202–2)*

This collection also includes the following annual report forms, which the Service proposes to move to a new OMB control number (see below):

- Migratory Bird and Eagle Scientific Collecting (Form 3–202–1) *(Revised)*
- Migratory Bird Special Purpose—Salvage (Form 3–202–3) *(Revised)*
- Migratory Bird Special Purpose—Miscellaneous (Form 3–202–7) (*Replaced with Form 3–202–1, 3–202–2, or 3–202–3 depending on activity)*
- Migratory Bird Depredation (Form 3–202–9) *(Replaced with Form 3–202–1)*
- Special Canada Goose (Form 3–202–10) *(Replaced with Form 3–202–1)*
- Avian Injury/Mortality Report (Form 3–202–17)
- Special Double-Crested Cormorant (Form 3–202–56)

E. *As–Needed Reports*—We use as–needed reports to collect information of individuals that transfer migratory birds between permittees.

1. Migratory Bird and Eagle Acquisition and Transfer Request (Form 3–202–12) *(Revised)*
2. Notice of Transfer and Sale of Migratory Waterfowl (Form 3–186) *(Revised)*

The Service proposes to revise and move Form 3–186a, Migratory Bird Acquisition and Disposition, to OMB Control Number 1018–NEW2.

F. *Miscellaneous Forms*—The Federal Raptor Propagation Seamless Band Request (Form 3–2435) is also used in conjunction with the raptor program to order additional bands.

G. *Amendments*—Permittees may request to amend a permit by the permittee, or the Service may amend a permit for just cause upon a written finding of necessity. Amendments comprise changes to the permit authorization or conditions. This includes, but is not limited to, an increase or decrease in the estimated amount of take or changes in ownership of a project. The permittee must apply for amendments to the permit by submitting a description of the modified activity and the changed impacts. These are considered substantive amendments and incur a fee. A permittee is not required to obtain a new permit if there is a change in the legal individual or business name, or in themailing address of the permittee. A permittee is required to notify the issuing office within 10 calendar days of such change.

H. *Recordkeeping Requirements*—In addition to the requirements in 50 CFR part 13, persons conducting activities under Special Purpose Permits (50 CFR 21.95) must maintain adequate records and make them available for inspection by Service personnel.

I. *Banding Requirements*—

1. Special Purpose Permits—Possession of Live Migratory Birds for Educational Purposes (50 CFR 21.95)—All live, captive-bred, migratory game birds must be physically marked.

2. Raptor Propagation Permits (50 CFR 21.85)—All raptors used for propagation must be banded according to the specifications listed in this regulation. In addition, every captive-bred raptor must be banded within 2 weeks of hatching. Information on the raptor, including band number, must be reported to state wildlife officials via paper forms or uploading the information to the Federal 3–186a database.

I. *Required Notifications*—

1. Rehabilitation Permits (50 CFR 21.76)—All persons conducting activities under this regulation must notify their issuing Migratory Bird Permit Office within 24 hours of acquiring a threatened or endangered migratory bird species, or bald or golden eagle, whether live or dead. Local Service law enforcement office must be notified if there is reason to believe a bird has been poisoned, electrocuted, shot, or otherwise subjected to criminal activity.

2. Raptor Propagation Permits (50 CFR 21.85)—If a person conducting activities under this regulation moves within the State or gets a new mailing address, they must notify us within 30 days. If they move to a new State, within 30 days, they must inform both the former and new (if applicable) Migratory Bird Permit Offices of the address change. If there are new propagation facilities, the permittee must provide information, pictures, and diagrams of them, and the facilities may be inspected in accordance with Federal or State requirements. Thereafter, no mandatory inspections of the facilities will continue.

K. *Falconry Program Requirements*—We require falconers to maintain basic records on falconry birds in their possession using the Federal 3–186a database or via paper forms submitted to State wildlife officials. Form 3–186a is currently approved under OMB Control Number 1018–0022; however, we propose to transfer this form to a new OMB control number (see below).

L. *Revision/Simplification of Report Forms*—With this submission, we are proposing to revise/simplify the forms described below (while retaining them in 1018–0022) to reduce burden on respondents:

1. Form 3–202–2, Waterfowl Sale and Disposal. We propose to simplify and standardize Form 3–202–2. We propose to retain the form number but update title to ''*Migratory Bird Live Possession*''.

2. Form 3–202–4, Migratory Bird Rehabilitation. We propose to simplify and standardize Form 3–202–4.

3. Form 3–202–12, Migratory Bird and Eagle Acquisition and Transfer Request. We propose to simplify and standardize Form 3–202–12.

4. Form 3–186, Notice of Transfer and Sale of Migratory Waterfowl. We propose to simplify and standardize Form 3–186. We propose to retain the form number but update title to ''*Notice of Transfer or Sale of Migratory Waterfowl and Game Bird*''.

M. *Revisions to Application Forms*—With this submission, we propose changes to the following application forms:

1. Form 3–200–9, Waterfowl Sale and Disposal Permit. (New title ''*Waterfowl Sale and Disposal and Game Bird Propagation Permit*''). We are proposing changes to this form to simplify and standardize application requirements. With these changes, we propose to discontinue Form 3–200–10e, as the ICs associated with this form will be combined with Form 3–200–9.

2. Form 3–200–10b, Migratory Bird Rehabilitation Permit. We are proposing changes to this form to simplify and standardize application requirements.

3. Form 3–200–10c, Migratory Bird Special Purpose—Possession of Live and/or Dead and Salvage for Educational Purposes (New title ''*Migratory Bird and Eagle Exhibition Permit*''). We are proposing changes to

this form to simplify and standardize application requirements. This form is intended for use by applicants that wish to exhibit both migratory birds and eagles.

4. Form 3–200–12, Migratory Bird Raptor Propagation Permit. We are proposing changes to this form to simplify and standardize application requirements.

5. Form 3–200–79, Migratory Bird Special Purpose—Abatement Permit. We are proposing changes to this form to simplify and standardize application requirements.

N. Finally, we propose to renew the remaining currently approved ICs in 1018–0022, without change:

1. Notifications—Permit Exceptions (50 CFR 21.12)—General exceptions to permit requirements, imposes recordkeeping requirements for institutions authorized to acquire by gift or purchase, possess, transport, and by gift or sale dispose of lawfully acquired migratory birds or their progeny, parts, nests, or eggs without a permit. We use these records to establish a chain of custody of birds acquired and disposed of by these exempt institutions.

2. Form 3–2435, Federal Raptor Propagation Seamless Band Request—Authorized individuals use Form 3–2435 to conduct raptor propagation, and to mark captive-bred raptors with seamless leg bands in accordance with the conditions of their Federal Raptor Propagation Permit and state wildlife agency regulations. The requestor indicates the required band sizes, verifies serial numbers, and acknowledges the proper use and accountability of assigned Federal bands.

Title of Collection (Revised): Federal Fish and Wildlife Permit Applications and Reports—Possession of Live Migratory Birds; 50 CFR 10, 13, 21.

OMB Control Number: 1018–0022.

Form Numbers: Forms 3–200–9, 3–200–10b, 3–200–10c, 3–200–12, 3–200–79, 3–202–2, 3–202–4, 3–202–12, 3–186, and 3–2435.

Type of Review: Revision of a currently approved collection.

Respondents/Affected Public: Individuals, businesses, and State/local/Tribal governments.

Total Estimated Number of Annual Respondents: 10,225.

Total Estimated Number of Annual Responses: 22,075.

Estimated Completion Time per Response: Varies from 5 minutes to 260 hours, depending on activity.

Total Estimated Number of Annual Burden Hours: 216,474.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: On occasion for applications; annually or on occasion for reports.

Total Estimated Annual Non-hour Burden Cost: $245,865 (primarily associated with application processing and administrative fees).

2. OMB Cont. No. 1018–0146, *Depredation and Control Orders Under 50 CFR 21, Subpart D*—

A. *Monitoring and Reporting*—Most permit types require the permittee to submit a report of their activities on an annual basis. The Service uses these reports to ensure the applicant remains in compliance with the terms of their permit. We use the number of birds reported by activity to ascertain the effects of the specific permit and the permitting program on populations of birds to ensure the program is not causing a decline that could be avoided.

Submission of reports is generally on an annual basis, although some are dependent on specific events. Events that result in the death of an unusually large number of birds or federally listed threatened or endangered species or eagles requires the permittee to report such events within 48 hours or as soon as practical. Service biologists use these immediate reports to provide technical assistance to minimize additional take during the existing event and to prevent these events in the future.

We continually review the application and report forms in this collection to clarify the questions asked and the information requested and to be consistent across all applications. This effort focuses on questions frequently misinterpreted or not addressed by applicants to ensure they (a) are easier to understand and complete and (b) will accommodate future electronic permitting.

B. *Applications*—All Service permit applications are in the 3–200 series of forms, each tailored to a specific activity based on the regulatory requirements for specific types of permits. Sections A through D on the applications is the same for all permit types. These sections collect standard identifier information, such as the name and address, telephone and fax numbers, tax identification number, and email address for the applicant. Regulations at 50 CFR 13.12, ''General information requirements on applications for permits,'' require submission of this information. With this revision, we propose to amend the information contained in Sections A through D. Standardizing general information common to the application forms makes filing applications easier for the public as well as expedites our review of applications. We use this information to establish a permit record that is unique to the applicant.

Section E of each application collects information specific to the activity the applicant wishes to conduct, as well as information concerning:

1. The purpose of the activity;

2. The type of species and number of bird(s) involved in the activity;

3. The applicant's education and experience conducting the activity; and

4. The methods used.

As part of our efforts to reduce the number of questions on application forms, we propose to standardize much of the information contained in Section E of each application form and minimize information collected specific to the activity, as specified above. Section E will continue to include questions to determine:

1. The location of records required by statute;

2. Who, other than the permittee, will be conducting the authorized activity; and,

3. Whether the applicant is not otherwise disqualified to receive a permit because of past violations of wildlife statutes.

For applications for resolving conflicts with birds using lethal measure for things like damage to property, loss of income, or loss of resources, we require applicants to provide additional recommendation from the U.S. Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS), Wildlife Services (WS), using Permit Review Form (WS–37). The applicant needing to kill birds to resolve conflicts must provide this recommendation to us as part of the application.

The information that we collect on applications and reports is the minimum necessary for us to determine if the applicant meets/continues to meet issuance requirements for the particular activity and that any birds held in captivity are done so in a healthful and humane manner. In instances where birds will be killed, we use the information collected on the application to determine that the birds do not suffer needlessly. This information collection does not currently contain any application forms.

C. *Reporting Requirements*—Activities conducted under these regulations may require submission of an annual report to the Service. We use these reports to ensure the applicant remains in compliance with the terms of their authorization or permit. Regulations at 50 CFR part 21 establish depredation and control orders and impose reporting requirements. All persons or entities acting under these

orders must provide an annual report using Form 3–2436, Depredation and Control Orders Annual Report, by the date listed in the corresponding regulation. The report collects information such as:

1. Species taken;
2. Number of birds taken;
3. Method of take;
4. Months and years in which the birds were taken;
5. State(s) and county(ies) in which the birds were taken;
6. General purpose of take (such as for the protection of agriculture, human health and safety, property, or natural resources), and
7. Disposition of nontarget species

D. *Recordkeeping Requirements*—Persons and entities operating under depredation and control orders must keep accurate records, to include those required to complete Forms 3–2436 or other specified annual report forms. The records of any taking must be legibly written or reproducible in English and maintained for 5 years after they have ceased the activity authorized by this order. Persons or entities who reside or are located in the United States and persons or entities conducting commercial activities in the United States who reside or are located outside the United States must maintain records at a location in the United States where the records are available for inspection. The information must be made available during reasonable times (including during actual operations) to any Federal, State, Tribal, or territorial wildlife law enforcement officer if they inquire about the control operations.

E. *Amendments*—A permittee may request to amend a permit by the permittee, or the Service may amend a permit for just cause upon a written finding of necessity. Amendments comprise changes to the permit authorization or conditions. This includes, but is not limited to, an increase or decrease in the estimated amount of take or changes in ownership of a project. The permittee must apply for amendments to the permit by submitting a description of the modified activity and the changed impacts. These are considered substantive amendments and incur a fee. A permittee is not required to obtain a new permit if there is a change in the legal individual or business name, or in themailing address of the permittee. A permittee is required to notify the issuing office within 10 calendar days of such change.

F. *Endangered, Threatened, and Candidate Species Take Report*—If activities conducted under a depredation or control order take a bird of a nontarget species that is federally listed as endangered or threatened, or that is a candidate for listing, under the Endangered Species Act (ESA; 16 U.S.C. 1531 *et seq.*), the bird must be delivered to a rehabilitator and must be reported by phone or email to the nearest Service Field Office or Special Agent. Capture and disposition of all nontarget migratory birds must also be reported on the annual report.

G. *Required Notifications under 50 CFR Part 21*—

1. § 21.150—Report take of nontarget federally protected migratory birds to the nearest Service Field Office or Special Agent.
2. § 21.153—Each season, before lethal control may be undertaken, the landowner must attempt to use nonlethal control of migratory bird depredation as recommended by the USDA–APHIS–WS. The county agriculture commissioner must confirm that nonlethal measures have been undertaken to control or eliminate the problem prior to the landowner using lethal control.
3. § 21.159—Airports and military airfields or their agents must obtain authorization from landowners for all management activities conducted outside the airport or military airfield's boundaries.
4. § 21.159—Airports and military airfields or their agents operating under this order must immediately report the take of any species protected under the ESA to the Service.
5. § 21.159—To protect certain species from being adversely affected by management actions, airports and military airfields or their agents must contact the Service if control activities are proposed in or around occupied habitats to discuss the proposed activity and ensure that implementation will not adversely affect protected species or their habitat.
6. § 21.159—Information on birds carrying metal leg bands must be submitted to the Bird Banding Laboratory by means of a toll-free telephone number at 1–800–327–BAND (or 2263) (U.S. Geological Survey OMB Control Number 1028–0082).
7. § 21.162—Homeowners' associations and local governments or their agents must obtain landowner consent prior to destroying nests and eggs on private property within the homeowners' association or local government's jurisdiction and comply with all State and local laws and regulations.
8. § 21.162—Registrants operating under this order must immediately report the take of any species protected under the ESA to the Service.
9. § 21.162—To protect certain species from being adversely affected by management actions, registrants must contact the Service if control activities are proposed in or around occupied habitats to discuss the proposed activity and ensure that implementation will not adversely affect protected species or their habitat.
10. § 21.165—Authorized individuals operating under this section must immediately report the take of any species protected under the ESA to the Service.
11. § 21.165—Information on birds carrying metal leg bands must be submitted to the Bird Banding Laboratory by means of a toll-free telephone number at 1–800–327–BAND (or 2263) (U.S. Geological Survey OMB Control Number 1028–0082).
12. § 21.168—Information on birds carrying metal leg bands must be submitted to the Bird Banding Laboratory by means of a toll-free telephone number at 1–800–327–BAND (or 2263) (U.S. Geological Survey OMB Control Number 1028–0082).
13. § 21.168—States and Tribes operating under this order must immediately report the take of any species protected under the ESA to the Service.
14. § 21.168—To protect certain species from being adversely affected by management actions, States and Tribes must contact the Service if control activities are proposed in or around occupied habitats to discuss the proposed activity and ensure that implementation will not adversely affect protected species or their habitat.
15. § 21.171—Authorized individuals operating under this order must immediately report the take of any other species protected under the ESA, the MBTA, or the Bald and Golden Eagle Protection Act to the nearest Ecological Services office.
16. § 21.174—Authorized individuals operating under this order must immediately report the take of any species protected under the ESA, or any other bird species protected under the MBTA, to the Service Ecological Services office for the State or location in which the take occurred.
17. § 21.177—Authorized personnel must obtain authorization from landowners prior to conducting management activities authorized by this order.
18. § 21.177—Authorized individuals operating under this order must immediately report the take of any nontarget species protected under the ESA or MBTA within 72 hours of take to the Pacific Region Migratory Bird Permit office in Portland, Oregon.

19. § 21.183—Authorized individuals operating under this section must immediately report the take of any species protected under the ESA to the Service.

H. *Access to Depredation and Control Premises (50 CFR 21.150, 21.156, 21.168, 21.180, 21.183)*—Persons acting under the authority of these orders must permit at all reasonable times, including during actual operations, any Federal or State game or deputy game agent, warden, protector, or other game law enforcement officer free and unrestricted access over the premises on which such operations have been or are being conducted and must promptly furnish whatever information an officer requires concerning the operation.

I. *Canada Geese Nest and Egg Depredation Order (50 CFR 21.162)*—In addition to the requirements listed above, landowners operating under this order must:

1. Register with the Service using our web-based registration system (*https://epermits.fws.gov/eRCGR*) (§ 21.162(d)(1)). Registration includes name of landowner, names of designated agents, location of management activities, and contact information. The registration is valid for 1 year; the registrant must renew the registration each year he or she wishes to take nests and eggs. To renew the registration, the registrant must review the information and certify that it is correct. If any information entered during initial registration has changed, the registrant needs to enter only the revised information. We use this information for enforcement purposes and to contact registrants when there are questions regarding their report information. We uploaded screen shots of the registration website and a copy of the user guide as supplementary documents available at *https://www.reginfo.gov/public/do/PRAMain.*

2. Complete an annual report summarizing the date (month), numbers, and locations of nests and eggs taken by October 31 (§ 21.162(d)(6)). We use this information to monitor the effectiveness of the program and the cumulative effect of the take of nests and eggs on various subpopulations of resident Canada goose populations in different areas of the country. We distribute reports of the numbers of nests and eggs taken, by State and county, annually to the States, Flyway Councils, and Service biologists for their use in determining allowable take by other methods, including hunting seasons. We now also include this information on the registration website.

J. *Agricultural Depredation Order (50 CFR 21.165)*—In addition to the requirements listed above:

1. Recordkeeping Requirement (Private Sector Only)—Authorized agricultural producers must:

a. Keep and maintain a log that indicates the date and number of birds killed and the date and number of nests and eggs taken under this authorization;

b. Maintain the log for a period of three years (and records for three previous years of takings at all times thereafter); and

c. Make the log and any related records available to Federal, State, or Tribal wildlife enforcement officers (§ 21.165(d)(8)).

2. Reporting Requirement (States and Tribes Only)—States and Tribes must submit by December 31 an annual report summarizing activities, including the numbers of birds, nests, and eggs taken and county where taken (§ 21.165(d)(10)). We use this information to monitor the resident Canada goose populations in different areas of the country.

K. *Conservation Order for Light Geese (50 CFR 21.180)*—These regulations require States and Tribes to keep annual records of activities carried out under the authority of the conservation order and submit an annual report summarizing activities conducted under the conservation order on or before September 15 of each year. Specifically, information must be collected on:

1. The number of persons participating in the conservation order;

2. The number of days people participated in the conservation order;

3. The number of light geese shot and retrieved under the conservation order; and

4. The number of light geese shot but not retrieved.

L. *Population Control of Resident Canada Geese (50 CFR 21.183)*—In addition to the requirements listed above, States and Tribes:

1. May request approval for the population control program. Requests must include a discussion of the State's or Tribe's efforts to address its injurious situations or a discussion of the reasons why the methods authorized by these regulations are not feasible for dealing with, or applicable to, the injurious situations that require further action. Requests must provide detailed information of the injuries that continue, why the authorized methods have not worked, and why methods not utilized could not resolve the injuries (§ 21.183(d)). This information is necessary for us to assess whether or not the program should be authorized.

2. Must keep annual records of activities carried out under the authority of the program. Specifically, information must be collection on:

a. The number of individuals participating in the program;

b. The number of days each individual participated in the program;

c. The total number of resident Canada geese shot and retrieved during the program; and

d. The number of resident Canada geese shot but not retrieved (§ 21.183(d)(7)). We use this information, in conjunction with take under other methods and hunting seasons, to determine cumulative impacts on the various goose populations.

3. Must submit by June 1 an annual report summarizing activities conducted under the program and an assessment of the continuation of injuries (§ 21.183(d)(7)(iv)). We use this information to determine if we should continue to authorize program activities.

4. Must provide by August 1 an annual estimate of the breeding population and distribution of resident Canada geese in their State (§ 21.183(g)). We use this information to monitor the impacts of this program, as well as other authorized activities, on the population and to determine if we should continue to authorize program activities.

With this submission, we are proposing the following revisions to OMB Control Number 1018–0146:

A. *Revised Title*—With this submission, we are proposing to update the title of the collection as noted from ''Depredation and Control Orders Under 50 CFR 21, Subpart D'' to ''Wild Take of Migratory Birds; 50 CFR 10, 13, 21.''

B. We propose to transfer the below listed forms and non-form requirements from OMB Control Number 1018–0022 into this collection (1018–0146):

1. *Form 3–200–7, Migratory Bird and Eagle Scientific Collecting Permit* (including automated versions and amendments). We are proposing changes to this form to simplify and standardize application requirements.

2. *Form 3–200–10f, Migratory Bird Special Purpose—Miscellaneous* (including automated versions and amendments). We are proposing changes to this form to simplify and standardize application requirements.

3. *Form 3–200–13, Migratory Bird Depredation Permit* (including automated versions and amendments). We are proposing changes to this form to simplify and standardize application requirements.

4. *Form 3–200–67, Special Canada Goose Permit* (including automated versions and amendments). We are

proposing changes to this form to simplify and standardize application requirements.

5. *Form 3–200–81, Migratory Bird Special Purpose—Utility Permit* (including automated versions and amendments). We are proposing changes to this form to simplify and standardize application requirements.

6. *Form 3–200–90, Special Double–Crested Cormorant Permit* (including automated versions and amendments). We are proposing changes to this form to simplify and standardize application requirements.

7. *Form 3–202–1, Migratory Bird and Eagle Scientific Collecting* (including automated versions). Amended from its currently approved version. Retain form number but update title to ''*Migratory Bird Wild Take*''.

8. *Form 3–202–7, Migratory Bird Special Purpose—Miscellaneous* (including automated versions). Replace with updated Form 3–202–1, Form 3–202–2, or Form 3–202–3 depending on activity.

9. *Form 3–202–9, Migratory Bird Depredation* (including automated versions). Replaced with updated Form 3–202–1, ''*Migratory Bird Wild Take*''.

10. *Form 3–202–10, Special Canada Goose* (including automated versions). Replaced with updated Form 3–202–1, ''*Migratory Bird Wild Take*''.

11. *Form 3–202–17, Avian Injury/Mortality Report* (including automated versions). We are not proposing any changes to this form.

12. *Form 3–202–56, Special Double–Crested Cormorant* (including automated versions). We are not proposing any changes to this form.

13. *Designation of Subpermittees (Special Double–Crested Cormorant Permit)*—States and Tribes may designate subpermittees who must operate under the conditions of the permit. Subpermittees must be at least 18 years of age and can be employees of State and Tribal fish and wildlife agencies, USDA–Wildlife Services employees, and employees of other Federal, State, or Tribal agencies or private companies licensed to conduct wildlife damage abatement. The permittee must provide the Service with the name of any subpermittees who will be conducting activities under their permit.

14. *Landowner Notifications*—If a State or Tribe must enter private property to access State and Tribal lands or waters where take is approved in their permit, the State or Tribe must obtain authorization from the private property owner.

Title of Collection (Revised): Federal Fish and Wildlife Permit Applications and Reports—Wild Take of Migratory Birds; 50 CFR 10, 13, 21.

OMB Control Number: 1018–0146

Form Numbers: Forms 3–200–7, 3–200–10f, 3–200–13, 3–200–67, 3–200–81, 3–200–90, 3–202–1, 3–202–17, 3–202–56, and 3–2436.

Type of Review: Revision of a currently approved collection.

Respondents/Affected Public: Individuals, businesses, and State/local/Tribal governments.

Total Estimated Number of Annual Respondents: 37,655.

Total Estimated Number of Annual Responses: 41,326.

Estimated Completion Time per Response: Varies from 15 minutes to 160 hours, depending on activity.

Total Estimated Number of Annual Burden Hours: 31,739.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: On occasion for applications; annually or on occasion for reports.

Total Estimated Annual Non–hour Burden Cost: $260,100 (primarily associated with application processing and administrative fees).

3. OMB Cont. No. 1018–NEW1, *Possession of Migratory Bird Specimens; 50 CFR 10, 13, 21*—With this submission, we will request OMB approval of the following ICs in this new collection (identified as 1018–NEW1):

A. *Monitoring and Reporting*—Most permit types require the permittee to submit a report of their activities on an annual basis. The Service uses these reports to ensure the applicant remains in compliance with the terms of their permit. We use the number of birds reported by activity to ascertain the effects of the specific permit and the permitting program on populations of birds to ensure the program is not causing a decline that could be avoided.

Submission of reports is generally on an annual basis, although some are dependent on specific events. Events that result in the death of an unusually large number of birds or federally listed threatened or endangered species or eagles requires the permittee to report such events within 48 hours or as soon as practical. Service biologists use these immediate reports to provide technical assistance to minimize additional take during the existing event and to prevent these events in the future.

We continually review the application and report forms in this collection to clarify the questions asked and the information requested and to be consistent across all applications. This effort focuses on questions frequently misinterpreted or not addressed by applicants to ensure they (a) are easier to understand and complete and (b) will accommodate future electronic permitting.

B. *Applications*—All Service permit applications are in the 3–200 series of forms, each tailored to a specific activity based on the regulatory requirements for specific types of permits. Sections A through D on the applications is the same for all permit types. These sections collect standard identifier information, such as the name and address, telephone and fax numbers, tax identification number, and email address for the applicant. Regulations at 50 CFR 13.12, ''General information requirements on applications for permits'', require submission of this information. With this revision, we propose to amend the information contained in Sections A through D. Standardizing general information common to the application forms makes filing applications easier for the public as well as expedites our review of applications. We use this information to establish a permit record that is unique to the applicant.

Section E of each application collects information specific to the activity the applicant wishes to conduct, as well as information concerning:

- The purpose of the activity;
- The type of species and number of bird(s) involved in the activity;
- The applicant's education and experience conducting the activity; and,
- The method used.

As part of our efforts to reduce the number of questions on application forms, we propose to standardize much of the information contained in Section E of each application form and minimize information collected specific to the activity, as specified above. Section E will continue to include questions to determine:

- The location of records required by statute;
- Who, other than the permittee, will be conducting the authorized activity; and,
- Whether the applicant is not otherwise disqualified to receive a permit because of past violations of wildlife statutes.

With this submission, we are also proposing to transfer the below listed forms and ICs, including required notifications, reporting, and recordkeeping, from OMB Control Number 1018–0022 into this collection (1018–NEW1):

C. *Transfer of Currently Approved Forms and ICs*—

1. *Form 3–200–6, Migratory Bird Import/Export Permit*—We are proposing changes to this form to

simplify and standardize application requirements.

2. *Form 3–200–8, Migratory Bird Taxidermy Permit*—We are proposing changes to this form to simplify and standardize application requirements.

3. *Form 3–202–3, Migratory Bird Special Purpose—Salvage*—We propose to update the title to ''Migratory Bird Specimen Possession'' while simplifying and standardizing application requirements. We will retain the form number.

D. *Migratory Bird Permit Program Service Manual Chapters*—With this submission, we propose to include information collection requirements contained in the currently approved ''Migratory Bird Permit Program Handbook'' (Handbook) and associated Service Manual chapters at 724 FW 1 (''Overview of Migratory Bird Permitting'') and 724 FW 2 (''Migratory Bird Permits''). The Handbook provides detailed procedures and other operational information to implement the Service Manual chapters in part 724 (''Migratory Bird Permits'') and more generally in part 720 (''Migratory Bird Management'').

Currently approved ICs contained in the Handbook to be transferred to this collection include the following:

1. Renewal procedures associated with the reauthorization of an existing permit (with or without changes to the conditions);

2. Reinstatement procedures associated with the reauthorization of an existing permit (with or without changes to the conditions);

3. Discontinuance procedures at the permittee's request to discontinue a valid permit;

4. Solicitation of appropriate documentation from entities authorized to act on behalf of State, local, Tribal, and Federal government agencies to verify their exempt status for fee exemption purposes;

5. Fee waiver request process as outlined in 50 CFR 13.11(d)(3)(iii);

6. Requests for reconsideration of a denial, partial denial, suspension, or revocation of a permit (requiring submission of a written request with the required information in 50 CFR 13.29(b) within 45 days after the permit decision); and

7. Appeals of reconsideration request decisions (requiring the permittee submit a written request to the Regional Director (see 50 CFR 13.29(e)) within 45 days of the reconsideration decision).

E. *Recordkeeping Requirements*—Permittees must keep accurate records of the activities conducted under their permit, including information regarding the migratory bird specimens in their possession. Specific recordkeeping requirements include:

1. § 21.63—Names and addresses of persons from and to whom migratory birds or their parts, nests, or eggs were received or delivered, the number and species of such, and the dates of receipt and delivery.

2. § 21.67—Evidence the bird or birds were lawfully taken and exported from the country of origin. This evidence must include a hunting license and any export documentation required by the country of origin and must be kept with the imported bird or birds permanently. All migratory birds imported into, or exported from, the U.S. and any associated documentation may be inspected by the Service.

F. *Required Notifications*—

1. § 21.67—If the raptor dies or is lost, the permittee is not required to bring it back, but they must report the loss immediately upon their return to the United States in the manner required by the falconry regulations of the State or Tribe, and according to any conditions on their Convention on International Trade in Endangered Species (CITES) certificate.

G. *Banding Requirements*—

1. § 21.63—Taxidermists are not authorized to possess any migratory game birds taken by another by hunting unless they are tagged as required by 50 CFR 20.36. The required tags may be removed during the taxidermy operations but must be retained by the taxidermist with the other records required to be kept and must be reattached to the mounted specimen after mounting. The tag must then remain attached until the mounted specimen is delivered to the owner.

2. § 21.67—Raptors covered under a CITES certificate of ownership issued under 50 CFR part 23 must be identifiable with a seamless band or a permanent, nonreusable, numbered leg band issued by the Service. We may exempt a raptor from banding because of health concerns, but the permittees must provide proof of the exemption from their falconry permitting authority.

H. *Amendments*—A permittee may request to amend a permit by the permittee, or the Service may amend a permit for just cause upon a written finding of necessity. Amendments comprise changes to the permit authorization or conditions. This includes, but is not limited to, an increase or decrease in the estimated amount of take or changes in ownership of a project. The permittee must apply for amendments to the permit by submitting a description of the modified activity and the changed impacts. These are considered substantive amendments and incur a fee. A permittee is not required to obtain a new permit if there is a change in the legal individual or business name, or in themailing address of the permittee. A permittee is required to notify the issuing office within 10 calendar days of such change. This provision does not authorize any change in location of the conduct of the permitted activity when approval of the location is a qualifying condition of the permit.

Title of Collection: Federal Fish and Wildlife Permit Applications and Reports—Possession of Migratory Bird Specimens; 50 CFR parts 10, 13, 21.

OMB Control Number: 1018–NEW1.

Form Numbers: Forms 3–200–6, 3–200–8, and 3–202–3.

Type of Review: New.

Respondents/Affected Public: Individuals, businesses, and State/local/Tribal governments.

Total Estimated Number of Annual Respondents: 4,428.

Total Estimated Number of Annual Responses: 4,428.

Estimated Completion Time per Response: Varies from 15 minutes to 5.3 hours, depending on activity.

Total Estimated Number of Annual Burden Hours: 12,427.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: On occasion for applications; annually or on occasion for reports.

Total Estimated Annual Non-hour Burden Cost: $330,265 (primarily associated with application processing and administrative fees).

4. OMB Cont. No. 1018–NEW2, *Falconry Standards and Permitting; 50 CFR 10, 13, 21*—With this submission, we will request OMB approval of the following ICs in this new collection (identified as 1018–NEW2):

A. *Form 3–186a, Migratory Bird Acquisition and Disposition Report*—Activities conducted under these regulations require submission of forms to the Service. The Service uses Form 3–186a, Migratory Bird Acquisition and Disposition, to ensure the applicant remains in compliance with the terms of their authorization or permit. We require States to maintain databases of falconers authorized to conduct falconry in their States and require falconers to report transfers of falconry birds using Form 3–186a. We require each State that maintains its own database to ensure that it is compatible with the Service's database. The Service's database continues to track take of birds from the wild by falconers and to maintain records of persons permitted by the States to practice falconry.

We continually review the application and report forms in this collection to clarify the questions asked and the information requested and to be consistent across all applications. This effort focuses on questions frequently misinterpreted or not addressed by applicants to ensure they (a) are easier to understand and complete and (b) will accommodate future electronic permitting.

B. *Reporting Requirements*—State agencies must require falconers to submit any required Form 3–186a within 10 days to the agency and the Service using the Service's electronic database, unless the agency requested and received from the Service an exception to this requirement. Agencies are responsible for assisting falconers in obtaining and maintaining access to the reporting system. The following actions must be reported:

1. All acquisitions, including but not limited to transfer from another falconer, transfer from a federal permit held by the falconer or someone else, purchase of a captive-bred bird, capture of a wild bird, recapture of an escaped bird, or any other means in which a bird obtained for falconry purposes.

2. All disposals, including but not limited to transfer to another falconer, transfer to a federal permit held by the falconer or someone else, sale of a captive-bred bird, release of a bird to the wild, birds that are lost, stolen, or die, or any other means in which a bird is no longer held under the falconry license.

3. Changes in marking of a bird, including removal of a band, rebanding, microchipping, or other banding or marking activities.

4. Birds injured or killed during capture.

If a raptor is captured that has any other band, research marker, or transmitter attached to it, the band number and all other relevant information must be reported to the Federal Bird Banding Laboratory.

Falconers must report non-target take to the appropriate Service office. Species on the List of Endangered and Threatened Species (50 CFR 17.11) must be reported to the appropriate Ecological Services Field Office. Species on the List of Migratory Birds (50 CFR 10.13) must be reported to the appropriate Migratory Bird Permit Office.

C. *Recordkeeping Requirements*—We require falconers to maintain basic records on falconry birds in their possession using the Federal 3–186a database or via paper forms submitted to State wildlife officials. Falconers must maintain adequate records documenting the take, transfer, loss, re-banding, or microchipping of each falconry raptor until 5 years after they have transferred the lost bird or it has died. Data from newly acquired falconry birds should be provided within 10 days from the day on which the raptor was taken from the wild. This time requirement may vary per state requirements. Each State may do what they deem appropriate for recordkeeping, as long as those standards are within the sideboards established for Federal falconry regulations.

D. *Required Notifications*—We require falconers to notify States within 30 days of any change in address or the location of the facilities where birds are held. If a falconer changes residence to a new State, Tribal area, or Federal Territory and take falconry birds with them, they must inform both the former State and the permitting authority of their address change within 30 days of the move (meaning post–move). These records assist State/Federal wildlife agencies in maintaining current information to contact the falconer in a timely manner and to evaluate compliance with State/Federal falconry rules and regulations. In addition, they serve to document a falconer's experience, which determines the falconer's eligibility for advancement though the different falconry permit classes (*i.e.,* Apprentice, General, and/or Master).

Falconers must also notify Service Law Enforcement at least 3 business days prior to trapping golden eagles in a livestock or wildlife depredation area.

E. *Agency Program Review and Approval*—To receive Federal approval for a falconry program, a State, Tribe, or Territory agency must apply to the Service and submit relevant documents, including proposed agency falconry regulations or laws, related falconry policy and forms, and a copy of the falconry test administered. The Service will review the materials provided to determine if they meet the standards established in the regulation. If so, the Service will notify the agency and publish a notice in the **Federal Register** to approve the falconry license. In accordance with 50 CFR 21.82(b)(5), the Service may suspend an approved falconry program at any time if we determine the program has deficiencies. An agency may request recertification by submitting a new certification request and including a description of how the deficiency has been corrected. At this time, 49 States have approved falconry programs.

F. *Banding Requirements*—Wild birds of the following species must be banded with a Service-approved permanent, nonreusable, numbered band. The band number must be included on any Form 3–186a reports the falconer is required to submit. It is the falconer's responsibility to obtain the band(s) from their agency prior to capturing raptor(s). Some agencies may require other species of wild-caught birds to be banded. Band numbers must be reported along with the acquisition of the bird.

1. American goshawk,
2. Gyrfalcon,
3. Peregrine falcon, and
4. Harris's hawk.

Captive-bred birds of any species must be banded with a Service-approved seamless metal band. If a seamless band must be removed or it is lost, the falconer must within 10 days report it to the Service and request a replacement.

Hybrid raptors of any species, when flown free, must have attached at least two functioning transmitters. If a hybrid raptor escapes, all reasonable efforts must be made to recapture the bird. The Service or agency reserves the right to lethally remove escaped hybrid raptors that cannot be recaptured.

Raptors may be implanted with ISO-compliant microchips. Microchips are in addition to, not in lieu of, other banding and marking requirements.

With this submission, we propose to transfer Form 3–186a, Quarterly Report—Migratory Bird Acquisition and Disposition currently approved in OMB Control Number 1018–0022, to this new collection (1018–NEW2). In addition, we propose to simplify and standardize Form 3–186a.

Title of Collection: Federal Fish and Wildlife Permit Applications and Reports—Falconry Standards and Permitting; 50 CFR 10, 13, 21.

OMB Control Number: 1018–NEW2.

Form Numbers: 3–186a.

Type of Review: New.

Respondents/Affected Public: Individuals, businesses, and State/local/Tribal governments.

Total Estimated Number of Annual Respondents: 9,443.

Total Estimated Number of Annual Responses: 23,123.

Estimated Completion Time per Response: Varies from 15 minutes to 240 hours, depending on activity.

Total Estimated Number of Annual Burden Hours: 167,665.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: On occasion for applications; annually or on occasion for reports.

Total Estimated Annual Non-hour Burden Cost: None.

5. *Additional Revisions Proposed with This Submission:*

A. *Discontinuation of Reporting Forms to Reduce Burden—*

1. Upon OMB approval of the revised forms above, we propose to discontinue the below listed forms. The purposes of the discontinued forms will be covered by the newly simplified form number identified on each line.

a. *Form 3–202–5, Migratory Bird Special Purpose—Possession of Live and/or Dead and Salvage of Migratory Birds for Educational Purposes* (replaced with updated Form 3–202–2, *Migratory Bird Live Possession*)

b. *Form 3–202–6, Migratory Bird Special Purpose—Game Bird Propagation* (replaced with updated Form 3–202–2, *Migratory Bird Live Possession*)

c. *Form 3–202–7, Migratory Bird Special Purpose—Miscellaneous* (replaced with updated Form 3–202–1, Form 3–202–2, or Form 3–202–3 depending on activity)

d. *Form 3–202–8, Migratory Bird Raptor Propagation* (replaced with updated Form 3–202–2, *Migratory Bird Live Possession*)

e. *Form 3–202–9, Migratory Bird Depredation* (replaced with updated Form 3–202–1, *Migratory Bird Wild Take*)

f. *Form 3–202–10, Special Canada Goose* (replaced with updated Form 3–202–1, *Migratory Bird Wild Take*)

B. (NEW) *Online Reporting System*—We propose to automate all annual reports included in this collection to simplify reporting and to reduce burden.

C. (DISCONTINUE) *Migratory Bird Special Purpose—Salvage Permit Form 3–200–10A*—We propose to discontinue this form as it is no longer needed. These permits have been converted to regulatory authorizations under 50 CFR 21.16 and no longer require a permit.

Copies of currently approved versions of forms can be located at *http://www.reginfo.gov/public/do/PRAMain.* The public may request copies of the draft forms with proposed changes by submitting a request identifying the specific form(s) requested to the Service Information Collection Clearance Officer using one of the methods identified in **ADDRESSES**.

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.*).

Madonna Baucum,

Information Collection Clearance Officer, U.S. Fish and Wildlife Service.

[FR Doc. 2026–16534 Filed 8–12–26; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[A2407–014–004–065516, #O2509–014–004–125222; LLHQ/LLNMP01000]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Information Required To Cross Private Land for Access to BLM Lands

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (PRA), the Bureau of Land Management (BLM) is requesting approval for a new information collection.

DATES: Interested persons are invited to submit comments on or before September 14, 2026.

ADDRESSES: Written comments and recommendations for this information collection request (ICR) should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Jesse Vinson by email at *jvinson@blm.gov,* or by telephone at (575) 244–4605. 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 PRA (44 U.S.C. 3501 *et seq.*) and 5 CFR 1320.8(d)(1), we invite the public and other Federal agencies to comment on new, proposed, revised and continuing collections of information. This helps the BLM assess impacts of its information collection requirements and minimize the public's reporting burden. It also helps the public understand BLM information collection requirements and ensure requested data are provided in the desired format.

A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information was published on April 8, 2026 (91 FR 17813). No comments were received in response to that notice.

As part of our continuing effort to reduce paperwork and respondent burdens, we are again inviting the public and other Federal agencies to comment on the proposed ICR described below. The BLM is especially interested in public comments addressing the following:

(1) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.

(2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used.

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) How the agency could minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of response.

Comments submitted in response to this notice are a matter of public record. Before including your address, phone number, email address, or other personally identifiable information (PII) in your comment, you should be aware that your entire comment—including your PII—may be made publicly available at any time. While you can ask us in your comment to withhold your PII from public review, we cannot guarantee that we will be able to do so.

Abstract: This form will gather information from the public that is required by private landowners in order to cross private lands to access BLM lands. This information is necessary to help ensure the accountability of those seeking to cross private lands in order to access BLM public lands.

Title of Collection: Information Required to Cross Private Land for Access to BLM Lands.

OMB Control Number: 1004–NEW.

Form Number: TBD.

Type of Review: New collection (Request for a new OMB Control Number).

Respondents/Affected Public: Individuals or households (those seeking to cross private land in order to access BLM lands.

Total Estimated Number of Annual Respondents: 100.

Total Estimated Number of Annual Responses: 100.

Estimated Completion Time per Response: 10 minutes.

Total Estimated Number of Annual Burden Hours: 17.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: On occasion.

Total Estimated Annual Non-hour Burden Cost: $0.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the PRA of 1995 (44 U.S.C. 3501 *et seq.*).

Darrin King,

Information Collection Clearance Officer.

[FR Doc. 2026–16527 Filed 8–12–26; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7410; NPS–WASO–NAGPRA–NPS0043472; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Beloit College, Logan Museum of Anthropology, Beloit, WI

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Beloit College, Logan Museum of Anthropology (LMA) intends to repatriate a certain cultural item that meets the definition of an object of cultural patrimony and that has a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural item in this notice may occur on or after September 14, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural item in this notice to Nicolette B. Meister, Beloit College, Logan Museum of Anthropology, 700 College Street, Beloit, WI 53511, email *meistern@beloit.edu*.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the LMA, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of one cultural item has been requested for repatriation. The object of cultural patrimony is a ceramic olla (15301) with a round bottom and narrow neck, painted with zig zag and other designs. The olla was acquired by Horatio Nelson Rust (1828–1906) who documented that it was made by the Mission Indians at Palm Springs, California. Rust moved to Pasadena, California in 1882 and from 1889 to 1893 served as Indian Agent for the California Mission-Tule River Consolidated Agency. Rust used his position to grow his private collection and surreptitiously acquired items. Rust sold a large portion of his collection to Frank Granger Logan in 1892. Logan commissioned Rust to exhibit the collection on his behalf at the World's Columbian Exposition of 1893 in Chicago. In 1894, Logan donated the collection to Beloit College, founding the LMA. Museum records do not confirm whether this item was acquired voluntarily or under duress, or whether the item was obtained with the voluntary consent of a person or group with the authority to alienate the item. As a result, the LMA does not assert right of possession. The LMA has no record of treating the cultural item with potentially hazardous substances.

Determinations

The LMA has determined that:

- The one object of cultural patrimony described in this notice has ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision), according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization.

- There is a connection between the cultural item described in this notice and the Agua Caliente Band of Cahuilla Indians of the Agua Caliente Indian Reservation, California.

Requests for Repatriation

Additional, written requests for repatriation of the cultural item in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural item in this notice to a requestor may occur on or after September 14, 2026. If competing requests for repatriation are received, the LMA must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural item are considered a single request and not competing requests. The LMA is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: August 4, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–16478 Filed 8–12–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7414; NPS–WASO–NAGPRA–NPS0043476; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: History Colorado, Denver, CO

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), History Colorado intends to repatriate certain cultural items that meet the definition of sacred objects/objects of cultural patrimony and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after September 14, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural

items in this notice to Chance Ward, History Colorado, 1200 Broadway, Denver, CO 80203, email *Chance.Ward@state.co.us.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of History Colorado, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of 15 cultural items have been requested for repatriation. The 15 sacred objects/objects of cultural patrimony are a beaded pouch, a buckskin shirt, an eagle bone whistle, a headdress, two standard pipes, a claw necklace, a tomahawk pipe, three tomahawks, a pipe bag, a bone war whistle, a chekpa pouch, and a woman's pipe. All cultural items in this Notice were acquired from the collection of Stephen Olop, who served as a Superintendent for the Office of Indian Affairs in South Dakota during the early 1900's. During his tenure, Olop assembled a large collection of Native American cultural items directly from reservations and was also known to purchase items acquired during the ''Indian Wars''. Beginning in 1915, Olop donated portions of his collections to History Colorado (then the Colorado Historical Society). Several objects in the Olop Collection have tested positive for contamination and heavy metals. These cultural items were stored with the contaminated items and should be considered potentially contaminated due to their shared storage history.

Determinations

The History Colorado has determined that:

- The 15 sacred objects/objects of cultural patrimony described in this notice are, according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization, specific ceremonial objects needed by a traditional Native American religious leader for present-day adherents to practice traditional Native American religion, and have ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision).
- There is a connection between the cultural items described in this notice and the Oglala Sioux Tribe.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after September 14, 2026. If competing requests for repatriation are received, History Colorado must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. History Colorado is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: August 4, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–16487 Filed 8–12–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7368; NPS–WASO–NAGPRA–NPS0043481; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Disposition: U.S. Department of the Interior, National Park Service, Petersburg National Battlefield, Petersburg, VA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the U.S. Department of the Interior, National Park Service, Petersburg National Battlefield intends to carry out the disposition of associated funerary objects removed from Federal or Tribal lands to the lineal descendants, Indian Tribe, or Native Hawaiian organization with priority for disposition in this notice.

DATES: Disposition of the associated funerary objects in this notice may occur on or after September 14, 2026. If no claim for disposition is received by August 13, 2027, the associated funerary objects in this notice will become unclaimed associated funerary objects.

ADDRESSES: Send written claims for disposition of the associated funerary objects in this notice to Andrea DeKoter, Superintendent, National Park Service, Petersburg National Battlefield, 1539 Hickory Hill Road, Petersburg, VA 23803, email *Andrea_DeKoter@nps.gov.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Petersburg National Battlefield, and additional information on the associated funerary objects in this notice, including the results of consultation, can be found in the related records.

Abstract of Information Available

The two associated funerary objects are white marble grave markers removed from Poplar Grove National Cemetery in Dinwiddie County, Virginia. They were created by the U.S. Government's War Department prior to 1933 and marked the graves of Jaco Panswonquot/Pe-to-zo-on-oquette, who served in Company K, 1st Michigan Sharpshooters; and John B. Coyhis/Chays who served in the 38th Wisconsin Infantry. The markers contain the grave number and the soldier's name with raised letters within a recessed shield. The grave markers have been stored within Petersburg National Battlefield since 2017 when new grave markers were installed as a part of the rehabilitation of Poplar Grove National Cemetery. Prior consultations and a completed Programmatic Agreement determined that Jaco Panswonquot/Pe-to-zo-on-oquette was possibly affiliated with the Grand Traverse Band of Ottawa and Chippewa Indians, Michigan; and that John B. Coyhis/Chays was possibly affiliated with the Stockbridge Munsee Community, Wisconsin.

Determinations

The Petersburg National Battlefield has determined that:

- The two objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.

• The lineal descendants of John B. Coyhis/Chays include Don Coyhis and JoAnn Schedler have priority for disposition of the associated funerary objects described in this notice.

• The lineal descendants of Jaco Panswonquot/Pe-to-zo-on-oquette, whose names are withheld but available upon request, have priority for disposition of the associated funerary objects described in this notice.

Claims for Disposition

Written claims for disposition of the associated funerary objects in this notice must be sent to the appropriate official identified in this notice under **ADDRESSES**. If no claim for disposition is received by August 13, 2027, the associated funerary objects in this notice will become unclaimed associated funerary objects. Claims for disposition may be submitted by:

1. Any lineal descendant, Indian Tribe, or Native Hawaiian organization identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows that they have priority for disposition.

Disposition of the associated funerary objects in this notice may occur on or after September 14, 2026. If competing claims for disposition are received, the Petersburg National Battlefield must determine the most appropriate claimant prior to disposition. Claims for joint disposition of the associated funerary objects are considered a single claim and not competing claims. The Petersburg National Battlefield is responsible for sending a copy of this notice to the lineal descendants, Indian Tribes, and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3002, and the implementing regulations, 43 CFR 10.7.

Dated: August 4, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–16490 Filed 8–12–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7413; NPS–WASO–NAGPRA–NPS0043475; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: University of Michigan, Ann Arbor, MI

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Michigan intends to repatriate certain cultural items that meet the definition of unassociated funerary objects and that have a cultural affiliation with the Indian Tribe in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after September 14, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Dr. Ben Secunda, NAGPRA Office Managing Director, University of Michigan, Office of Research, Suite G269, Lane Hall, Ann Arbor, MI 48109–1274, email *bsecunda@umich.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the University of Michigan, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of three cultural items have been requested for repatriation. The three unassociated funerary objects are one lot of red ochre; and two lots of charred textile fragments. The one lot of red ochre was removed by an amateur collector from the Muskalonge Lake site in Jefferson County, New York, between 1949–1951, and donated to the University of Michigan Museum of Anthropological Archaeology (UMMAA) in 1951. The site dates to the Early Meadowood Phase (Early Woodland Period), 1000 BC–600 BC based on the diagnostic artifact.

The two lots of charred textile fragments were removed from the White site in Chenango County, New York, by amateur collectors in 1947, and donated to the UMMAA in 1950. Dating for the site is to the Early Owasco period (terminal Middle Woodland period), A.D. 880–1000 based on diagnostic artifacts.

The University of Michigan has no record of, nor do its officials have any knowledge of, any treatment of the cultural items with pesticides, preservatives, or other substances that represent a potential hazard to the collections or to persons handling the collections.

Determinations

The University of Michigan has determined that:

• The three unassociated funerary objects described in this notice are reasonably believed to have been placed intentionally with or near human remains (hereinafter referred to as ''Ancestral remains''), and are connected, either at the time of death or later as part of the death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. The unassociated funerary objects have been identified by a preponderance of the evidence as related to Ancestral remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or individuals with cultural affiliation to an Indian Tribe.

• There is a connection between the cultural items described in this notice and the Oneida Indian Nation.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after September 14, 2026. If competing requests for repatriation are received, the University of Michigan must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The University of Michigan is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: August 4, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–16481 Filed 8–12–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7427; NPS–WASO–NAGPRA–NPS0043482; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Disposition: U.S. Department of the Interior, National Park Service, Petersburg National Battlefield, Petersburg, VA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the U.S. Department of the Interior, National Park Service, Petersburg National Battlefield intends to carry out the disposition of associated funerary objects removed from Federal or Tribal lands to the lineal descendants, Indian Tribe, or Native Hawaiian organization with priority for disposition in this notice.

DATES: Disposition of the associated funerary objects in this notice may occur on or after September 14, 2026. If no claim for disposition is received by August 13, 2027, the associated funerary objects in this notice will become unclaimed associated funerary objects.

ADDRESSES: Send written claims for disposition of the associated funerary objects in this notice to Andrea DeKoter, Superintendent, National Park Service, Petersburg National Battlefield, 1539 Hickory Hill Road, Petersburg, VA 23803, email *Andrea_DeKoter@nps.gov.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Petersburg National Battlefield, and additional information on the associated funerary objects in this notice, including the results of consultation, can be found in the related records.

Abstract of Information Available

The four associated funerary objects are white marble grave markers removed from Poplar Grove National Cemetery in Dinwiddie County, Virginia. They were created by the U.S. Government's War Department prior to 1933 and marked the graves of John Kennewanche, Company K, 1st Michigan Sharpshooters; and Gazick Maska/Mosca, Nippie Peaches and Joseph Scott who each served in the 38th Wisconsin Infantry. The markers contain the grave number and the soldier's name with raised letters within a recessed shield. The grave markers have been stored within Petersburg National Battlefield since 2017 when new grave markers were installed as a part of the rehabilitation of Poplar Grove National Cemetery. Prior consultations and a completed Programmatic Agreement determined that John Kennewanche had an unknown Michigan tribal affiliation; and that Gazick Maska/Mosca, Nippie Peaches, and Joseph Scott were possibly affiliated with the Chippewa or Menominee.

Determinations

The Petersburg National Battlefield has determined that:

- The four objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- The Grand Traverse Band of Ottawa and Chippewa Indians, Michigan; Hannahville Indian Community, Michigan; Little River Band of Ottawa Indians, Michigan; Little Traverse Bay Bands of Odawa Indians, Michigan; and the Pokagon Band of Potawatomi Indians, Michigan and Indiana have priority for disposition of the associated funerary object described in this notice as representing John Kennewanche of Company K, 1st Michigan Sharpshooters.
- The Menominee Indian Tribe of Wisconsin; Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin; and the Stockbridge Munsee Community, Wisconsin have priority for disposition of the three associated funerary objects described in this notice as representing Gazick Maska/Mosca, Nippie Peaches and Joseph Scott of the 38th Wisconsin Infantry.

Claims for Disposition

Written claims for disposition of the associated funerary objects in this notice must be sent to the appropriate official identified in this notice under **ADDRESSES**. If no claim for disposition is received by August 13, 2027, the associated funerary objects in this notice will become unclaimed associated funerary objects. Claims for disposition may be submitted by:

1. Any lineal descendant, Indian Tribe, or Native Hawaiian organization identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows that they have priority for disposition.

Disposition of the associated funerary objects in this notice may occur on or after September 14, 2026. If competing claims for disposition are received, the Petersburg National Battlefield must determine the most appropriate claimant prior to disposition. Claims for joint disposition of the associated funerary objects are considered a single claim and not competing claims. The Petersburg National Battlefield is responsible for sending a copy of this notice to the lineal descendants, Indian Tribes, and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3002, and the implementing regulations, 43 CFR 10.7.

Dated: August 4, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–16491 Filed 8–12–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7401; NPS–WASO–NAGPRA–NPS0043462; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: University of Alabama at Birmingham, Birmingham, AL

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Alabama at Birmingham (UAB) has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after September 14, 2026.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Dr. Lauren Downs, University of Alabama at Birmingham, Department of Anthropology, UH 3165, 1720 2nd Avenue South, Birmingham, AL 35294, email *nagprastaff@uab.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the University of Alabama at Birmingham, and additional information on the determinations in

this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Ancestor remains representing, at least, seven individuals have been identified. The 386 associated funerary objects are 207 lithic flakes; 84 undecorated pottery sherds; 66 faunal bone fragments, including mammal and unidentified species; nine projectile points, including Mississippian triangular points and Middle/Late Woodland darts; 13 decorated pottery sherds from a single vessel; two charcoal fragments; one clay pipe fragment; one chert lithic; one lot of carbonized wood; one lot of charred organic material; and one unmodified sandstone fragment. The ancestors and their belongings were removed from site 1Je49, located in southeastern Jefferson County, AL, along the Cahaba River. Collection records held at the University of Alabama at Birmingham identify the site as ''1Je49,'' ''McAvoy,'' and ''McAvoy Site 1.'' Sources external to the university further indicate a possible association with the following sites: 1Je50, McAvoy Site 2, and 1Sh358. Site 1Je49 is a single component site with a large village. Collections were removed from the site in 1974 and 1976 by UAB personnel as part of a larger survey of the Cahaba River Valley in Jefferson County. Site use broadly dates to the Late Woodland to Early Mississippian Period. Diagnostic artifacts indicate a West Jefferson Phase (A.D. 900—1050) association for the site, including the village and burials that were removed from the site. There is no record of any potentially hazardous substances being used to treat the ancestors or their belongings.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains and associated funerary objects described in this notice.

Determinations

The University of Alabama at Birmingham has determined that:

- The human remains described in this notice represent the physical remains of seven individuals of Native American ancestry.
- The 386 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Alabama-Coushatta Tribe of Texas; Poarch Band of Creek Indians; Seminole Tribe of Florida; The Muscogee (Creek) Nation; and the Thlopthlocco Tribal Town.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after September 14, 2026. If competing requests for repatriation are received, the University of Alabama at Birmingham must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The University of Alabama at Birmingham is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: August 4, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–16492 Filed 8–12–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7403; NPS–WASO–NAGPRA–NPS0043464; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: University of Wisconsin Oshkosh, Oshkosh, WI

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of Wisconsin Oshkosh (UWO) has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after September 14, 2026.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Adrienne Frie, University of Wisconsin Oshkosh, 800 Algoma Blvd., Oshkosh, WI 54901, email *friea@uwosh.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of UWO, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, one individual have been identified and were removed from Friedrich 1 and 2 (47–WN–0151; 47–WN–0153), Winnebago County, WI. Part of the collections come from a field surface survey in 1972 by J.D. Volkman, then affiliated with WSU–O, now known as UWO. His investigation was incorporated into Alaric Faulkner's, then Assistant Professor at WSU–O, survey of the Middle Fox River passageway in the early 1970s. These sites were also collected by avocational archaeologists Richard (Dick) and Carol Mason for an undetermined amount of time. The Masons donated their private collection to UWO in 2018 and it has since been determined that they removed both cultural materials and human remains from the Friedrich 1 and Friedrich 2 sites. The sites are dated to the Woodland and post-contact periods. The 18 associated funerary objects are four lots of lithics, three lots of post-contact ceramics, three lots of glass, three lots of faunal bone, three lots of pre-contact ceramics, and two lots of post-contact metal.

Human remains representing, at least, one individual have been identified and were removed from Bohn 1 (47–WN–0166), Bohn 2 (47–WN–0167), and Bohn 3 (47–WN–0242) in Winnebago County, WI. These sites are included together due to their spatial overlap and the arbitrary splitting of them when they were first investigated. The site identified as Bohn 2 was first included in an archaeological surface survey in 1966, run by G. Robert Peske, then Assistant Professor at Wisconsin State University, Oshkosh (now UWO). The sites of Bohn 1 and Bohn 2 were included in Alaric Faulkner's, then Assistant Professor at WSU–O, survey of the Middle Fox River passageway in the early 1970s. A note written by J.D. Volkman, a field supervisor on Faulkner's survey, was found in the archives of UWO that indicates there was ''a burial or two'' at Bohn 2. However, no evidence has been found of burials in any other documentation from this investigation in the 1970s, nor does UWO house any human remains from these investigations. Additionally, Richard (Dick) and Carol Mason, acting as avocational archaeologists, had a private collection from these sites that was donated to UWO in 2018. Sparse documentation included in their donation indicates that they collected remains from the surface of these sites, blurring the boundaries of the three Bohn sites further. Human cranial fragments were included in their donation from these sites, although the exact location from where they were taken within this area is unknown. The sites are dated to the Late Archaic, Woodland, Oneota, and post-contact time periods. The 17 associated funerary objects are four lots of lithics, four lots of pre-contact ceramics, two lots of post-contact ceramics, three lots of faunal remains, two lots of post-contact metal, one lot of pre-contact metal, and one lot of other post-contact materials.

Human remains representing, at least, one individual have been identified and were removed from the Freer Site (47–WN–0702), Winnebago County, WI. The collection held by the UWO from this site came from three different periods of removal. Assemblages were collected during an archaeological field school by G. Richard Peske, then Assistant Professor at Wisconsin State University, Oshkosh, in 1966 and J. D. Volkman in 1972, working under the auspices of UWO. Both of these investigations collected items from the surface of the site and did not involve excavation. Until recently, these two collections were assigned to a different site, 47–WN–0094, due to incorrect recording when they were investigated. However, the items from these two collections are now known to have come from within the bounds of 47–WN–0702. Additionally, Richard (Dick) and Carol Mason, acting as avocational archaeologists, had a private collection from this site. The Masons donated their private collection to UWO in 2018 and it was since determined that they had removed both cultural materials and human remains from the site of Freer. There is very little evidence of how the Masons removed Ancestors from this site and minimal documentation to indicate the nature of the archaeological deposits and remains when they were removed. The site itself is dated from through the Archaic, Woodland, Oneota, and post-contact time periods. The 10 associated funerary objects are two lots of lithics, three lots of pre-contact ceramics, two lots of post-contact ceramics, one lot of pre-contact metal, one lot of post-contact metal, and one lot of faunal remains.

Human remains representing, at least, one individual have been reasonably identified and were removed from the Clark Cottage site (47–WN–0168), Winnebago County, WI. The site was surface collected for many years, at least in part by Jim Clark Jr., but was only codified as an archaeological site in 1972 by J.D. Volkman and Dr. Alaric Faulkner, then Assistant Professor at Wisconsin State University—Oshkosh (now UWO). In 1983, Dr. Victoria Dirst, then Assistant Professor at UWO, conducted a regional survey, visiting Clark Cottage. Dirst and her students placed twelve one-meter test units into part of the site. In a single test unit, a shovel shaped incisor was recovered. The site is dated from the early Paleoindian through post-contact time periods. The two associated funerary objects are two lots of lithics. No known individuals were identified.

Human remains representing, at least, one individual have been reasonably identified and were removed from the Wentzel site (47–WN–0436), Winnebago County, WI. The individuals and cultural material were donated to UWO in 2018 by late avocational archaeologists Richard (Dick) and Carol Mason. The exact date of their collection from Wentzel is unknown but their record indicates they removed items from the surface of a cultivated field between 1960 and 1996. The site is dated from the Paleoindian through post-contact time periods. The nine associated funerary objects are one lot of lithics, one lot of pre-contact ceramics, one lot of faunal material, one lot of bone artifacts, one lot of pre-contact metal, one lot of post-contact ceramics, one lot of glass, one lot of post-contact metal, and one lot of other post-contact material. No known individuals were identified.

Human remains representing, at least, one individual have been reasonably identified and were removed from the Plummer's Harbor Road (47–WN–0439), Winnebago County, WI. The individuals and cultural material were donated to UWO in 2018 by late avocational archaeologists Richard (Dick) and Carol Mason. Their documentation indicates they surface collected the site in 1989. The site is dated through the Woodland, Oneota, and post-contact time periods. The six associated funerary objects are one lot of lithics, one lot of pre-contact ceramics, one lot of faunal material, one lot of pre-contact metal, one lot of post-contact ceramics, and one lot of glass. No known individuals were identified.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains and associated funerary objects described in this notice.

Determinations

UWO has determined that:

- The human remains described in this notice represent the physical remains of six individuals of Native American ancestry.
- The 62 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana; Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin; Bay Mills Indian Community, Michigan; Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Chippewa Cree Indians of the Rocky Boy's Reservation, Montana; Citizen Potawatomi Nation, Oklahoma; Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota; Flandreau Santee Sioux Tribe of South Dakota; Forest County Potawatomi Community, Wisconsin; Grand Traverse Band of Ottawa and Chippewa Indians, Michigan; Hannahville Indian Community, Michigan; Ho-Chunk Nation of Wisconsin; Iowa Tribe of Kansas and Nebraska; Iowa Tribe of Oklahoma; Keweenaw Bay Indian

Community, Michigan; Kickapoo Traditional Tribe of Texas; Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas; Kickapoo Tribe of Oklahoma; Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin; Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin; Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan; Little Shell Tribe of Chippewa Indians of Montana; Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota; Lower Sioux Indian Community in the State of Minnesota; Match-E-Be-Nash-She-Wish Band of Pottawatomi (previously listed as Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians of Michigan); Menominee Indian Tribe of Wisconsin; Miami Tribe of Oklahoma; Minnesota Chippewa Tribe, Minnesota (Six component reservations: Bois Forte Band (Nett Lake); Fond du Lac Band; Grand Portage Band; Leech Lake Band; Mille Lacs Band; White Earth Band); Nottawaseppi Huron Band of the Potawatomi, Michigan; Oglala Sioux Tribe; Otoe-Missouria Tribe of Indians, Oklahoma; Pokagon Band of Potawatomi Indians, Michigan and Indiana; Prairie Band Potawatomi Nation; Prairie Island Indian Community in the State of Minnesota; Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin; Red Lake Band of Chippewa Indians, Minnesota; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Sac & Fox Nation of Missouri in Kansas and Nebraska; Sac & Fox Nation, Oklahoma; Sac & Fox Tribe of the Mississippi in Iowa; Saginaw Chippewa Indian Tribe of Michigan; Santee Sioux Nation, Nebraska; Sault Ste. Marie Tribe of Chippewa Indians, Michigan; Shakopee Mdewakanton Sioux Community of Minnesota; Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota; Sokaogon Chippewa Community, Wisconsin; Spirit Lake Tribe, North Dakota; St. Croix Chippewa Indians of Wisconsin; Standing Rock Sioux Tribe of North & South Dakota; Turtle Mountain Band of Chippewa Indians of North Dakota; Upper Sioux Community, Minnesota; Winnebago Tribe of Nebraska; and the Yankton Sioux Tribe of South Dakota.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after September 14, 2026. If competing requests for repatriation are received, UWO must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. UWO is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: August 4, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–16477 Filed 8–12–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7408; NPS–WASO–NAGPRA–NPS0043470; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: U.S. Department of the Interior, National Park Service, Cumberland Island National Seashore, St. Marys, GA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the U.S. Department of the Interior, National Park Service, Cumberland Island National Seashore has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after September 14, 2026.

ADDRESSES: Send written requests for repatriation of the human remains in this notice to Melissa Trenchik, Superintendent, Cumberland Island National Seashore, 101 Wheeler Street, St. Marys, GA 31558, email *CUIS_Superintendent@nps.gov.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Cumberland Island National Seashore, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, three individuals have been identified. No associated funerary objects are present. The remains were found during an inventory of a collection that was recently acquired from a long-time private resident of Cumberland Island in Camden County, Georgia. The remains were identified on March 19, 2025. The original date and location of disinterment is unknown.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains described in this notice.

Determinations

The Cumberland Island National Seashore has determined that:

- The human remains described in this notice represent the physical remains of three individuals of Native American ancestry.
- There is a connection between the human remains described in this notice and the Alabama-Coushatta Tribe of Texas; Alabama-Quassarte Tribal Town; Coushatta Tribe of Louisiana; Eastern Shawnee Tribe of Oklahoma; Kialegee Tribal Town; Miccosukee Tribe of Indians; Poarch Band of Creek Indians; Seminole Tribe of Florida; The Muscogee (Creek) Nation; The Seminole Nation of Oklahoma; and the Thlopthlocco Tribal Town.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains described in this notice to a requestor may occur on or after September 14, 2026. If competing requests for repatriation are received, the Cumberland Island National Seashore must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. The Cumberland Island National Seashore is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: August 4, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–16488 Filed 8–12–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7416; NPS–WASO–NAGPRA–NPS0043478; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Ohio History Connection, Columbus, OH

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Ohio History Connection intends to repatriate a certain cultural item that meets the definition of an object of cultural patrimony and that has a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural item in this notice may occur on or after September 14, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural item in this notice to Stephanie Kline, Ohio History Connection, 800 E 17th Avenue, Columbus, OH 43211, email *nagpra@ohiohistory.org.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Ohio History Connection, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of one cultural item has been requested for repatriation. The one object of cultural patrimony is a treaty wampum belt. The Greenville Wampum Belt was reportedly given to General Anthony Wayne at the Treaty of Greene Ville (1795) by Miami Chief Little Turtle and passed down within his family, eventually to Polly Wayne Wirgman Kitelle who sold it to Carlen Galleries. Scott and Pamela Guthman of Guthman Americana purchased this and then sold it to the Ohio Historical Society (Ohio History Connection) in 1986. After research was conducted, the belt design has been identified as likely Wyandotte make. Therefore, it has been determined that this could be the belt given by Miami Chief Little Turtle or the belt given by Wyandotte Nation Chief Tarhe. Because it cannot be determined precisely, both Miami Nation and Wyandotte Nation are seeking joint repatriation for further evaluation and preservation within our respective communities. Ohio History Connection records indicate no known hazardous substances, but the institution has been known to have used chemicals as preservatives for items.

Determinations

The Ohio History Connection has determined that:

- The one object of cultural patrimony described in this notice has ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision), according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization.
- There is a reasonable connection between the cultural item described in this notice and the Miami Tribe of Oklahoma and the Wyandotte Nation.

Requests for Repatriation

Additional, written requests for repatriation of the cultural item in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural item in this notice to a requestor may occur on or after September 14, 2026. If competing requests for repatriation are received, the Ohio History Connection must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural item are considered a single request and not competing requests. The Ohio History Connection is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: August 4, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–16485 Filed 8–12–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7418; NPS–WASO–NAGPRA–NPS0043480; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Texas Parks and Wildlife Department, Austin, TX

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Texas Parks and Wildlife Department has completed an inventory of associated funerary objects and has determined that there is a cultural affiliation between the associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the associated funerary objects in this notice may occur on or after September 14, 2026.

ADDRESSES: Send written requests for repatriation of the associated funerary objects in this notice to Aina Dodge, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, TX 78744, email *aina.dodge@tpwd.texas.gov.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Texas Parks and Wildlife Department, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

No human remains have been identified. The two associated funerary objects are ceramic vessels, both identified as Caddo. One vessel is identified as Poynor Engraved—a globular carinated bowl with lip nodes. The style indicates that it was likely removed from a Caddo Frankston phase mortuary feature (ca. A.D. 1400–1680). This vessel was delivered by an unknown person to a Texas Parks and Wildlife Department regional office in northeast Texas sometime in the 1990s. It was possibly removed from the Lake Palestine area on the upper Neches River in northeastern Texas.

The second vessel is identified as Caddo Bullard Brushed, dating to the Titus phase (ca. A.D. 1400–1680). In 1975, a private individual collected the vessel from the Turner site in Morris County, Texas. The vessel was donated to Texas Parks and Wildlife Department in 2021.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location of the associated funerary objects described in this notice.

Determinations

The Texas Parks and Wildlife Department has determined that:

- The two objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the associated funerary objects described in this notice and the Caddo Nation of Oklahoma.

Requests for Repatriation

Written requests for repatriation of the associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the associated funerary objects described in this notice to a requestor may occur on or after September 14, 2026. If competing requests for repatriation are received, the Texas Parks and Wildlife Department must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the associated funerary objects are considered a single request and not competing requests. The Texas Parks and Wildlife Department is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: August 4, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–16498 Filed 8–12–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7405; NPS–WASO–NAGPRA–NPS0043467; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Disposition: U.S. Department of the Interior, National Park Service, Cape Cod National Seashore, Wellfleet, MA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the U.S. Department of the Interior, National Park Service, Cape Cod National Seashore (CACO) intends to carry out the disposition of an unassociated funerary object removed from Federal or Tribal lands to the lineal descendants, Indian Tribe, or Native Hawaiian organization with priority for disposition in this notice.

DATES: Disposition of the cultural item in this notice may occur on or after September 14, 2026. If no claim for disposition is received by August 13, 2027, the cultural item in this notice will become an unclaimed cultural item.

ADDRESSES: Send written claims for disposition of the cultural item in this notice to Jennifer Flynn, Cape Cod National Seashore, National Park Service, 99 Marconi Site Road, Wellfleet, MA 02667, email *Jennifer_Flynn@nps.gov.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Superintendent, CACO, and additional information on the cultural item in this notice, including the results of consultation, can be found in the related records.

Abstract of Information Available

Based on the information available, the one unassociated funerary object is a stone mortuary knife. The blade was identified in August of 2005 by a park visitor in Barnstable County, MA and given to a park ranger.

Determinations

CACO has determined that:

- The one unassociated funerary object described in this notice is reasonably believed to have been placed intentionally with or near human remains, and is connected, either at the time of death or later as part of the death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. The unassociated funerary object has been identified by a preponderance of the evidence as related to human remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.
- The Mashpee Wampanoag Tribe and the Wampanoag Tribe of Gay Head (Aquinnah) have priority for disposition of the cultural item described in this notice.

Claims for Disposition

Written claims for disposition of the cultural item in this notice must be sent

to the appropriate official identified in this notice under **ADDRESSES**. If no claim for disposition is received by August 13, 2027, the cultural item in this notice will become unclaimed cultural item. Claims for disposition may be submitted by:

1. Any lineal descendant, Indian Tribe, or Native Hawaiian organization identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that they have priority for disposition.

Disposition of the cultural item in this notice may occur on or after September 14, 2026. If competing claims for disposition are received, CACO must determine the most appropriate claimant prior to disposition. Claims for joint disposition of the cultural item are considered a single claim and not competing claims. CACO is responsible for sending a copy of this notice to the lineal descendants, Indian Tribes, and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3002, and the implementing regulations, 43 CFR 10.7.

Dated: August 4, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–16496 Filed 8–12–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7411; NPS–WASO–NAGPRA–NPS0043473; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Autry Museum of the American West, Los Angeles, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Autry Museum of the American West (Southwest Museum Collection) intends to repatriate certain cultural items that meet the definition of unassociated funerary objects and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after September 14, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Karimah Richardson, M.Phil., RPA, Associate Curator of Anthropology and Repatriation Supervisor, Autry Museum of the American West, 4700 Western Heritage Way, Los Angeles, CA 90027, email *krichardson@theautry.org* and Maggie Villarreal, MA, Archaeology Collection Manager and Repatriation Specialist, Autry Museum of the American West, 4700 Western Heritage Way, Los Angeles, CA 90027, email *mvillarreal@theautry.org.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Autry Museum of the American West, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of two cultural items have been requested for repatriation. The two unassociated funerary objects are two cooking pots. The steatite cooking pots (1.Q.201 and 445) were collected from unknown site(s) on Santa Catalina Island, Los Angeles County, Channel Islands, CA at unknown date(s) by unknown collector(s). It is unknown whom or when the items were brought into the Southwest Museum (now part of the Autry Museum of the American West).

A total of 87 cultural items have been requested for repatriation. The 87 unassociated funerary objects are one abalone shell, two adz, one asphaltum applicator, one lot of beads, one hair pin, one breast ornament, one Channel Islands Barbed point, four charms, four comals, one cooking pot, three Coastal Contracting Stem Cluster points, three cups, three doughnut stones, two lots of dress ornaments, five drills, one Excelsior Point, one hammer, two Houx Contracting Stem points, one knife, one ladle, one lot of mosaic inlays, five pelican stones, two pendants, one lot of pipes, three polishing stones, one red paint, one shallow bowl, one shell, two shell bead blanks, six lots of shell beads, two lots of shell ornaments, three lots of shell pendants, one spike, one spoon, one stone pendant, one stone ring, one stone tube, one sweat scraper, 13 lots of trade beads, and one Vandenberg Contracting Stem point. Sometime between 1877 to 1895, Dr. Frank M. Palmer, first curator for the Southwest Society (a precursor to the Southwest Museum of the American Indian), collected cultural items (2.P collection) from unknown sites on Santa Catalina Island, Los Angeles County, Channel Islands, CA. He sold the items to the Society in 1985 and were the first items displayed for the Southwest Museum.

A total of one cultural item has been requested for repatriation. The one unassociated funerary object is a pebble resembling a club (8.G.169). On an unknown date, Mrs. Blanche Dougan collected the item from the Isthmus of Santa Catalina Island, Los Angeles County, Channel Island, CA. Mrs. Dougan donated the item to the Southwest Museum in 1934.

A total of five cultural items has been requested for repatriation. The five unassociated funerary objects are one awl, one steatite tube, one unworked steatite, one miniature steatite mortar, and one steatite bowl preform. On an unknown date, Mr. Joseph Barbieri (11.L Collection) collected items from unknown sites on Santa Catalina Island, Los Angeles County, Channel Islands, CA. Mr. Barbieri donated the cultural items to the Southwest Museum in 1919.

A total of one cultural item has been requested for repatriation. The one unassociated funerary object is a chevron trade bead (18.C.265). Sometime between 1877 to 1895, Dr. Frank M. Palmer, first curator for the Southwest Society (a precursor to the Southwest Museum of the American Indian), collected cultural items (2.P Collection) from unknown sites on Santa Catalina Island, Los Angeles County, Channel Islands, CA. He sold the items to the Society in 1985 and were the first items displayed for the museum. This item was found in collections without an object number but was identified as a 2.P object through museum records.

A total of one cultural item has been requested for repatriation. The one unassociated funerary object is a stone pendant. On an unknown date, an unknown collector collected the steatite pendant from an unknown site on Santa Catalina Island, Los Angeles County, Channel Islands, CA. The item was found in collections without an object number. A label on the item reads ''Catalina Island''. It is unknown when the item (18.C.436) entered the Southwest Museum or by whom.

A total of four lots of cultural items has been requested for repatriation. The four lots of unassociated funerary objects are one drill, one lot of trade beads, and two lots of Olivella shell beads. Collectors, Mr. Frank William

Clark and Mr. Edmond Leonard Doran collected the unassociated funerary objects from unknown sites on Santa Catalina Island, Los Angeles County, Channel Island, CA on different dates. In 1903, Mr. Frank W. Clark, collected a drill. Circa 1900s, Mr. Edmond L. Doran collected one lot of trade beads and one lot of Olivella shell beads. On August 31, 1904, Mr. Frank W. Clark collected one lot of Olivella shell beads. Mr. Edmond L. Doran's daughter, Mrs. Margaret Doran Nix (201.L collection), loaned the cultural material to the Southwest Museum in 1930.

A total of one cultural item has been requested for repatriation. The one unassociated funerary object is small steatite mortar. Sometime between the late 1870s to 1911, Mr. James Wesley Calkins collected the mortar (311.G.119) from an unknown site on Santa Catalina Island, Los Angeles County, Channel Islands, CA. Mr. Calkin's daughter, donated the cultural material to the Southwest Museum in 1923.

A total of three lots of cultural items have been requested for repatriation. The three lots of unassociated funerary objects are one lot of trade beads, one lot of clam shell beads, and one lot of Olivella shell beads. On an unknown date, an unknown collector collected the cultural material from a burial on an unknown site on Santa Catalina Island, Los Angeles County, Channel Islands, CA. Miss Eloise Forman donated the cultural material (379.G Collection) to the Southwest Museum in 1925.

A total of one cultural item has been requested for repatriation. The one unassociated funerary object is a steatite cooking pot. On an unknown date, an unknown collector collected the cooking pot (467.G.384) from an unknown site on Santa Catalina Island, Los Angeles County, Channel Islands, CA. The item was part of the collection that Mr. Charles F. Lummis (founder of the Southwest Society, a precursor to the Southwest Museum) donated to the Southwest Museum in 1910.

A total of two cultural items has been requested for repatriation. The two unassociated funerary objects are one bowl fragment and one unmodified soapstone. Both items were collected by Mr. Edwin F. Walker, a research assistant at the Southwest Museum, on July 11, 1936, on Santa Catalina Island, Los Angeles County, Channel Islands, CA. The steatite bowl fragment (600.G.155) was collected from the surface of a campsite (probably his own) on an unknown site on the island, while the piece of unmodified soapstone (600.G.157) was collected from a quarry site, one mile east of Emerald Bay. Mr. Walker donated the cultural material to the Southwest Museum in 1936.

A total of 19 lots of cultural items has been requested for repatriation. The 19 unassociated funerary objects are one iron axe head, two forged iron objects, two lots of iron fragments, two iron knife fragments, one C-shaped metal object, one metal button, one lot of metal rings, one metal object with wrapped cordage, two hand forged iron nails, one metal rod fragment, three metal rod pipes, one stamped metal fragment, and one metal sword blade. Sometime between 1889 to 1907, either Mr. Arthur B. Chappelle or Mr. William Henry Burnham collected various iron fragments (615.G Collection) from burials on unknown sites on Santa Catalina Island, Los Angeles County, Channel Islands, CA. Mr. Burnham purchased Mr. Chappelle's collection and donated both collections to the Southwest Museum in 1907.

A total of one cultural item has been requested for repatriation. The one unassociated funerary object is a broken mortar. Sometime between 1911 to 1935, Mr. John Dewar collected the mortar from White's Landing on Santa Catalina Island, Los Angeles County, Channel Islands, CA. Mr. Dewar donated the cultural material to the Southwest Museum in 1935.

A total of eight lots of cultural items has been requested for repatriation. The eight lots of unassociated funerary objects are one arrow shaft straightener, one steatite bowl fragment, two lots of doughnut stones, one net weight, one polishing stone, one steatite bowl, and one steatite tube. On an unknown date, Mr. Frederick Hastings Rindge, collected cultural materials from unknown sites on Santa Catalina Island, Los Angeles County, Channel Islands, CA. His daughter Mrs. Rhoda Rindge Adamson donated her father's collection (980.G Collection) to the Southwest Museum in 1943.

Determinations

The Autry Museum of the American West has determined that:

- The 136 lots of unassociated funerary objects described in this notice are reasonably believed to have been placed intentionally with or near human remains, and are connected, either at the time of death or later as part of the death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. The unassociated funerary objects have been identified by a preponderance of the evidence as related to human remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.
- There is a reasonable connection between the cultural items described in this notice and the La Jolla Band of Luiseno Indians, California; Pala Band of Mission Indians; Pauma Band of Luiseno Mission Indians of the Pauma & Yuima Reservation, California; Pechanga Band of Indians (previously listed as Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation, California); Rincon Band of Luiseno Indians (previously listed as Rincon Band of Luiseno Mission Indians of Rincon Reservation, California); Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, California; and the Soboba Band of Luiseno Indians, California.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after September 14, 2026. If competing requests for repatriation are received, the Autry Museum of the American West must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. The Autry Museum of the American West is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: August 4, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–16497 Filed 8–12–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7399; NPS–WASO–NAGPRA–NPS0043460; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: U.S. Department of the Interior, Bureau of Land Management, California State Office, Sacramento, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the U.S. Department of the Interior, Bureau of Land Management, California State Office (BLM CA) has completed an inventory of human remains and associated funerary objects (belongings) and has determined that there is a cultural affiliation between the human remains and associated funerary belongings and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary belongings in this notice may occur on or after September 14, 2026.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary belongings in this notice to Amy Girado, Bureau of Land Management, California State Office, 2800 Cottage Way, Suite W1623, Sacramento, CA 95825, email *blm_ca_nagpra@blm.gov.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of BLM CA, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

In Lassen County, California, between 1982 and 1984, ancestral remains representing at least two individuals and 588 (both single items and lots) of associated funerary belongings were removed from site CA–LAS–973 by the Applegate Field Office in response to vandalism and erosion. The 588 associated funerary belongings include shell beads, pine nut beads, pendants of shell and stone, projectile points, bifaces, choppers, cores, flake tools, a perforator, groundstone fragments, an iron plate, pine nut seeds and shells, wood fragments, ochre fragments, a fragment of mud with imprints, an unworked stone nodule, debitage, a faunal claw, faunal bones and teeth, charcoal fragments, flora fragments including roots, shells and shell fragments, baked clay fragments, gravels, stones, and skat.

The ancestors and their belongings are held at the Nevada State Museum. No known hazardous or potentially hazardous substances were used to treat any of the human remains or funerary objects.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains and associated funerary belongings described in this notice.

Determinations

The BLM CA has determined that:

- The human remains described in this notice represent the physical remains of at least two individuals of Native American ancestry.
- The 588 belongings described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary belongings described in this notice and the Alturas Indian Rancheria, California; Pit River Tribe, California (includes XL Ranch, Big Bend, Likely, Lookout, Montgomery Creek, and Roaring Creek Rancheria); and the Susanville Indian Rancheria, California.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary belongings in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary belongings described in this notice to a requestor may occur on or after September 14, 2026. If competing requests for repatriation are received, the BLM CA must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary belongings are considered a single request and not competing requests. The BLM CA is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: August 4, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–16482 Filed 8–12–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7402; NPS–WASO–NAGPRA–NPS0043463; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Sonoma State University, Rohnert Park, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), Sonoma State University has completed an inventory of associated funerary objects and has determined that there is a cultural affiliation between the associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the associated funerary objects in this notice may occur on or after September 14, 2026.

ADDRESSES: Send written requests for repatriation of the associated funerary objects in this notice to Kirsten Twork, Sonoma State University, 1801 E Cotati Avenue, Rohnert Park, CA 94928, email *tworkk@sonoma.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Sonoma State University, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Based on the information available a total of one lot of associated funerary objects were identified.

The remains of at least three Ancestors and additional associated funerary objects originating from CA–NAP–261, published in a Notice of Inventory Completion in the **Federal Register** on December 18, 2025 (90 FR 59182), were repatriated by Sonoma State University. The material in this inventory includes soil samples located at the University that were not previously acknowledged in the original inventory and notice. The soil was removed from its context during an excavation in 1977.

CA–NAP–261 was originally recorded in 1967 as an area directly affected by the Napa River Flood Control Project (Jackson 1978:1.1). The site was subject to a subsequent inspection in 1974 that revealed that the site had been disturbed during the interim time between 1967 to 1974 (Jackson 1978:1.1). The site was revisited a third time in November of 1975 to confirm the resource's location. In 1977, the site was subject to data recovery investigations as a mitigation for the implementation of the Napa River Flood Control Project (Jackson 1978:1.1)

In the case of missing cultural items, any additional items when located will also be repatriated from the collections discussed above. Based on records concerning the associated funerary objects and the institution in which they are housed, there is no evidence of the ancestors or items being treated with hazardous substances.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the associated funerary objects described in this notice.

Determinations

Sonoma State University has determined that:

- The one lot of objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the associated funerary objects described in this notice and the Cachil DeHe Band of Wintun Indians of the Colusa Indian Community of the Colusa Rancheria, California; Kletsel Dehe Wintun Nation of the Cortina Rancheria (previously listed as Kletsel Dehe Band of Wintun Indians); and the Yocha Dehe Wintun Nation, California.

Requests for Repatriation

Written requests for repatriation of the associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the associated funerary objects described in this notice to a requestor may occur on or after September 14, 2026. If competing requests for repatriation are received, Sonoma State University must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the associated funerary objects are considered a single request and not competing requests. Sonoma State University is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: August 4, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–16495 Filed 8–12–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7404; NPS–WASO–NAGPRA–NPS0043465; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: The University of Tennessee, Department of Anthropology, Knoxville, TN, and the Frank H. McClung Museum of Natural History & Culture, Knoxville, TN

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), The University of Tennessee, Department of Anthropology and the Frank H. McClung Museum of Natural History & Culture (UTK), has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after September 14, 2026.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Dr. Ellen Lofaro, University of Tennessee, Office of Repatriation, 5723 Middlebrook Pike, Knoxville, TN 37996, email *nagpra@utk.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of UTK, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Human remains representing, at least, one individual have been identified from site 40KN17 in Knox County, TN. There are no associated funerary objects present with this Ancestor. 40KN17 is an open habitation site with cultural layers indicating occupation from the Archaic to Woodland temporal periods.

Human remains representing, at least, five individuals have been identified from site 40KN51 in Knox County, TN. There are two associated funerary objects present with these Ancestors comprising lots of faunal and ceramic materials. 40KN51 is a cave site with features identified with the Mississippian cultural period.

Human remains representing, at least, two individuals have been identified from site 40KN55 in Knox County, TN. There are a minimum of 152 associated funerary objects present with these Ancestors, comprising lots of ceramic, faunal, shell, lithic, charcoal, and other materials. 40KN55 is a Mississippian mound site with Dallas and Pisgah cultural features.

Human remains representing, at least, five individuals have been identified from a rock shelter site on the Little Tennessee River in Knox County, TN. There are two associated funerary objects comprising lots of faunal and

lithic materials present with the Ancestors.

Human remains representing, at least, one individual have been identified from a site on the Tennessee River in Knox County, TN. There are no associated funerary objects present with the Ancestor.

There is no indication at this time that hazardous substances were used to treat any of the Ancestors or cultural items in this notice.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains and associated funerary objects described in this notice.

Determinations

UTK has determined that:

- The human remains described in this notice represent the physical remains of 14 individuals of Native American ancestry.
- The 156 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary objects described in this notice and the Alabama-Coushatta Tribe of Texas; Cherokee Nation; Eastern Band of Cherokee Indians; The Muscogee (Creek) Nation; The Seminole Nation of Oklahoma; and the United Keetoowah Band of Cherokee Indians in Oklahoma.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary objects described in this notice to a requestor may occur on or after September 14, 2026. If competing requests for repatriation are received, UTK must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. UTK is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: August 4, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–16480 Filed 8–12–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7400; NPS–WASO–NAGPRA–NPS0043461; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: U.S. Department of the Interior, Bureau of Land Management, California State Office, Sacramento, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the U.S. Department of the Interior, Bureau of Land Management, California State Office (BLM CA) has completed an inventory of human remains and associated funerary objects (belongings) and has determined that there is a cultural affiliation between the human remains and associated funerary belongings and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary belongings in this notice may occur on or after September 14, 2026.

ADDRESSES: end written requests for repatriation of the human remains and associated funerary belongings in this notice to Amy Girado, Bureau of Land Management, California State Office, 2800 Cottage Way, Suite W1623, Sacramento, CA 95825, email *blm_ca_nagpra@blm.gov.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the BLM CA, and additional information on the determinations in this notice, including the results of consultation, can be found in its inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

In Washoe County, Nevada, ancestral remains of at least five individuals and 117 associated funerary belongings (both single items and lots) were removed by the BLM from three sites (37.22.11.33/26WA3569, 38.22.26.14, and 38.22.26.17) and one unknown location.

In Washoe County, Nevada near Hog Ranch Mountain, in 1988, ancestral remains representing at least one individual and 37 associated funerary belongings were removed from site 37.22.11.33/26WA3569 by BLM Archaeologists for the permitting of a gold mine. The 37 lots of associated funerary belongings include lithic flakes, stone tools, charcoal fragments, faunal bone, and scat. The entire collection is considered associated funerary belongings.

In Washoe County, Nevada near Hog Ranch Mountain, in 1988, ancestral remains representing at least one individual and 18 associated funerary belongings were removed from site 38.22.26.14. The 18 lots of associated funerary belongings include debitage, stone tools, petrified wood, milling stone fragments, and faunal bone fragments. The entire collection is considered associated funerary belongings.

In Washoe County, Nevada near Hog Ranch Mountain, in 1988, ancestral remains representing, at least, one individual and five associated funerary belongings were removed from site 38.22.26.17 by BLM Archaeologists for the permitting of a gold mine. The five associated funerary belongings include debitage, stone tools, and a faunal bone fragment. The entire collection is considered associated funerary belongings.

In Washoe County, Nevada near Massacre Lake, at an unknown date likely prior to 1970, ancestral remains representing at least two individuals were removed by a member of the public without authorization from an unknown site. The 57 associated funerary belongings include faunal fragments from birds and mammals. The entire collection is considered associated funerary belongings.

All four holdings described here are housed at the Nevada State Museum, Carson City, Nevada. No known hazardous or potentially hazardous substances were used to treat any of the ancestral remains or associated funerary belongings.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains and associated funerary belongings described in this notice.

Determinations

The BLM CA has determined that:

- The human remains described in this notice represent the physical remains of at least five individuals of Native American ancestry.
- The 117 belongings described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a connection between the human remains and associated funerary belongings described in this notice and the Cedarville Rancheria, California; Fort Bidwell Indian Community of the Fort Bidwell Reservation of California; Pyramid Lake Paiute Tribe of the Pyramid Lake Reservation, Nevada; Reno-Sparks Indian Colony, Nevada; Summit Lake Paiute Tribe of Nevada; and the Susanville Indian Rancheria, California.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary belongings in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation.

Repatriation of the human remains and associated funerary belongings described in this notice to a requestor may occur on or after September 14, 2026. If competing requests for repatriation are received, the BLM CA must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary belongings are considered a single request and not competing requests. The BLM CA is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: August 4, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–16483 Filed 8–12–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7412; NPS–WASO–NAGPRA–NPS0043474; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Autry Museum of the American West, Los Angeles, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Autry Museum of the American West (Southwest Museum Collection) has completed an inventory of human remains and associated funerary objects and has determined that there is a cultural affiliation between the human remains and associated funerary objects and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains and associated funerary objects in this notice may occur on or after September 14, 2026.

ADDRESSES: Send written requests for repatriation of the human remains and associated funerary objects in this notice to Karimah Richardson, M.Phil., RPA, Associate Curator of Anthropology and Repatriation Supervisor, Autry Museum of the American West, 4700 Western Heritage Way, Los Angeles, CA 90027, email *krichardson@theautry.org* and Maggie Villarreal, MA, Archaeology Collections Manager and Repatriation Specialist, Autry Museum of the American West, 4700 Western Heritage Way, Los Angeles, CA 90027, email *mvillarreal@theautry.org.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Autry Museum of the American West, and additional information on the determinations in this notice, including the results of consultation, can be found in the inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Based on the information available, human remains representing at least, one individual has been reasonably identified. The 46 associated funerary objects are one faunal tooth, two Olivella shell disc beads, four white glass trade beads, one green glass trade bead, and 38 blue glass trade beads. Circa 1900, Mr. Edmond Leonard Doran (201.L.153) collected human remains and associated funerary objects from an unknown site on Santa Catalina Island, Channel Islands, Los Angeles County, CA. Mr. Doran's daughter, Mrs. Margaret Doran Mix first loaned the cultural items to the Southwest Museum, now part of the Autry Museum of the American West, in 1930.

Based on the information available, human remains representing at least, one individual has been reasonably identified. No associated funerary objects are present. Sometime between 1889 to 1907, either Mr. Arthur B. Chappelle or Mr. William Henry Burnham (615.G.26) collected the human remains from an unknown site on Santa Catalina Island, Channel Islands, Los Angeles County, CA. Mr. Burnham purchased Mr. Chappelle collection and donated both of their cultural items to the Southwest Museum, now part of the Autry Museum of the American West, in 1907. Museum records do not show which cultural material was collected by whom. Additionally, the human remains could possibly have been collected sometime between 1889 (when Chappelle moved to the island) to 1907 (when Burnham donated the cultural items to the Southwest Museum).

Based on the information available, human remains representing at least, one individual has been reasonably identified. No associated funerary objects are present. On an unknown date, the donor's aunt collected human remains from an unknown site on Santa Catalina Island, Channel Islands, Los Angeles County, CA. The donor, Miss Gloria Green (1145.G.1), a Highland Park student at the time, donated the human remains to the Southwest Museum, now part of the Autry Museum of the American West, in 1948.

Based on the information available, human remains representing at least two individuals have been reasonably identified. The one associated funerary object is one steatite fragment. Circa 1886, an unknown collector (2015.G.1) collected human remains from an unknown site on Santa Catalina Island, Channel Islands, Los Angeles County,

CA. Mrs. Lorraine Frankenfield Rude donated the human remains to the Southwest Museum, now part of the Autry Museum of the American West, in 1972.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains and associated funerary objects described in this notice.

Determinations

The Autry Museum of the American West has determined that:

- The human remains described in this notice represent the physical remains of five individuals of Native American ancestry.
- The 47 objects described in this notice are reasonably believed to have been placed intentionally with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- There is a reasonable connection between the human remains and associated funerary objects described in this notice and the La Jolla Band of Luiseno Indians, California; Pala Band of Mission Indians; Pauma Band of Luiseno Mission Indians of the Pauma & Yuima Reservation, California; Pechanga Band of Indians (previously listed as Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation, California); Rincon Band of Luiseno Indians (previously listed as Rincon Band of Luiseno Mission Indians of Rincon Reservation, California); Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, California; and the Soboba Band of Luiseno Indians, California.

Requests for Repatriation

Written requests for repatriation of the human remains and associated funerary objects in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the human remains and associated funerary objects in this notice to a requestor may occur on or after September 14, 2026. If competing requests for repatriation are received, the Autry Museum of the American West must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains and associated funerary objects are considered a single request and not competing requests. The Autry Museum of the American West is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: August 4, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–16494 Filed 8–12–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7409; NPS–WASO–NAGPRA–NPS0043471; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: University of California, Davis, Davis, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the University of California, Davis (UC Davis) intends to repatriate a certain cultural item that meets the definition of an object of cultural patrimony and that has a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural item in this notice may occur on or after September 14, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural item in this notice to Megon Noble, Repatriation Coordinator, University of California, Davis, 251 Mrak Hall, One Shields Avenue, Davis, CA 95616, email *mnoble@ucdavis.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of UC Davis, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of one cultural item has been requested for repatriation. The object of cultural patrimony is a basket. The University is unaware of any specific treatment of the individual object of cultural patrimony with pesticides, preservatives, or other substances that represent a potential hazard to the objects or to persons handling the objects. However, records located in the Department of Anthropology Museum indicate that approximately ⅓ of the Merriam collection had been treated with Berlou, a dry mothproofing substance used as an insecticide, in 1964. It is unknown which baskets were treated.

The object of cultural patrimony, CHM 102, was purchased by Merriam from a weaver at Blue Lake, Humboldt County, California. The weaver was most likely Laura Stevens. Her married name was possibly Laura Taggert/Taggard. Merriam took a photo of her and her father, John Stevens, on the same day he purchased this basket and one other basket, indicating she is likely the weaver related to this object of cultural patrimony.

Determinations

UC Davis has determined that:

- The one object of cultural patrimony described in this notice has ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision), according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization.
- There is a reasonable connection between the cultural item described in this notice and the Blue Lake Rancheria, California.

Requests for Repatriation

Additional, written requests for repatriation of the cultural item in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural item in this notice to a requestor may occur on

or after September 14, 2026. If competing requests for repatriation are received, UC Davis must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural item are considered a single request and not competing requests. The UC Davis is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: August 4, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–16484 Filed 8–12–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7407; NPS–WASO–NAGPRA–NPS0043469; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: U.S. Department of the Interior, National Park Service, Mesa Verde National Park, CO

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the U.S. Department of the Interior, National Park Service, Mesa Verde National Park intends to repatriate certain cultural items that meet the definition of unassociated funerary objects and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after September 14, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Kathryn Cook Collins, Superintendent, Mesa Verde National Park, P.O. Box 8, Mesa Verde National Park, CO 81330, email *kayci_cook@nps.gov*.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Superintendent, Mesa Verde National Park, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records.

Abstract of Information Available

A total of 23 cultural items have been requested for repatriation. The 23 unassociated funerary objects are three incised bone gaming pieces found in a grave along the Dolores River in Colorado donated prior to 1960; one corrugated jar removed from a grave in a mound 12 miles west of Cortez, CO at the head of a skeleton and donated in 1935; two projectile points found with a burial at Summit Ridge, CO in 1910 and donated in 1962; one black-on-white bowl associated with a burial west of Shiprock, NM and donated in 1968; one black-on-white bowl, one ladle, and one bird effigy vessel from an eroded burial in a cliff dwelling in Sand Canyon, CO and donated in 1970; two small feather textile fragments found in the Mesa Verde collections in 1995 without provenience; one jar with attached handles purchased by The University of Denver from a private individual in Denver, CO who had removed the jar in 1921 from an unknown location in Mesa Verde, CO while herding sheep near a grave; one unusually large black-on-white mug found 10 miles west and two miles north of Pleasant View, CO donated by a private individual in 1964; one piece of cotton cloth found around a body in a grave in an unknown location, but presumably from either SW Colorado or SE Utah and donated by a private individual in 1926; six pre-contact stone and shell bead necklaces restrung with modern thread recorded in the accession file as coming from burials from near Gallup, NM and near Flagstaff, AZ and donated in 1947; one carved glycimeris shell frog from a grave near Cottonwood Creek near Winslow, AZ donated in 1947; and one black-on-white jar laying on the surface with disturbed bones at an unknown cliff dwelling at Mesa Verde, Colorado and donated in 1960. None of the cultural items are known to have been treated with potentially hazardous substances.

Determinations

Mesa Verde National Park has determined that:

- The 23 unassociated funerary objects described in this notice are reasonably believed to have been placed intentionally with or near human remains, and are connected, either at the time of death or later as part of the death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. The unassociated funerary objects have been identified by a preponderance of the evidence as related to human remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.
- There is a connection between the cultural items described in this notice and the Hopi Tribe of Arizona.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after September 14, 2026. If competing requests for repatriation are received, Mesa Verde National Park must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. Mesa Verde National Park is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: August 4, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–16486 Filed 8–12–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7415; NPS–WASO–NAGPRA–NPS0043477; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Repatriation: Diablo Valley College, Pleasant Hill, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and

Repatriation Act (NAGPRA), the Diablo Valley College intends to repatriate certain cultural items that meet the definition of unassociated funerary objects, sacred objects, and/or objects of cultural patrimony and that have a cultural affiliation with the Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the cultural items in this notice may occur on or after September 14, 2026.

ADDRESSES: Send additional, written requests for repatriation of the cultural items in this notice to Marta Gillen, Diablo Valley College, 321 Golf Club Road, Pleasant Hill, CA 94523, email *nagpra@dvc.edu.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Diablo Valley College, and additional information on the determinations in this notice, including the results of consultation, can be found in the summary or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

A total of eight cultural items have been requested for repatriation. Of those cultural items, one is currently missing. The one unassociated funerary object and the seven objects of cultural patrimony are one lot of beads, three water bottles (jugs), three cradleboards, and a winnowing tray. On an unknown date, the beads were removed from Independence, California and were later donated to Diablo Valley College. The three water bottles (jugs), three cradleboards, and one winnowing tray were removed from unknown locations in Nevada between 1985 and 1906 and were documented as being Paiute. On an unknown date, the seven items were donated to Diablo Valley College by a donor named McLaurin.

Statement From Sean Scruggs, Tribal Historic Preservation Officer for the Fort Independence Indian Reservation in Eastern California

My Tribe, like most, is living in a real-life dystopian future that, if predictable, is unlike imaginable reality. My mission is to address the horrors and reality of genocide, restore balance to our culture and heal generational trauma by learning about my history and relationship to the past. In the Zack Hemsey song, ''Nice to Meet Me,'' there are phrases that fit my journey to bring ancestors and their belongings home to our people and our lands.

One tribal perspective is that ancestors and their belongings, currently still in institutions, are ''living beings and objects'' that were stolen, sold under duress and/or, in a sense, kidnapped from culture. It is debatable whether any institution can legally possess or control our ancestors, or their belongings if taken against their will or, in most cases, without consent.

Consultation is still necessary and critical to ensure that ancestors and their belongings go home in the best way possible, but the legal construct does not address cultural values and beliefs related to the repatriation process.

It is distressing to know that the term ''unknown'' is part of inventory listings. Tribal Cultural Resources (TCR's), in this case: baskets and cradle boards, know every moment of their story beginning that started with careful thought, prayer and intentional design. The knowledge continues to ''live'' in the item itself, therefore all these belongings still have life in them. For instance, the cradle boards have heard laughter, cries and the names of the people who used them.

Although their history may remain ''unknown'' to us at this moment, it is important to know that their ''retained knowledge'' is still with the ancestor or their belongings.

In the natural setting, our ancestors would be at peace on the Traditional Cultural Landscape and their belongings either passed to a relative in life or sent with them as part of funeral rite or ceremony.

The delay in NAGPRA from the 1990's resulted in missed opportunities and prevented elders from using their knowledge needed to complete this work that is long overdue. It is an honor to learn and complete this work in their place continually guided by their spirit and voices of the past.

It is also critical to acknowledge the countless tribal and non-tribal professionals across the nation working tirelessly and respectfully to complete the repatriation mission. It is impossible for me to complete this work without their full dedication and support.

Determinations

Diablo Valley College has determined that:

- The one unassociated funerary objects described in this notice are reasonably believed to have been placed intentionally with or near human remains, and are connected, either at the time of death or later as part of the death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. The unassociated funerary objects have been identified by a preponderance of the evidence as related to human remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.
- The seven objects of cultural patrimony described in this notice have ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision), according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization.
- There is a connection between the cultural items described in this notice and the Fort Independence Indian Community of Paiute Indians of the Fort Independence Reservation, California.

Requests for Repatriation

Additional, written requests for repatriation of the cultural items in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the cultural items in this notice to a requestor may occur on or after September 14, 2026. If competing requests for repatriation are received, Diablo Valley College must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the cultural items are considered a single request and not competing requests. Diablo Valley College is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3004 and the implementing regulations, 43 CFR 10.9.

Dated: August 4, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–16489 Filed 8–12–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7406; NPS–WASO–NAGPRA–NPS0043468; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Bruce Museum Greenwich, CT

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the Bruce Museum has completed an inventory of human remains and has determined that there is a cultural affiliation between the human remains and Indian Tribes or Native Hawaiian organizations in this notice.

DATES: Repatriation of the human remains in this notice may occur on or after September 14, 2026.

ADDRESSES: Send written requests for repatriation of the human remains in this notice to Kirsten J. Reinhardt, the Bruce Museum, 1 Museum Drive, Greenwich, CT 06830, email *NAGPRA@brucemuseum.org.*

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Bruce Museum and additional information on the determinations in this notice, including the results of consultation, can be found in the inventory or related records. The National Park Service is not responsible for the determinations in this notice.

Abstract of Information Available

Based on the information available, human remains representing, at least, one individual have been reasonably identified. No associated funerary objects are present. A necklace, a lei niho palaoa, consisting of a large quantity of braided lauoho (human hair) from an unknown number of Native Hawaiian ancestors with a hook pendant of whale tooth, was identified during the return of the Bruce collection from offsite storage. It was donated to the Bruce Museum in 1950 by Miss Amelia F. MacFarlane. No specific origin information accompanied the gift. No known potentially hazardous substances were used to treat the ancestor.

Cultural Affiliation

Based on the information available and the results of consultation, cultural affiliation is reasonably identified by the geographical location or acquisition history of the human remains described in this notice.

Determinations

The Bruce Museum has determined that:

- The human remains described in this notice represent the physical remains of at least one individual of Native Hawaiian ancestry.
- There is a reasonable connection between the human remains described in this notice and the Hui Iwi Kuamo'o.

Requests for Repatriation

Written requests for repatriation of the human remains in this notice must be sent to the authorized representative identified in this notice under **ADDRESSES**. Requests for repatriation may be submitted by:

1. Any one or more of the Indian Tribes or Native Hawaiian organizations identified in this notice.

2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows, by a preponderance of the evidence, that the requestor is a lineal descendant or a culturally affiliated Indian Tribe or Native Hawaiian organization.

Repatriation of the human remains in this notice to a requestor may occur on or after September 14, 2026. If competing requests for repatriation are received, the Bruce Museum must determine the most appropriate requestor prior to repatriation. Requests for joint repatriation of the human remains are considered a single request and not competing requests. The Bruce Museum is responsible for sending a copy of this notice to the Indian Tribes and Native Hawaiian organizations identified in this notice.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003, and the implementing regulations, 43 CFR 10.10.

Dated: August 4, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–16493 Filed 8–12–26; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[N7417; NPS–WASO–NAGPRA–NPS0043479; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intended Disposition: U.S. Department of Agriculture, Forest Service, Cherokee National Forest, Cleveland, TN

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), the U.S. Department of Agriculture, Forest Service, Cherokee National Forest intends to carry out the disposition of unassociated funerary objects removed from Federal or Tribal lands to the lineal descendants, Indian Tribe, or Native Hawaiian organization with priority for disposition in this notice.

DATES: Disposition of the cultural items in this notice may occur on or after September 14, 2026. If no claim for disposition is received by August 13, 2027, the cultural items in this notice will become unclaimed cultural items.

ADDRESSES: Send written claims for disposition of the cultural items in this notice to Michael Wright, USDA Forest Service, Cherokee National Forest, 2800 North Ocoee Street, Cleveland TN 37743, email *michael.wright@usda.gov*.

SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA. The determinations in this notice are the sole responsibility of the Cherokee National Forest, and additional information on the cultural items in this notice, including the results of consultation, can be found in the related records. The National Park Service is not responsible for the identifications in this notice.

Abstract of Information Available

Based on the information available, no human remains have been identified. The 25,150 unassociated funerary objects are pottery, lithics, faunal bone, shell, charcoal, associated feature soils and one lot (1,167 kilograms) of burned rocks.

In 1994, archaeological investigations of the southwestern portions site 40WG17 in Washington County, Tennessee, were carried out by the Cherokee National Forest and Appalachian State University. Fieldwork consisted of controlled surface collection, systematic auger sampling, and systemic plow zone

excavation. Although human remains were observed on the surface, they were not disturbed or collected. Pottery, lithic artifacts, animal bone and shell, and burned rocks were collected within each 10 x 10-meter collection sample square and from corresponding auger tests and excavation units. In total, one lot (1,167.720 kg) of burned rocks; 7,492 lithic artifacts; 17,405 prehistoric ceramic artifacts; 80 animal bone and shell fragments; and 170 historic artifacts were collected. In addition, one lot of soil samples and one lot of charcoal samples were collected.

Determinations

The Cherokee National Forest has determined that:

- The 25,150 unassociated funerary objects described in this notice are reasonably believed to have been placed intentionally with or near human remains, and are connected, either at the time of death or later as part of the death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. The unassociated funerary objects have been identified by a preponderance of the evidence as related to human remains, specific individuals, or families, or removed from a specific burial site or burial area of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization.
- The Cherokee Nation; Eastern Band of Cherokee Indians; and the United Keetoowah Band of Cherokee Indians in Oklahoma have priority for disposition of the cultural items described in this notice.

Claims for Disposition

Written claims for disposition of the cultural items in this notice must be sent to the appropriate official identified in this notice under **ADDRESSES**. If no claim for disposition is received by August 13, 2027, the cultural items in this notice will become unclaimed cultural items. Claims for disposition may be submitted by:

1. Any lineal descendant, Indian Tribe, or Native Hawaiian organization identified in this notice.
2. Any lineal descendant, Indian Tribe, or Native Hawaiian organization not identified in this notice who shows that they have priority for disposition.

Disposition of the cultural items in this notice may occur on or after September 14, 2026. If competing claims for disposition are received, the Cherokee National Forest must determine the most appropriate claimant prior to disposition. Claims for joint disposition of the cultural items are considered a single claim and not competing claims. The Cherokee National Forest is responsible for sending a copy of this notice to the lineal descendants, Indian Tribes, and Native Hawaiian organizations identified in this notice and to any other consulting parties.

Authority: Native American Graves Protection and Repatriation Act, 25 U.S.C. 3002, and the implementing regulations, 43 CFR 10.7.

Dated: August 4, 2026.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2026–16479 Filed 8–12–26; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–798 and 731–TA–1794 (Preliminary)]

Choline Salts From China; Determinations

On the basis of the record [1] developed in the subject investigations, the United States International Trade Commission (''Commission'') determines, pursuant to the Tariff Act of 1930 (''the Act''), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports of choline salts from China, provided for in subheading 2923.10.00 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value (''LTFV'') and subsidized by the government of China.[2] [3]

Commencement of Final Phase Investigations

Pursuant to section 207.18 of the Commission's rules, the Commission also gives notice of the commencement of the final phase of its investigations. The Commission will issue a final phase notice of scheduling, which will be published in the **Federal Register** as provided in § 207.21 of the Commission's rules, upon notice from the U.S. Department of Commerce (''Commerce'') of affirmative preliminary determinations in the investigations under §§ 703(b) or 733(b) of the Act, or, if the preliminary determinations are negative, upon notice of affirmative final determinations in those investigations under §§ 705(a) or 735(a) of the Act. Parties that filed entries of appearance in the preliminary phase of the investigations need not enter a separate appearance for the final phase of the investigations. Any other party may file an entry of appearance for the final phase of the investigations after publication of the final phase notice of scheduling. Industrial users, and, if the merchandise under investigation is sold at the retail level, representative consumer organizations have the right to appear as parties in Commission antidumping and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations. As provided in section 207.20 of the Commission's rules, the Director of the Office of Investigations will circulate draft questionnaires for the final phase of the investigations to parties to the investigations, placing copies on the Commission's Electronic Document Information System (EDIS, *https://edis.usitc.gov*), for comment.

Background

On June 24, 2026, BCP Ingredients, Inc. (Montvale, New Jersey) filed petitions with the Commission and Commerce, alleging that an industry in the United States is materially injured or threatened with material injury by reason of subsidized imports of choline salts from China and LTFV imports of choline salts from China. Accordingly, effective June 24, 2026, the Commission instituted countervailing duty investigation No. 701–TA–798 and antidumping duty investigation No. 731–TA–1794 (Preliminary).

Notice of the institution of the Commission's investigations and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of June 29, 2026 (91 FR 39120). The Commission conducted its conference on July 15, 2026. All persons who requested the opportunity were permitted to participate.

The Commission made these determinations pursuant to §§ 703(a) and 733(a) of the Act (19 U.S.C. 1671b(a) and 1673b(a)). It completed and filed its determinations in these investigations on August 10, 2026. The views of the Commission are contained in USITC Publication 5778 (August

[1] The record is defined in § 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] 91 FR 45241, July 20, 2026 and 91 FR 45247, July 20, 2026.

[3] Commissioners Amy A. Karpel and Peter-Anthony Pappas not participating.

2026), entitled *Choline Salts from China: Investigation Nos. 701–TA–798 and 731–TA–1794 (Preliminary).*

By order of the Commission.

Issued: August 10, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026–16469 Filed 8–12–26; 8:45 am]

BILLING CODE 7020–02–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA–26–0364; NARA–2026–033]

Records Schedules; Availability and Request for Comments

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice of certain Federal agency requests for records disposition authority (records schedules). We publish notice in the **Federal Register** and on *regulations.gov*for records schedules in which agencies propose to dispose of records they no longer need to conduct agency business. We invite public comments on such records schedules.

DATES: We must receive responses on the schedules listed in this notice by September 28, 2026.

ADDRESSES: To view a records schedule in this notice, or submit a comment on one, use the following address: *https://www.regulations.gov/docket/NARA-2*6–0364/document. This is a direct link to the schedules posted in the docket for this notice on regulations.gov. You may submit comments by the following method:

• *Federal eRulemaking Portal: https://www.regulations.gov.* On the website, enter either of the numbers cited at the top of this notice into the search field. This will bring you to the docket for this notice, in which we have posted the records schedules open for comment. Each schedule has a 'comment' button so you can comment on that specific schedule. For more information on *regulations.gov*and on submitting comments, see their FAQs at *https://www.regulations.gov/faq.*

If you are unable to comment via *regulations.gov*, you may email us at *request.schedule@nara.gov* for instructions on submitting your comment. You must cite the control number of the schedule you wish to comment on. You can find the control number for each schedule in parentheses at the end of each schedule's entry in the list at the end of this notice.

FOR FURTHER INFORMATION CONTACT: Richard Green, Records Management Operations, by email at *richard.green@nara.gov* or at 301–395–7825. For information about records schedules, contact Records Management Operations by email at *request.schedule@nara.gov* or by phone at 301–395–7825.

SUPPLEMENTARY INFORMATION:

Public Comment Procedures

We are publishing notice of records schedules in which agencies propose to dispose of records they no longer need to conduct agency business. We invite public comments on these records schedules, as required by 44 U.S.C. 3303a(a), and list the schedules at the end of this notice by agency and subdivision requesting disposition authority.

In addition, this notice lists the organizational unit(s) accumulating the records or states that the schedule has agency-wide applicability. It also provides the control number assigned to each schedule, which you will need if you submit comments on that schedule.

We have uploaded the records schedules and accompanying appraisal memoranda to the *regulations.gov*docket for this notice as ''other'' documents. Each records schedule contains a full description of the records at the file unit level as well as their proposed disposition. The appraisal memorandum for the schedule includes information about the records.

We will post comments, including any personal information and attachments, to the public docket unchanged. Because comments are public, you are responsible for ensuring that you do not include any confidential or other information that you or a third party may not wish to be publicly posted. If you want to submit a comment with confidential information or cannot otherwise use the *regulations.gov*portal, you may contact *request.schedule@nara.gov* for instructions on submitting your comment.

We will consider all comments submitted by the posted deadline and consult as needed with the Federal agency seeking the disposition authority. After considering comments, we may or may not make changes to the proposed records schedule. The schedule is then sent for final approval by the Archivist of the United States. After the schedule is approved, we will post on *regulations.gov*a ''Consolidated Reply'' summarizing the comments, responding to them, and noting any changes we made to the proposed schedule. You may elect at *regulations.gov*to receive updates on the docket, including an alert when we post the Consolidated Reply, whether or not you submit a comment. If you have a question, you can submit it as a comment, and can also submit any concerns or comments you would have to a possible response to the question. We will address these items in consolidated replies along with any other comments submitted on that schedule.

We will post schedules on our website in the Records Control Schedule (RCS) Repository, at *https://www.archives.gov/records-mgmt/rcs,* after the Archivist approves them. The RCS contains all schedules approved since 1973.

Background

Each year, Federal agencies create billions of records. To control this accumulation, agency records managers prepare schedules proposing retention periods for records and submit these schedules for NARA's approval. Once approved by NARA, records schedules provide mandatory instructions on what happens to records when no longer needed for current Government business. The records schedules authorize agencies to preserve records of continuing value in the National Archives or to destroy, after a specified period, records lacking continuing administrative, legal, research, or other value. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. Most schedules, however, cover records of only one office or program or a few series of records. Many of these update previously approved schedules, and some include records proposed as permanent.

Agencies may not destroy Federal records without the approval of the Archivist of the United States. The Archivist grants this approval only after thorough consideration of the records' administrative use by the agency of origin, the rights of the Government and of private people directly affected by the Government's activities, and whether or not the records have historical or other value. Public review and comment on these records schedules is part of the Archivist's consideration process.

Schedules Pending

1. Department of the Army, Army Counterintelligence Program (DAA–AU–2025–0002).
2. Department of Justice, Foreign Claims Settlement Commission Records (DAA–0299–2023–0003).
3. Administration for Strategic Preparedness and Response, September 11th Victim Compensation Fund Records (DAA–0611–2026–0002).
4. American Battle Monuments Commission, Cemetery Operations and Support Services (DAA–0117–2025–0001).
5. Bonneville Power Administration, Safety Management Records (DAA–0305–2025–0002).
6. Drug Enforcement Administration, Mission-Related Policy and Procedures Records (DAA–0170–2026–0001).
7. Federal Aviation Administration, Petitions for Exemption and Rulemaking (DAA–0237–2025–0015).
8. Federal Aviation Administration, Social Media Records (DAA–0237–2025–0009).
9. Federal Aviation Administration, System of Airports Reporting (SOAR) (DAA–0237–2025–0024).
10. Federal Communications Commission, Location Based Routing and Supplemental Coverage from Space Certification System and Reporting (DAA–0173–2025–0007).
11. Federal Communications Commission, Recordkeeping Compliance Certification and Contact Information Registry System (DAA–0173–2025–0001).
12. Federal Trade Commission, Rulemaking Records (DAA–0122–2025–0001).
13. United States Capitol Police, Internal Controls Records (DAA–0603–2024–0015).
14. U.S. Immigration and Customs Enforcement, Equitable Sharing Records (DAA–0567–2023–0001).
15. Veterans Health Administration, Readjustment Counseling Services Veterans Outreach Center (DAA–0015–2025–0033).

William P. Fischer,

Acting Chief Records Officer for the U.S. Government.

[FR Doc. 2026–16516 Filed 8–12–26; 8:45 am]

BILLING CODE 7515–01–P

POSTAL REGULATORY COMMISSION

[Docket No. CP2026–9; Order No. 9679]

Inbound EMS 2

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is acknowledging a recent Postal Service filing announcing its intention to change prices not of general applicability to be effective January 1, 2027. This document informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* August 17, 2026.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *https://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. Contents of Filing
III. Commission Action
IV. Ordering Paragraphs

I. Introduction

On August 7, 2026, the Postal Service filed notice pursuant to 39 CFR 3035.105, announcing its intention to change rates not of general applicability for Inbound Express Mail Service (EMS) 2 effective January 1, 2027.[1]

II. Contents of Filing

To support its proposed Inbound EMS 2 rates, the Postal Service filed a redacted version of the proposed new rates, a copy of the certification required under 39 CFR 3035.105(c)(2), a redacted copy of Governors' Decision No. 19–1, a redacted copy of the most recent annual EMS Pay-for-Performance (PfP) Plan for Calendar Year (CY) 2025, a redacted copy of the most recent available EMS Cooperative PfP report card (''Summary Report'') for CY 2025, and a redacted explanation of the calculation for any lost revenues for CY 2025. Notice at 3–4; *see id.* Attachments 2–6. The Postal Service states that the financial workpapers that accompany the Notice include underlying workpapers used to calculate any PfP penalties and lost revenue from CY 2025, that all PfP penalties and lost revenue are applied in the financial workpapers and deducted accordingly, and that the workpapers also include a spreadsheet listing the countries expected to participate in PfP in CY 2027, as directed by Order No. 5966.[2]

Additionally, the Postal Service filed unredacted copies of Governors' Decision No. 19–1, its proposed rates, service performance data and plan, calculation of any lost revenue, the list of expected PfP countries in CY 2027, and related financial information under seal. Notice at 2–3. The Postal Service also filed an application for non-public treatment of materials under seal. *Id.* Attachment 1.

III. Commission Action

The Commission establishes Docket No. CP2026–9 for consideration of matters raised by the Notice and pursuant to 39 CFR 3010.101(q)(3) appoints Samuel Robinson to serve as Public Representative in this docket. The Public Representative does not represent any individual person, entity, or particular point of view, and, when Commission attorneys are appointed, no attorney-client relationship is established.

The Commission invites comments on whether the Postal Service's filing is consistent with 39 U.S.C. 3632, 3633, and 3642 and 39 CFR part 3035. Comments are due no later than August 17, 2026. The public portions of the filing can be accessed via the Commission's website (*https://www.prc.gov*). Non-public portions of the Postal Service's filing can be accessed through compliance with the requirements of 39 CFR part 3011.

IV. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket No. CP2026–9 for consideration of the matters raised by the Postal Service's Notice.

2. Pursuant to 39 CFR 3010.101(q)(3), Samuel Robinson is appointed to serve as an officer of the Commission to represent the interests of the general public in this proceeding (Public Representative).

3. Comments are due no later than August 17, 2026.

4. This Order, or an abstract thereof, shall be published in the **Federal Register**.

By the Commission.

Sarah Wessel,

Senior Paralegal Specialist.

[FR Doc. 2026–16450 Filed 8–12–26; 8:45 am]

BILLING CODE 7710–FW–P

[1] Notice of the United States Postal Service of Filing Changes in Rates Not of General Applicability for Inbound EMS 2, and Application for Non-Public Treatment, August 7, 2026, at 1 (Notice).

[2] Notice at 4; *see* Docket No. CP2021–128, Order Approving Changes in Prices Not of General Applicability for Inbound EMS 2, August 20, 2021, at 5–6 (Order No. 5966).

POSTAL REGULATORY COMMISSION

[Docket Nos. K2025–1243; MC2026–338 and K2026–332; MC2026–339 and K2026–333; MC2026–340 and K2026–334; MC2026–341 and K2026–335; MC2026–342 and K2026–336]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* August 18, 2026.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *https://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. Public Proceeding(s)
III. Summary Proceeding(s)

I. Introduction

Pursuant to 39 CFR 3041.405, the Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to Competitive negotiated service agreement(s). The request(s) may propose the addition of a negotiated service agreement from the Competitive product list or the modification of an existing product currently appearing on the Competitive product list.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.[1]

Section II identifies the docket number(s) associated with each Postal Service request, if any, that will be reviewed in a public proceeding as defined by 39 CFR 3010.101(p), the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each such request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 and 39 CFR 3000.114 (Public Representative). The Public Representative does not represent any individual person, entity or particular point of view, and, when Commission attorneys are appointed, no attorney-client relationship is established. Section II also establishes comment deadline(s) pertaining to each such request.

The Commission invites comments on whether the Postal Service's request(s) identified in Section II, if any, are consistent with the policies of title 39. Applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3041. Comment deadline(s) for each such request, if any, appear in Section II.

Section III identifies the docket number(s) associated with each Postal Service request, if any, to add a standardized distinct product to the Competitive product list or to amend a standardized distinct product, the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. Standardized distinct products are negotiated service agreements that are variations of one or more Competitive products, and for which financial models, minimum rates, and classification criteria have undergone advance Commission review. *See* 39 CFR 3041.110(n); 39 CFR 3041.205(a). Such requests are reviewed in summary proceedings pursuant to 39 CFR 3041.325(c)(2) and 39 CFR 3041.505(f)(1). Pursuant to 39 CFR 3041.405(c)–(d), the Commission does not appoint a Public Representative or request public comment in proceedings to review such requests.

II. Public Proceeding(s)

1. *Docket No(s).:* K2025–1243; *Filing Title:* USPS Request Concerning Amendment One to Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 1350, with Material Filed Under Seal; *Filing Acceptance Date:* August 10, 2026; *Filing Authority:* 39 CFR. 3035.105 and 39 CFR 3041.505; *Public Representative:* Jennaca Upperman; *Comments Due:* August 18, 2026.

2. *Docket No(s).:* MC2026–339 and K2026–333; *Filing Title:* USPS Request to Add Priority Mail & USPS Ground Advantage Contract 1064 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* August 10, 2026; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Christopher Mohr; *Comments Due:* August 18, 2026.

3. *Docket No(s).:* MC2026–341 and K2026–335; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 1505 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* August 10, 2026; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Kenneth Moeller; *Comments Due:* August 18, 2026.

III. Summary Proceeding(s)

1. *Docket No(s).:* MC2026–338 and K2026–332; *Filing Title:* USPS Request to Add New Fulfillment Standardized Distinct Product, PM–GA Contract 1063 and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* August 10, 2026; *Filing Authority:* 39 U.S.C. 3642 and 3633, 39 CFR 3035.105, and 39 CFR 3041.325.

2. *Docket No(s).:* MC2026–340 and K2026–334; *Filing Title:* USPS Request to Add New Fulfillment Standardized Distinct Product, PM–GA Contract 1065, and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* August 10, 2026; *Filing Authority:* 39 U.S.C. 3642 and 3633, 39 CFR 3035.105, and 39 CFR 3041.325.

3. *Docket No(s).:* MC2026–342 and K2026–336; *Filing Title:* USPS Request to Add New Fulfillment Standardized Distinct Product, PM–GA Contract 1066, and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* August 10, 2026; *Filing Authority:* 39 U.S.C. 3642 and 3633, 39 CFR 3035.105, and 39 CFR 3041.325.

This Notice will be published in the **Federal Register**.

Danielle LeFlore,

Legal Assistant.

[FR Doc. 2026–16528 Filed 8–12–26; 8:45 am]

BILLING CODE 7710–FW–P

[1] *See* Docket No. RM2018–3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19–22 (Order No. 4679).

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235–0657]

Agency Information Collection Activities; Proposed Collection; Comment Request; Extension: Rule 30b1–7 and Form N–MFP

Upon Written Request, Copies Available From: Securities and Exchange

Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''SEC'' or ''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget (''OMB'') for extension and approval.

Section 30(b) of the Investment Company Act of 1940 (''Investment Company Act'') [1] provides that ''[e]very registered investment company shall file with the Commission . . . such information, documents, and reports (other than financial statements), as the Commission may require to keep reasonably current the information and documents contained in the registration statement of such company. . . .'' [2] Rule 30b1–7 under the Investment Company Act, entitled ''Monthly Report for Money Market Funds,'' provides that every registered investment company, or series thereof, that is regulated as a money market funds under rule 2a–7 [3] must file with the Commission a monthly report of portfolio holdings on Form N–MFP [4] no later than the fifth business day of each month.[5] Form N–MFP sets forth the specific disclosure items that money market funds must provide. Filers must submit this report electronically using the Commission's electronic filing system (''EDGAR'') in Extensible Markup Language (''XML'').

Compliance with rule 30b1–7 is mandatory for any fund that holds itself out as a money market fund in reliance on rule 2a–7. A fund must comply with the requirement to prepare Form N–MFP to hold itself out to investors as a money market fund or the equivalent of a money market fund in reliance on rule 2a–7. The collection of information is mandatory for money market funds that rely on rule 2a–7. Responses to the information collections will not be kept confidential. 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 following estimates of average burden hours and costs are made solely for purposes of the Paperwork Reduction Act and are not derived from a comprehensive or even representative survey or study of the cost of Commission rules and forms. The respondents to these collections of information will be money market funds. The Commission estimates there are 318 money market funds that report information on Form N–MFP.[6] Cost burden is the cost of goods and services purchased in connection with complying with the collection of information requirements of rule 30b1–7 and Form N–MFP. The cost burden does not include the internal hour burdens.

The table below summarizes our PRA annual burden estimates associated with Form N–MFP.

TABLE 1—BURDEN ESTIMATES FOR FORM N–MFP

	Internal burden hours	Wage rate [1]	Internal time burden	Annual external cost burden
Reporting for Money Market Funds	[2] 132 hours	[3] $459	[4] $60,588	[5] $9.288
Estimated Number of Money Market Funds [6]	× 318		× 318	× 318
Total Estimated Annual Burdens For Money Market Funds	41,976		$19,266,984	$2,953,584

Notes:

[1] To calculate the occupational hourly rates used in this release, the Commission uses occupational mean hourly wage data from the Occupational Employment and Wage Statistics (OEWS) program of the Bureau of Labor Statistics (BLS) for ''Securities, Commodity Contracts, and Other Financial Investments and Related Activities'' (NAICS 523)]. *See Occupational Employment and Wage Statistics,* U.S. BUREAU OF LABOR STATISTICS, *https://www.bls.gov/oes/; see also Standard Occupational Classification,* U.S. BUREAU OF LABOR STATISTICS, *https://www.bls.gov/soc/* (describing occupational classification system used by BLS); EXEC. OFF. OF THE PRESIDENT, OFF. OF MGMT. & BUDGET, NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM (2022), *available at https://www.census.gov/naics/reference_files_tools/2022_NAICS_Manual.pdf* (describing the industry classification system used by BLS and other agencies). The mean hourly wage for each occupation is adjusted for changes in the seasonally adjusted employment cost index for private wages and salaries between the data reference period and when the data are released by BLS. *See Employment Cost Index,* U.S. BUREAU OF LABOR STATISTICS, *https://www.bls.gov/eci/.* The adjusted mean hourly wage is then multiplied by a factor that accounts for nonwage costs borne by employers, such as bonuses, benefits, and overhead. This factor is calculated as an average over the 10 most recently available years of data of the ratio of the Bureau of Economic Analysis's annual gross output data for NAICS 523 to total annual wages across all occupations for NAICS 523 in the OEWS data. *See Gross Output by Industry,* U.S. BUREAU OF ECONOMIC ANALYSIS, *https://www.bea.gov/data/industries/gross-output-by-industry; Occupational Employment and Wage Statistics,* U.S. BUREAU OF LABOR STATISTICS, *https://www.bls.gov/oes/.* The final product is the occupational hourly rate. *See generally* UPDATED METHODOLOGY FOR CALCULATING OCCUPATIONAL HOURLY RATES (Dec. 19, 2025), *available at https://www.sec.gov/files/method-occupational-hourly-rates.pdf.*

[2] This estimate is based on the following calculation: (12 monthly filings × 11 internal burden hours) = 132 total annual burden hours.

[3] This represents a blended hourly rate of $459 for a Financial Manager ($730 per hour), Accountant and Auditor ($330 per hour), Database Administrator ($375 per hour), and Financial and Investment Analyst ($399 per hour). The blended hourly rate was calculated as ($730 + $330 + $375 + $399)/4 = $459, as rounded to the nearest whole dollar.

[4] This represents 132 hours × $459/hour = $60,588.

[5] This represents 12 monthly filings × $774 external cost burden per filing (representing 1 hour for a lawyer ($774)) = $9,288.

[6] This estimate is based on Form N–MFP filings as of March 2026.

Our change in burden estimates is shown in table 2 below.

[1] 15 U.S.C. 80a–1 *et seq.*

[2] 15 U.S.C. 80a–29(b).

[3] 17 CFR 270.2a–7.

[4] 17 CFR 274.201.

[5] 17 CFR 270.30b1–7.

[6] The Commission's calculations are based on Form N–MFP filings as of March 2026.

TABLE 2—CHANGE IN BURDEN ESTIMATES FOR FORM N–MFP

Annual number of responses			Annual time burden (hours)			Cost burden (dollars)		
Previously approved	Revised estimate	Change	Previously approved	Revised estimate	Change	Previously approved	Revised estimate	Change
4,236	3,816	(420)	46,000	41,976	(4,024)	$2,881,428	$2,953,584	$72,156

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB Control Number.

Written comments are invited on: (a) whether this proposed collection of information is necessary for the proper performance of the functions of the SEC, including whether the information will have practical utility; (b) the accuracy of the SEC's estimate of the burden imposed by the proposed collection of information, including the validity of the methodology and the assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated, electronic collection techniques or other forms of information technology.

Please direct your written comments on this 60-Day Collection Notice to Austin Gerig, Director/Chief Data Officer, Securities and Exchange Commission, c/o Tanya Ruttenberg via email to *PaperworkReductionAct@sec.gov* by October 13, 2026.

Dated: August 10, 2026.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–16467 Filed 8–12–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106062; File Nos. S7–2026–07 and S7–2026–11]

Reopening of Comment Period; Notices of Request for Exemptive Relief, Pursuant to Section 36(a) of the Securities Exchange Act of 1934, From Certain Aspects of Rule 17ad–22(e)(18)(iv) of the Securities Exchange Act of 1934 and Requests for Comment

I. Introduction

On December 13, 2023, the Securities and Exchange Commission (''Commission'' or ''SEC'') adopted,[1] among other things, Rule 17ad–22(e)(18)(iv)(A) (the ''Trade Submission Requirement'')[2] under the Securities Exchange Act of 1934 (''Exchange Act''). The Trade Submission Requirement requires a covered clearing agency that provides central counterparty services for transactions in U.S. Treasury securities (''U.S. Treasury securities CCA'')[3] to establish, implement, maintain and enforce written policies and procedures reasonably designed to require that any direct participant must submit for clearance and settlement all ''eligible secondary market transactions'' to which that direct participant is a counterparty. An ''eligible secondary market transaction'' is, in turn, defined as, among other things, a repurchase or reverse repurchase agreement collateralized by U.S. Treasury securities, in which one of the counterparties is a direct participant (''repo'').[4]

On February 27, 2026, the Institute of International Bankers submitted a letter to the Commission requesting exemptive relief from the Trade Submission Requirement for certain Non-U.S. Transactions, specifically, the transactions of foreign financial institutions who are direct participants of a U.S. Treasury securities CCA when transacting with non-U.S. clients. On March 6, 2026, the Commission published the notice to request and encourage interested persons to comment on the request for exemptive relief pursuant to section 36 of the Exchange Act, including whether the Commission should grant the request.[5] As part of the IIB Notice, the Commission included specific questions to which it is soliciting comments. The initial comment period for the IIB Notice closed on April 10, 2026, and the Commission then reopened the comment period, which then closed on May 29, 2026.[6]

On April 10, 2026, the Securities Industry and Financial Markets Association submitted a letter to the Commission requesting exemptive relief in two areas related to the Trade Submission Requirement. First, SIFMA requested exemptive relief to expand the Inter-Affiliate Exclusion to the Trade Submission Requirement (the ''SIFMA First Request''). Specifically, SIFMA requested that the definition of an ''affiliated counterparty'' be expanded to include all affiliates, except for investment company entities.[7] Second, SIFMA requested that the outward-facing condition not include repo transactions between non-U.S. affiliates and non-U.S. counterparties, to the extent that the direct participant does not exceed a specific activity level threshold for those transactions (the ''SIFMA Second Request''). On April 17, 2026, the Commission published the

[1] Standards for Covered Clearing Agencies for U.S. Treasury Securities and Application of the Broker-Dealer Customer Protection Rule With Respect to U.S. Treasury Securities, Exchange Act Release No. 99149 (Dec. 13, 2023), 89 FR 2714, 2737 (Jan. 16, 2024).

[2] 17 CFR 240.17ad–22(e)(18)(iv)(A).

[3] The U.S. Treasury securities CCAs are the Fixed Income Clearing Corporation, the CME Securities Clearing Corp., and ICE Clear Credit, LLC.

[4] 17 CFR 240.17ad–22(a).

[5] Notice of Request for Exemptive Relief, Pursuant to Section 36(a) of the Securities Exchange Act of 1934, From Certain Aspects of Rule 17ad–22(e)(18)(iv) of the Securities Exchange Act of 1934 and Request for Comment, Exchange Act Release No. 104944 (Mar. 6, 2026), 91 FR 12030 (Mar. 11, 2026) (''IIB Notice'').

[6] Reopening of Comment Period; Notice of Request for Exemptive Relief, Pursuant to Section 36(a) of the Securities Exchange Act of 1934, from Certain Aspects of Rule 17ad–22(e)(18)(iv) of the Securities Exchange Act of 1934 and Request for Comment, Exchange Act Release No. 105261 (Apr. 17, 2026), 91 FR 21584 (Apr. 22, 2026). Specifically, the Commission sought comment on ''(i) whether the relief requested interacts, if at all, with the relief requested by the Securities Industry and Financial Markets Association ('SIFMA'), and (ii) whether there are any competitive concerns that could arise if the Commission granted the relief requested as noticed, including, but not limited to, the potential impact on liquidity in the U.S. Treasury market.'' *Id.*

[7] Rule 17ad–22(a) defines an affiliated counterparty as any counterparty which meets the following criteria: (i) The counterparty is either a bank (as defined in 15 U.S.C. 78c(6)), broker (as defined in 15 U.S.C. 78c(4)), dealer (as defined in 15 U.S.C. 78c(5)), or futures commission merchant (as defined in 7 U.S.C. 1a(28)), or any entity regulated as a bank, broker, dealer, or futures commission merchant in its home jurisdiction; (ii) The counterparty holds, directly or indirectly, a majority ownership interest in the direct participant, or the direct participant, directly or indirectly, holds a majority ownership interest in the counterparty, or a third party, directly or indirectly, holds a majority ownership interest in both the direct participant and the counterparty; and (iii) The counterparty, direct participant, or third party referenced in paragraph (ii) of this definition as holding the majority ownership interest would be required to report its financial statements on a consolidated basis under U.S. Generally Accepted Accounting Principles or International Financial Reporting Standards, and such consolidated financial statements include the financial results of the majority-owned party or of both majority-owned parties.

notice to request and encourage interested persons to comment on the request for exemptive relief pursuant to section 36 of the Exchange Act, including whether the Commission should grant the request.[8] As part of the SIFMA Notice, the Commission included specific questions to which it solicited comments. The comment period for the SIFMA Notice closed on May 29, 2026.

II. Summary of Certain Comments Received and Requests for Comment

The Commission has received certain comments on both Notices that provide different approaches or modifications to the requested exemptive relief.[9] Some commenters state that a unified or holistic approach to the issues presented in the IIB Notice and in the SIFMA Second Request may be workable (meaning, that one exemption generally could address these issues presented in both Notices). The Commission is considering the issuance of a single exemption and has identified additional questions for consideration. Providing the public with additional time to respond to the specific questions below would benefit the Commission in its consideration of whether to grant the requests for exemptive relief.

A. Firm-Specific Approach

Certain commenters would support an approach that would exempt a certain amount of a firm's Qualifying Non-U.S. Transactions (as defined below) from the definition of eligible secondary market transaction.

Based on the comments, the Commission understands that for such a holistic approach, Qualifying Non-U.S. Transactions would refer to uncleared eligible secondary market repo transactions between:

1. A Non-U.S. Client, meaning an entity that is not:

a. A direct participant of a covered clearing agency for U.S. Treasury securities,

b. A U.S. person,[10]

c. A U.S. branch of a non-U.S. person, or

d. A non-U.S. person whose obligations under the transaction are guaranteed by a U.S. person; and

2. An entity that is any of the following:

a. A Non-U.S. participant, meaning a direct participant of a U.S. Treasury securities CCA that is not:

i. A U.S. person,

ii. A U.S. branch of a non-U.S. person;

iii. A non-U.S. person whose obligations under the transaction are guaranteed by a U.S. person; or

b. Any affiliated counterparty [11] of a direct participant of a U.S. Treasury securities CCA and that is not:

i. A U.S. person,

ii. A U.S. branch of a non-U.S. person, or

iii. A non-U.S. person whose obligations under the transaction are guaranteed by a U.S. person, or

c. A foreign branch [12] of a direct participant of a U.S. Treasury securities CCA that is a U.S. person.

Under one commenter's approach, a firm's Qualifying Non-U.S. Transactions would be exempt from the definition of eligible secondary market transaction if the quotient of the following is less than a specified percentage (''Percentage Cap''):

- The firm's Qualifying Non-U.S. Transactions (as defined above); divided by
- The sum of (i) all of the firm's cleared eligible secondary market transactions that are repo transactions, and (ii) the firm's Qualifying Non-U.S. Transactions (*i.e.,* the numerator transactions).[13]

Under another commenter's approach, a firm's Qualifying Non-U.S. Transactions would be exempt from the definition of eligible secondary market transaction if the volume of a firm's Qualifying Non-U.S. Transactions is less than the product of (x) the Percentage Cap, multiplied by (y) the firm's eligible secondary market transactions that are repo transactions, cleared or uncleared, excluding transactions entered into between a direct participant and an affiliated counterparty.[14]

The Percentage Cap would be a specific percentage, such as 20%, 15%, or 10%. Commenters have expressed varying degrees of support for such a cap, with some arguing that no cap is appropriate, others proposing a specific cap, and others stating that a cap should be decreased over time to allow time for implementation.[15]

Commenters also stated that any firm-specific approach should be calculated on a weighted rolling daily average over the past three fiscal quarters (''Assessment Period''), with more weight given to recent quarters, while other commenters have criticized such a calculation as operationally difficult.[16]

The Commission seeks feedback regarding its understanding of the comments regarding firm-specific approaches, including:

1. Whether either of the firm-specific approaches described above would address the issues raised in both the IIB and SIFMA Notices?

2. Whether it would be appropriate to provide any exemptive relief based only on a firm-specific approach, with no alternative market-wide ratio, as discussed below?

3. Whether in the first approach described above the denominator for any exemptive relief should be modified in any other way, such as including transactions that are exempt and/or excluding interaffiliate transactions (and if so, why)?

4. Whether in the second approach described above, the Percentage Cap

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[8] Notice of Request for Exemptive Relief, Pursuant to Section 36(a) of the Securities Exchange Act of 1934, From Certain Aspects of Rule 17ad–22(e)(18)(iv) of the Securities Exchange Act of 1934 and Request for Comment, Exchange Act Release No. 105262 (Apr. 17, 2026), 91 FR 21533 (Apr. 22, 2026) (''SIFMA Notice'' and, together with the IIB Notice, ''Notices''). The SIFMA Notice specifically requested comment on how the Notices interact, stating: ''[h]ow does the relief requested interact, if at all, with the relief requested by the Institute for International Bankers (''IIB'')? Are there any competitive concerns that could arise if the Commission granted the relief, as noticed, in these two contexts? If so, should the Commission modify the exemptive relief for either or both requests? In what ways should either or both requests for exemptive relief be modified? As an example, to address competitive concerns, should the Commission impose a percentage threshold relief as a condition to the relief sought by IIB? If so, should that percentage threshold and the method of calculation be the same or would it need to be different? Also, should the Commission include a limited clearing requirement, subject to a sufficient timeline for implementation, for firms who report multiple instances of exceeding that threshold? Please explain.''

[9] *See, e.g.,* Letters from Stephanie Webster, General Counsel, Institute of International Bankers, dated April 10, 2026, May 29, 2026, and August 4, 2026; Letter from Robert Toomey, Head of Capital Markets, Managing Director/Associate General Counsel, SIFMA, dated July 1, 2026; Letter from Financial Services Forum, dated April 10, 2026 and May 29, 2026. All comments are available at *https://www.sec.gov/rules-regulations/public-comments/s7-2026-11* and *https://www.sec.gov/rules-regulations/public-comments/s7-2026-07.*

[10] U.S. person would be defined as in Exchange Act Rule 3a71–3, 17 CFR 240.3a71–3.

[11] As mentioned above, the SIFMA First Request sought relief from the limitation in the Interaffiliate Exclusion that an affiliated counterparty would be limited to a bank, broker-dealer or futures commission merchant. *See* SIFMA Notice, at 7–8. Specifically, commenters have stated that the definition is too limiting given the different types of corporate entities that may be affiliates and have instead proposed that the Commission exercise its exemptive authority to treat all counterparties that meet clauses (ii) and (iii) of the definition of an affiliated counterparty as an affiliated counterparty, except for an affiliate that is an ''investment company'' as defined in section 3 of the Investment Company Act of 1940 (regardless of whether such investment company is registered or required to be registered under the Investment Company Act of 1940).

[12] Foreign branch would be defined as in Exchange Act Rule 3a71–3, 17 CFR 240.3a71–3.

[13] *See* FSF April 10, 2026, Letter at 4–5, *supra* note 9.

[14] *See* IIB May 29, 2026 and Aug. 4, 2026 Letters, SIFMA July Letter, *supra* note 9.

[15] *See generally* note 9 (citing IIB, FSF and SIFMA letters); *see also, e.g.,* Letter from Curtis Tao, General Counsel, HSBC Bank USA, National Association, dated May 28, 2026.

[16] SIFMA Notice at 9, *see* HSBC Letter at 7.

should be multiplied by a different measurement of the firm's transactions, such as the daily average notional size of such firm's U.S. Treasury securities repo activity, cleared or uncleared, excluding transactions entered into between a direct participant of a U.S. Treasury securities CCA and an affiliated counterparty? [17]

5. Whether a firm-specific approach in any exemptive relief should be calculated as a weighted rolling daily average over the Assessment Period. If so, how should the weighted rolling daily average be calculated? For example, should the weighted rolling daily average be calculated by applying a 20% weight to the first quarter, a 30% weight to the second quarter, and a 50% weight to the third (and most recent) quarter?[18]

6. For purposes of a firm-specific approach for any exemptive relief, should the definition of an affiliated counterparty use the approach suggested by the SIFMA First Request? In other words, should affiliated counterparty in the firm-specific approach mean all affiliates that meet clauses (ii) and (iii) of the affiliated counterparty definition in Rule 17ad–22,[19] except for an affiliate that is an ''investment company'' as defined in section 3 of the Investment Company Act of 1940 (regardless of whether such investment company is registered or required to be registered under the Investment Company Act of 1940)?

7. Whether a Percentage Cap that starts at 20% for two years, then 15% for two years, and then 10% is a workable approach for any exemptive relief, to allow time for market participants to comply with a firm-specific approach. If not workable, what would be workable in terms of time periods or percentages?

B. Market-Wide Ratio

Commenters also suggested that, in addition to the firm-specific approach identified above, the Commission should also include as part of any exemptive relief an alternative market-wide ratio that would help ensure a level playing field between market participants with a large U.S. domestic Treasury repo business and those whose Treasury repo business is smaller in volume and focused outside the U.S. Specifically, this ''Market-Wide Ratio'' would be a fixed number for the industry (as opposed to being specific for each firm), and each firm would apply the greater of a firm-specific approach or the Market-Wide Ratio to its own business. One commenter described the threshold as the quotient obtained by dividing (i) the product of (A) the Percentage Cap, times (b) a reasonably accurate estimate of the overall daily average notional size of U.S. Treasury securities repo activity, divided by (ii) the number of firms having one or more subsidiaries that participate as direct participants at U.S. Treasury securities CCAs (without double counting if multiple branches or affiliates of the same company would participate).[20] The commenters stated that, under this approach, the Commission should calibrate this Percentage Cap periodically.[21]

The Commission seeks feedback regarding its understanding of the comments, including:

8. Whether a Market-Wide Ratio is necessary as an alternative to a firm-specific approach and whether it would be used and by what type of firm.

9. How to determine the Market-Wide Ratio, including what specific data sources should be used to determine market-wide U.S. Treasury repo activity, and whether dividing such an amount by the number of firms having one or more subsidiaries that participate as direct participants at U.S. Treasury securities CCAs is an appropriate method for determining the Market-Wide Ratio.

10. If there is no such specific data source that could be used to determine the Market-Wide Ratio as described, what alternative approach could be used to determine a Market-Wide Ratio?

11. If the Market-Wide Ratio should be determined using the same Percentage Cap as the firm-wide approach described in Part II.B above.

12. How often to calibrate such a Market-Wide Ratio.

13. Whether the Commission should establish a fixed dollar amount using some other method, and if so, how should it be calculated.

C. Reporting and Compliance

Some commenters proposed including a requirement that a firm that materially exceeds the cap should report to the Commission, in the event the Commission pursues issuing one exemption and includes a cap as a condition of such relief.[22]

The Commission seeks feedback regarding its understanding of this comment, including:

14. Given that many firms may not be SEC registrants, whether firms should be required to report exceedances to a U.S. Treasury securities CCA and/or CCAs, in the event that a firm is a member of more than one U.S. Treasury securities CCA?

15. In the event a firm exceeds the cap, what should the consequence be? Should a firm be able to exceed the cap so long as the exceedance stays below a certain amount (*e.g.,* 20%) or does not extend beyond a certain number of Assessment Periods? [23] Should there be a cure period, and if so, what should be the length of that cure period? Should a firm be prohibited from relying on any exemption for some length of time after exceedances of a certain volume or duration? [24]

D. Request for Comment

The Commission is reopening the comment period for the IIB and SIFMA Notices until August 31, 2026.

We request and encourage any interested person to submit comment with respect to the questions set forth in this notice in Sections II.A, II.B, and II.C above.

Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/comments/s7-2026-07/notice-request-exemptive-relief-pursuant-section-36a-securities-exchange-act-1934-certain-aspects* and *https://www.sec.gov/comments/s7-2026-11/notice-request-exemptive-relief-pursuant-section-36a-securities-exchange-act-1934-certain-aspects*); or
- Send an email to *rule-comments@sec.gov.* Please include File Numbers S7–2026–07 and S7–2026–11 on the subject line.

Paper Comments

- Send paper comments to Vanessa A. Countryman, Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Numbers S7–2026–07 and S7–2026–11. The file numbers 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/public-comments/s7-2026-07* and *https://www.sec.gov/rules-regulations/public-*

[17] IIB August 4, 2026 Letter at 2.

[18] *See also* IIB August 4, 2026 Letter at 4–5.

[19] *See supra* note 7.

[20] *See* IIB May 29, 2026 Letter at 3. *See also* IIB August 4, 2026 Letter at 3.

[21] IIB May 29, 2026 Letter at 3; *see also* SIFMA July 1, 2026 Letter at 2–3.

[22] SIFMA April Letter, FSF Letter, *supra* note 9.

[23] *See also* IIB August 4, 2026 Letter at 1.

[24] *See also* IIB August 4, 2026 Letter at 1.

comments/s7-2026-11). 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 publications submitted material that is obscene or subject to copyright protection. For further information, you may contact Elizabeth Fitzgerald, Assistant Director, at (202) 551–6036, in the Division of Trading and Markets; U.S. Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

By the Commission.

Dated: August 7, 2026.

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2026–16471 Filed 8–12–26; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106069; File No. SR–LCH SA–2026–007]

Self-Regulatory Organizations; LCH SA; Notice of Filing of Proposed Rule Change Relating to the LCH SA CaLM Minimum Cash Collateral Requirement and to LCH Liquidity Risk Policy

August 10, 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 31, 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 Liquidity Risk Policy (the ''Policy'') in order to enhance the framework and also introduce a minimum Cash Collateral requirement to be set at Collateral Accounts level for all clearing services and to make some conforming and clarifying changes related to Collateral management in the CDS Clearing Rules (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–2026–007.

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 framework to introduce a hard minimum Cash Collateral requirement for Collateral Accounts[4] (the ''Minimum Cash Collateral'') in order to strengthen LCH SA's liquidity risk management framework in a context of declining Cash Collateral levels and increasing reliance from Clearing Members on non-Cash Collateral. LCH SA also proposes certain additional amendments to the CDS Clearing Rules intended to improve the clarity and organisation of the collateral management provisions.

For that purpose, LCH SA is proposing to amend the below framework with the following amendments:

A. Proposed Revisions to the CDS Clearing Rules

i. Rule Book

LCH SA proposes to amend Article 4.2.6.4 to remove references to haircuts and FX adjustments applicable to Collateral and to relocate these details to Section 3.2 of the Procedures. A corresponding reference to Section 3 of the Procedures was also added to Article 4.2.6.4. These amendments are intended to improve the organization and clarity of the Collateral management provisions.

ii. Section 3 of the Procedures

LCH SA proposes to amend Section 3.2 of the Procedures to restate the provisions relating to discounts, haircuts and FX adjustments applicable to Collateral that were removed from the Rule Book. In the same Section, LCH SA also proposes to introduce a Minimum Cash Collateral requirement at the level of the Collateral Account.[5] In practice, the Minimum Cash Collateral requirement introduces a hard floor on the amount of cash collateral that a clearing member must maintain with LCH SA. The requirement is set at a certain percentage of the clearing member's exposure/margin requirement. At the end of each day, LCH SA calculates the minimum cash amount required and clearing members may only withdraw cash that exceeds this threshold. Intraday, any cash withdrawal request is checked against the member's required minimum cash level, preventing withdrawals that would cause a breach. In exceptional circumstances, where margin requirements have materially reduced during the day and subject to appropriate approvals, LCH SA may allow intra-day cash withdrawals based on intraday exposure, provided all margin requirements remain fully covered. The objective is to ensure that LCH SA maintains a minimum level of liquidity while still allowing clearing members to use non-cash collateral for the remainder of their margin obligations.

In the context of this initiative, the amount of Collateral recognized by LCH SA is also dependent upon any requirements arising from the Minimum Cash Collateral requirement. Section 3.2.(x) further provides an opportunity to clarify that any change relating to the Minimum Cash Collateral requirement may only be implemented by updating the website setting with the new applicable arrangements, following a 15-calendar-day consultation period with Clearing Members.

The proposed amendments to this Section 3 of the CDS Procedures were

[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] At this stage, the proposed Minimum Cash Collateral requirement will only apply to Clearing Members House Accounts and Client Collateral Accounts will remain outside of the scope as disclosed on the LCH website.

[5] At this stage, the proposed Minimum Cash Collateral requirement will apply to Clearing Members House Accounts only and Client Collateral Accounts will remain outside of the scope as disclosed on the LCH website.

intentionally drafted in broad terms to provide LCH SA with the flexibility to apply the Minimum Cash Collateral requirement to any Collateral Accounts as it may deem appropriate from time to time, as specified on its website. This flexibility allows LCH SA to adjust the scope of the Minimum Cash Collateral requirement in response to the evolving liquidity risk considerations and market conditions, including by extending its application to Client Collateral Accounts and/or additional currencies through updates published on its website.

Consequently, the following sections have been amended to reflect this approach.

—Section 3.7(g)(i) related to House Collateral Account
—Section 3.7(g)(ii) related to CCM Collateral Account
—Section 3.7(g)(iii) in respect of FCM/BD Clearing Members's FCM/BD Client Collateral Account
—Section 3.8(h)(1), 3.8(i)(1) and 3.8(h)(2)(i)(2) updated to introduce an additional condition whereby any withdrawal remains subject to compliance with the applicable Minimum Cash Collateral requirement respectively for return of non-Euro Denominated Cash Collateral and USD denominated Cash Collateral.

Further, LCH SA also took the opportunity to reflect that the value of Collateral may be subject to applicable Collateral haircuts as published on the website (section 3.2(w)), FX adjustments (3.2.(y)) and/or concentration limits (3.2.(z)). While these elements are not introduced by the ''Minimum Cash Collateral'' initiative, the relevant section of this CDS Procedure has been revised to provide greater clarity and precision.

In addition to and not related to the proposed changes made for the purposes of the Minimum Cash requirement, LCH SA is also using this opportunity to make the following amendments to section 3.8(h) and 3.8(i) of the Procedures. Their purpose is to provide clearer, more accurate and more comprehensive drafting that better reflects LCH SA's existing practices and operational arrangements.

—Removal of all timelines previously specified in both sections, so that reference is made exclusively to the timelines published on LCH SA's website ''*Request Timelines*'' and publicly available to Clearing Members. These requirements became obsolete and are now centralized.
—Removal of all references to form-based submissions for the return of USD denominated cash collateral and replacement with the reference to electronic submission mechanism through Collateral Management System (CMS) or any other operational process designated by LCH SA, including form-based submission arrangements where appropriate.
—Removal of references to FCM/BD Clearing Members and FCM/BD Clients to ensure that these provisions apply to all Clearing Members and Clients.
—Removal of outdated references referring to ''*Non Euro Cash Collateral Value*''. This is now fully addressed by the amendments described above.

A typographical error in the word ''aggregation'' in Section 3.7(d)(iii) has also been corrected.

B. Proposed Revisions to the LCH Liquidity Risk Policy

As part of the annual review process and also to address certain observations raised by the French Competent Authorities (ACPR) when reviewing the framework, LCH SA is proposing to amend its Liquidity Risk Policy (V 8.3 attached [sic] as Exhibit 5c) to improve its accuracy, clarity and consistency. The proposed amendments are not related to the Minimum Cash initiative and do not imply any change to the liquidity risk management or appetite.

As further detailed below, the main proposed amendments are intended to provide more precise wording or additional detail, while also reorganising certain sections of the framework to enhance clarity and readability. This review also provides the opportunity to update references to applicable regulatory texts and to clarify the internal governance process to be followed when amendments are made to the appendices of this Policy.

LCH SA proposes to amend Section 5 to update the references to the applicable regulatory requirements under EMIR and SEC Regulations in order to maintain their accuracy.

A footnote is proposed to be added to Section 6.1 to clarify that the detailed definition of eligible liquidity resources for each CCP is set out in the relevant CCP-specific procedures and/or Liquidity Risk Modelling Framework (LRMF).[6] The footnote does not modify the scope of the eligible resources. Rather, it ensures that the Policy refers to the appropriate level of documentation. Accordingly, no corresponding changes have been made to the underlying procedures or LRMFs. This addition is intended solely to ensure full consistency and alignment across the various layers of documentation. This clarification also supports the wording refinements set out below, which are intended to address certain provisions that were previously incomplete or insufficiently precise whenever liquidity resources were referenced.

In the current version of the Policy, references to ''*cash*'' in certain provisions may be interpreted more narrowly than intended, as the relevant concepts relate to liquidity resources, which may encompass a broader range of eligible resources. Accordingly, LCH SA is proposing a number of amendments to improve precision and clarity. In particular:

—Section 6.1, paragraphs 9 and 10: This section addresses the liquidity resources available to the CCP. In the current version of the Policy, the structure of the relevant provisions did not fully reflect that resources may consist of both cash and non-cash assets, provided that such non-cash assets are eligible to be pledged to a central bank facility. Accordingly, it is proposed to consolidate the current first sentence of paragraph 9 (cash) and the paragraph 10 (non-cash) into a revised paragraph 9 to present, in a single location, the liquidity resources available to the CCP and improve the overall readability of the Policy. The wording relating to non-cash resources has also been refined to improve precision. The current second sentence of paragraph 9 is proposed to become paragraph 10, as it constitutes a direct continuation of the discussion regarding the liquidity resources available to the CCP. While the original description has been retained, it has been enhanced to include an explicit reference to paragraph 9.

These proposed changes do not result in any change to the scope of eligible assets, liquidity resources or operational practices.

—Section 6.7.1: In the current version of the Policy, references to ''*cash*'' within this section were intended to capture the broader category of liquidity resources available to the CCP. To improve precision and consistency with the terminology used in the Policy, the term has been replaced with ''*primary sources of liquidity*'' which encompasses the full range of resources described in Section 6.1, paragraph 9.

[6] See Securities Exchange Act Release No. 34–103192 (June 4, 2025), 90 FR 24444 (June 10, 2025) (File No. SR LCH SA–2025–003) which approved the LCH SA Liquidity Risk Modelling Framework.

○ In paragraph 44, corresponding terminology changes have been made to maintain consistency across the Policy. In the existing text, references to ''*cash*'' were intended to capture the broader concept of liquidity resources.

○ In paragraph 45, the same consistency-driven amendment has been made in this provision. Furthermore, to enhance precision and clarity, references to ''*non-cash*'' have been replaced with the broader expression ''*other collateral types.*'' This section addresses collateral substitution arrangements that may result in a switch from liquid resources to non-liquid resources for the CCP. As the category of non-liquid resources may encompass assets beyond those typically understood as ''*non-cash*'', the revised terminology is intended to better align the wording with the underlying concept.

○ In paragraph 46, the same terminology substitution has been applied in this provision. The related footnote has been removed as the clarification introduced as part of the review of Section 6.1, paragraph 9, now adequately addresses the underlying concept. The term ''*amount*'' is also proposed to be replaced with ''*resources*''.

○ In paragraphs 47 and 48, the proposed changes have been applied based on the same rationale.

None of the foregoing amendments constitute a proposed change to the LRMF or introduce new liquid resources. These proposed amendments are clarificatory and documentary in nature and are intended solely to improve the consistency and readability of the document.

—Several documentation enhancements are proposed to improve the precision of the descriptions relating to the Operational Target, the Liquidity Coverage Ratio and the Liquidity Buffer. These proposed amendments do not introduce any methodological changes or any changes to the definition of these metrics. More precisely:

○ Section 6.2, paragraph 16 addresses the CCP's operational liquidity needs as measured by the Operational Target indicator. A clarification has been added to explicitly state that this indicator is intended to cover the CCP's operational liquidity requirements in a non-default situation.

○ Section 6.4, paragraph 22, sets out the elements to be considered in the calculation of the Liquidity Coverage Ratio, while the detailed calculation methodology remains defined in the applicable LRMF. No methodological change is introduced. The proposed amendments clarify two elements already reflected in the existing framework: first, that the determination of the stressed liquidity needs considers clearing members and liquidity providers, with an accompanying footnote for clarification; and second, that the liquidity assessment also includes the operational liquidity needs referred to in paragraph 16. These elements are not being introduced as part of this review. Rather, the purpose of the amendments is to align the Policy wording with the methodology and assumptions already set out in the LRMF and to improve the completeness and accuracy of the Policy.

○ Section 6.6.1 covers the liquidity buffer.

▪ *Paragraph 30:* A new cross-reference has been added to direct readers to paragraph 22, which sets out the relevant calculation principles. This addition is intended solely to improve readability and facilitate navigation of the Policy by directing readers to the appropriate provision.

▪ Paragraph 32 has been amended to include an explicit definition of the Liquidity Buffer, namely the excess of liquid assets over liquidity obligations, determined based on the same assumptions used for the Liquidity Coverage Ratio. This addition does not constitute a methodological change as it reflects the existing definition and implementation of the Liquidity Buffer within the liquidity risk framework. Accordingly, this change is purely clarificatory and documentary in nature and does not alter the calculation or implementation of the Liquidity Buffer.

—A reorganization of Section 6.6 is proposed to improve the overall quality of the documentation and provide additional clarifications. In the current version of the Policy, Section 6.6.2 describes a monitoring framework designed to ensure that no individual clearing member would consume more than a certain portion of the CCP's available liquid resources following the default of the largest liquidity consumer within the relevant service. In the event of an exceedance of this threshold, the Chief Risk Officer must be notified. Under the proposed revision, these provisions would be moved to a new Section 6.6.3 and supplemented with additional clarifications regarding the determination of this metric. These proposed amendments do not introduce any change to the existing implementation of the monitoring framework. Rather, they are intended to provide more accurate and comprehensive wording and to ensure consistency with the other documentation enhancements proposed as part of this review. More specifically:

○ The wording of paragraph 34 has largely been carried forward into paragraph 41. Several clarifications have nevertheless been introduced, including:

▪ A reference to the liquidity resources defined in paragraph 9, section 6.1.

▪ Clarification has been introduced regarding the objective of the monitoring framework. The revised wording explicitly states that the purpose of the monitoring is to ensure that no clearing member posts more than a non-negligible portion of the remaining liquidity resources at service level in the form of non-liquid resources, thereby ensuring that a significative part of the relevant resources are maintained in liquid form. This wording more accurately reflects the monitoring currently in place than the formulation included in the existing Policy and does not introduce any change to the definition of liquid and non-liquid resources as set out in the Policy and the LRMF.

In addition, three bullet points have been introduced to clarify the determination of the remaining liquidity resources on which the monitoring is based, namely: (i) after deduction of the liquidity needs described in paragraph 16, (ii) under the assumption of a closure of the repo market, and (iii) taking into account the specific calculation assumptions applicable where the relevant member is also the largest consumer of liquidity resources. These proposed amendments do not introduce any change to the existing monitoring framework or methodology.

○ The wording of paragraph 35 has largely been carried forward into paragraph 42. In addition, references to ''*cash balances*'' have been replaced with references to ''*primary sources of liquidity*'' to align the terminology with the broader definition of liquidity resources set out in the Policy. An additional clarification has been introduced to specify that escalation is triggered only after applying a materiality threshold to the identified exceedance. This requirement is not being introduced as part of the current review; rather, it is intended to align the Policy wording with the monitoring framework as currently implemented in practice. Former footnote 5 has not been retained as its content is addressed by the revised wording introduced in Section 6.1, Paragraph 9. Accordingly,

this amendment does not alter the existing monitoring methodology but provides a more accurate description of the escalation process already in place.

As part of the Minimum Cash Collateral initiative, this section 6.6 was subsequently amended and replaced by the proposed changes introduced in the Version 8.4 attached [sic] Exhibit 5d and explained further below.

—As a result of the proposed reorganization, the ''General Repo Market Disruptions'' section has been redesignated as Section 6.6.2. The section outlines additional scenarios to be considered in the liquidity reverse stress testing framework. These proposed amendments are intended solely to improve the clarity of the documentation and do not result in any methodological or implementation changes to the existing framework, which continues to operate as defined in the Liquidity Risk Framework. The proposed amendment does not introduce any new liquidity facility. The proposed changes under paragraphs 36 and 39 are intended solely to clarify that the central bank facility is included in the assumptions underlying these scenarios, especially to model a potential increase in central bank haircuts under certain stressed market conditions. Additionally, minor drafting changes have been made to paragraph 39 to enhance readability.

—An additional sentence has been added to Appendix II, which addresses non-committed arrangements, to clarify that the mandatory criteria applicable to the recognition of any pre-arranged non-committed funding arrangement as a liquidity resource are defined in a separate procedure referenced by footnote. This proposed amendment is intended solely to provide a reference to the documentation corpus (and its ownership) setting out the applicable conditions and requirements. It does not introduce any new pre-arranged non-committed funding arrangement and does not result in any change to the existing methodology or implementation framework.

—Finally, a minor wording refinement has been made to paragraph 11 to replace the current term with more precise terminology.

—An additional paragraph has been added to Section 7 covering the governance framework applicable to the validation of the Policy. Specifically, the proposed amendment clarifies the streamlined approval process applicable where changes are limited to the appendices of the Policy. This addition is intended to enhance the transparency and clarity of the governance arrangements and does not introduce any change to the existing governance framework.

As part of the 2026 annual review process and for the purposes of the Minimum Cash Collateral purposes, LCH SA is proposing to update the sections 6.6.3 (replacing the amendments previously introduced upon the creation of this section, as discussed above) and 6.7.1 of the LCH Liquidity Risk Policy (V8.4) attached [sic] as Exhibit 5d to introduce a minimum level in cash requirement with the appropriate monitoring expected to be effective upon the completion of the relevant regulatory review and approval process.

Independently from the minimum cash requirement itself and at the request of the BoE, the LCH Liquidity Risk Policy attached [sic] as Exhibit 5d is also proposed to be modified to clarify that the test with each liquidity provider of availability of the relevant liquidity resources used for assessing the liquidity provision, is performed under stressed market conditions.

2. Statutory Basis

LCH SA believes that the Proposed Rule Change is consistent with the requirements of Section 17A of the Exchange Act[7] and the regulations thereunder, including the clearing agency standards under Exchange Act Rule 17ad-22.[8] Section 17A(b)(3)(F) of the Exchange Act[9] 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. By contributing to maintain the immediate access for the clearing agency to a certain level of liquid resources in order to meet any liquidity requirement arising from the clearing agency activity including the cash injections into settlement process, the Proposed Rule Change will remain consistent with the provisions of Section 17A(b)(3)(F) of the Exchange Act requiring the rules of a clearing agency to promote the prompt and accurate clearance and settlement of securities transactions.

LCH SA also believes that the Proposed Rule Change is consistent with the requirements of Exchange Act Rule 17ad–22(e)(4)(i).[10] 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.[11] Indeed, the main purpose of the Proposed Rule Change is to improve the format and clarity of the provisions of the Policy and also enhance the liquidity risk management framework by maintaining sufficient liquid financial resources to cover the clearing agency exposure with any participant and especially in the case of the default of a clearing member group which remains consistent with the provisions of Rule 17ad–22(e)(4)(i).[12] LCH SA also believes that the Proposed Rule Change is consistent with the requirements of Exchange Act Rule 17ad–22(e)(18)(ii).[13] 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.[14] The Proposed Rule Change is designed to introduce a minimum Cash Collateral requirement to be set at Collateral Accounts level for all LCH SA clearing services including CDSClear and to make some conforming and clarifying changes related to Collateral management in the CDS Clearing Rules. This requirement is provided in the proposed CDS Clearing Rules attached [sic] as Exhibit 5 and that will be publicly disclosed on the LCH website once duly approved by the regulators, which is fully consistent with the provisions of Rule 17ad–22(e)(18)(ii).[15]

[7] 15 U.S.C. 78q–1.

[8] 17 CFR 240.17ad–22.

[9] 15 U.S.C. 78q–1(b)(3)(F).

[10] 17 CFR 240.17ad–22(e)(4)(i).

[11] *Id.*

[12] 17 CFR 240.17ad–22(e)(4)(i).

[13] 17 CFR 240.17ad–22(e)(18)(ii).

[14] *Id.*

[15] 17 CFR 240.17ad–22(e)(18)(ii).

LCH SA also believes the Proposed Rule Change is consistent with Rule 17ad–22(e)(1),[16] which requires LCH SA to establish, implement, maintain and enforce written policies and procedures reasonably designed to provide for a well-founded, clear, transparent, and enforceable legal basis for each aspect of its activities in all relevant jurisdictions. As noted above, the Proposed Rule Change will be part of the LCH SA framework attached [sic] as Exhibit 5 and will become enforceable once duly approved by the regulators in any relevant jurisdiction where LCH SA is operating.

For all these reasons, LCH SA believes that the Proposed Rule Change is consistent with the requirements of Section 17A of the Act and the regulations thereunder, including the standards under Rule 17Ad–22.[17]

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.[18] 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 improve LCH SA's liquidity risk management framework. 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–2026–007 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–LCH SA–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/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–2026–007 and should be submitted on or before September 3, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–16462 Filed 8–12–26; 8:45 am]

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[16] 17 CFR 240.17ad–22(e)(1).

[17] 17 CFR 240.17ad–22.

[18] 15 U.S.C. 78q–1(b)(3)(I).

[19] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106065; File No. SR–MRX–2026–33]

Self-Regulatory Organizations; Nasdaq MRX, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Market Maker Quoting Obligations

August 10, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 30, 2026, Nasdaq MRX, LLC (''MRX'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Options 2, Section 5, Market Maker Quotations.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/mrx/rulefilings,* and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

MRX proposes to amend Options 2, Section 5, Market Maker Quotations. Specifically, the Exchange proposes to amend Options 2, Section 5(e), to modify the manner in which quoting

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

obligations are aggregated and counted toward applicable quoting requirements for Primary Market Makers (''PMMs'') [3] and Preferred Market Makers [4] associated with the same Member. The Exchange proposes this amendment for the following reasons.

First, the Exchange believes that the proposed aggregation of quoting activity for PMMs and Preferred Market Makers is appropriate because these two categories of market participants are subject to materially similar quoting obligations. Both PMMs and Preferred Market Makers are subject to a requirement to provide continuous two-sided quotations in 90% of the cumulative number of seconds during the trading day. Currently, an PMM is required to provide two-sided quotations in 90% of the cumulative number of seconds, or such higher percentage as the Exchange may announce.[5] This is calculated separately from a Preferred Market Maker's obligation to provide two-sided quotations in 90% of the cumulative number of seconds, or such higher percentage as the Exchange may announce in advance, among all options series in which the Preferred Market Maker has executed a Preferenced Order on a daily basis.[6]

Second, most PMMs are also Preferred Market Makers in the same options series, such that the functional distinction between these roles, for purposes of assessing compliance with the quoting obligation, is minimal.

Third, the allocation benefits for PMMs and Preferred Market Makers are similar. Specifically, PMMs and Preferred Market Makers each are entitled to preferential participation entitlements [7] that are greater than those afforded to ordinary Competitive Market Makers.[8] Because the Exchange already confers similar economic benefits and preferential treatment on PMMs and Preferred Market Makers under the allocation rules pursuant to Options 3, Section 10 it is consistent and equitable to also treat their quoting activity in an aggregated manner for purposes of assessing compliance with the continuous quoting obligation under Options 2, Section 5.

Fourth, the current requirement that a Member satisfy two separate quoting obligations—one with respect to PMMs and one with respect to Preferred Market Makers—imposes an administrative and operational burden on market participants that does not produce a corresponding benefit to the market. Requiring separate compliance tracking for each role within the same Member results in duplicative monitoring without necessarily encouraging greater or higher-quality quoting activity. The proposed aggregation eliminates this unnecessary burden while preserving the substantive quoting standard to which these participants are held. The Exchange does not believe that eliminating the requirement for separate compliance tracking will diminish the quality or breadth of quotations available to market participants, given that the 90% continuous quoting threshold remains.

Proposal

At this time, MRX proposes to amend Options 2, Section 5(e) which describes the various market making quoting obligations and the requirement to meet each quoting obligation separately. Current Options 2, Section 5(e) states,

Intra-day Quotes. A Market Maker must enter bids and offers for the options to which it is appointed, except in an assigned options series listed intra-day on the Exchange. On a daily basis, a Market Maker must make markets consistent with the applicable quoting requirements specified below. A Member will be required to meet each market making obligation separately. Quotes submitted through the Specialized Quote Feed interface, utilizing badges and options series assigned to a Primary Market Maker, will be counted toward the requirement to provide two-sided quotations in 90% of the cumulative number of seconds, or such higher percentage as MRX may announce. Quotes submitted through the Specialized Quote Feed interface, utilizing badges and options series assigned to a Competitive Market Maker, will be counted toward the requirement to provide two-sided quotations in 60% of the cumulative number of seconds, or such higher percentage as MRX may announce. A Member that is a Competitive Market Maker in an options series where the Member is also assigned as the Primary Market Maker in an options series will be held to both the Primary Market Maker and Competitive Market Maker obligations, pursuant to Options 2, Section 5(e), separately, in that options series. A Market Maker who executes a Preferenced Order, as described in Options 2, Section 10 and Options 3, Section 10 (''Preferred Market Maker''), shall be held to the standard of a Preferred Market Maker among all options series of any options class in which it executes the Preferenced Order.

The Exchange proposes to amend Options 2, Section 5(e) to state instead that,

Intra-day Quotes. A Market Maker must enter bids and offers for the options to which it is appointed, except in an assigned options series listed intra-day on the Exchange. On a daily basis, a Market Maker must make markets consistent with the applicable quoting requirements specified below.

Quotes submitted through the Specialized Quote Feed interface, utilizing badges and options series assigned to a Primary Market Maker and a Competitive Market Maker will be counted toward the requirement to provide two-sided quotations in 90% and 60%, respectively, of the cumulative number of seconds, or such higher percentage as MRX may announce.

A Member that is a Competitive Market Maker in an options series where the Member is also assigned as the Primary Market Maker in an options series will be held to both the Primary Market Maker and Competitive Market Maker obligations, pursuant to Options 2, Section 5(e), separately, in that options series.

A Market Maker who executes a Preferenced Order, as described in Options 2,

[3] The term ''Primary Market Maker'' means a Member that is approved to exercise trading privileges associated with PMM Rights. *See* Options 1, Section 1(a)(36).

[4] A Preferred Market Maker may be the Primary Market Maker appointed to the options class or any Competitive Market Maker appointed to the options class. *See* Options 2, Section 10(a)(1)(iii).

[5] Options 2, Section 5(e)(2) states that Primary Market Makers, associated with the same Member, are collectively required to provide two-sided quotations in 90% of the cumulative number of seconds, or such higher percentage as the Exchange may announce in advance, for which that Member's assigned options class is open for trading. Primary Market Makers shall be required to make two-sided markets pursuant to this Rule in any Quarterly Options Series, any Adjusted Options Series, and any option series with an expiration of nine months or greater for options on equities and ETFs or with an expiration of twelve months or greater for index options.

[6] Options 2, Section 5(e)(3) states that Preferred Market Makers, associated with the same Member, are collectively required to provide two-sided quotations in 90% of the cumulative number of seconds, or such higher percentage as the Exchange may announce in advance, among all options series in which the Preferred Market Maker has executed a Preferenced Order on a daily basis, except that a Preferred Market Maker shall not be required to make two-sided markets in any Quarterly Options Series, any Adjusted Options Series, and any options series with an expiration of nine months or greater for options on equities and ETFs or with an expiration of twelve months or greater for index options. A Preferred Market Maker has the ongoing quoting obligation from the time a Preferred Market Maker executes its first Preferenced Order in the options in which the Preferred Market Maker is assigned until a Preferred Market Maker notifies the Exchange that the Preferred Market Maker is no longer preferenced.

[7] An PMM is entitled to tiered allocation percentages of 60%, 40%, or 30%, depending on the number of other participants at the national best bid or offer provided, after all Priority Customer orders have been fully executed, the PMM's quote is at the better of the internal BBO or the NBBO. *See* Options 3, Section 10(c)(1)(B). The term ''Priority Customer'' means a person or entity that (i) is not a broker or dealer in securities, and (ii) does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s). *See* Options 1, Section 1(a)(37). A Preferred Market Maker Preferred Market Maker is entitled to receive 60% or 40% of the contracts in the relevant Preferenced Order, after all Priority Customer orders have been fully executed, upon receipt of a Preferenced Order provided the Preferred Market Maker's quote or market maker order is at the better of the internal PBBO or the NBBO. *See* Options 3, Section 10(c)(1)(C).

[8] The term ''Competitive Market Maker'' means a Member that is approved to exercise trading privileges associated with CMM Rights. *See* Options 1, Section 1(a)(13).

Section 10 and Options 3, Section 10 (''Preferred Market Maker''), shall be held to the standard of a Preferred Market Maker among all options series of any options class in which it executes the Preferenced Order.

Where a Market Maker is both a Primary Market Maker and a Preferred Market Maker, the Market Maker's quotes in its assigned series submitted through the Specialized Quote Feed interface will count toward its quoting obligations as a Primary Market Maker and as a Preferred Market Maker.

The proposal modifies the methodology by which activity across badges [9] and options series assigned within the same Member is aggregated toward satisfying those existing thresholds. With this proposal, no participant is relieved of existing obligations to provide continuous two-sided quotations based on the role, rather the proposal adjusts the measurement for calculating the fulfillment of the PMM and Preferred Market Maker quoting obligations by measuring those obligations on a combined basis rather than in isolation. The proposal does not amend a Competitive Market Maker's quoting obligation to provide two-sided quotations in 60% of the cumulative number of seconds, or such higher percentage as the Exchange may announce.[10]

Today, a Competitive Market Maker is not subject to the heightened 90% quoting obligation nor is a Competitive Market Maker afforded enhanced allocations similar to an PMM or Preferred Market Maker. With respect to Competitive Market Maker allocations in Options 3, Section 10, these participants have priority over all other orders at the same price after Priority Customers, PMMs and Preferred Market Makers are allocated.

Finally, as is the case today, a Member that is a Competitive Market Maker in an options series where the Member is also assigned as the PMM in an options series will be held to both the PMM and Competitive Market Maker obligations, pursuant to Options 2, Section 5(e), separately, in that options series. Also, as is the case today, a Competitive Market Maker who executes a Preferenced Order shall be held to the standard of a Preferred Market Maker in such option series.[11] Examples of the proposed change are below.

For purposes of the below examples, the numerator is the total number of seconds the Member disseminates quotes in each assigned options series, (minus exclusions, as applicable) and the denominator is the eligible total number of seconds each assigned option series in the options class is open for trading that day (minus exclusions, as applicable). In each example, the Member's quoting time across all eligible options series for each of the number of symbols would be added up and then divided by the total amount of seconds all those options series across the number of assigned symbols are open for trading on that day.

For the examples below, assume:

- Each symbol only has 1 series the Member is required to quote.
- Each options series in all symbols is open for every second of the trading day.

Example #1

Firm #1 has 125 symbols
100 symbols are Primary Market Maker (''PMM'')

—25 PMM symbols executed Preferenced Orders [12]
25 symbols are CMM

—25 CMM symbols executed Preferenced Orders

Today: 75 symbols are counted toward PMM bucket, 50 symbols are counted toward the Preferenced Order bucket, and 0 symbols are counted toward the CMM bucket.

- *PMM Bucket* = X seconds quoted for all 75 symbols/1,755,000 (23,400 * 75)
- *Preferenced Order Bucket* = X seconds quoted for all 50 symbols/1,170,000 (23,400 * 50)
- *CMM Bucket* = No obligation because the 25 symbols are preferenced

Proposal: 125 symbols are in 90% bucket, 0 symbols are in 60% bucket.

- *90% Bucket* = X seconds quoted for all 125 symbols/2,925,000 (23,400 * 125)
- *60% Bucket* = No obligation for CMM because the 25 symbols have Preferenced Order obligations

Example #2

Firm #1 has 150 symbols
100 symbols are PMM

—25 PMM symbols executed Preferenced Orders
50 symbols are CMM

—25 CMM symbols executed Preferenced Orders

Today: 75 symbols are counted toward PMM bucket, 50 symbols are counted toward the Preferenced Order bucket, and 25 symbols are counted toward the CMM bucket.

- *PMM Bucket* = X seconds quoted for all 75 symbols/1,755,000 (23,400 * 75)
- *Preferenced Order Bucket* = X seconds quoted for all 50 symbols/1,170,000 (23,400 * 50)
- *CMM Bucket* = X seconds quoted for all 25 symbols/585,000 (23,400 * 25)

Proposal: 125 symbols are in 90% bucket, 25 symbols are in 60% bucket.

- *90% Bucket* = X seconds quoted for all 125 symbols/2,925,000 (23,400 * 125)
- *60% Bucket* = X seconds quoted for all 25 symbols/585,000 (23,400 * 25)

Example #3

Firm #1 has 1,000 symbols
400 symbols are PMM

—390 PMM symbols executed Preferenced Orders

600 symbols are CMM

—500 CMM symbols executed Preferenced Orders

Today: 10 symbols are counted toward PMM bucket, 890 symbols are counted toward the Preferenced Order bucket, and 100 symbols are counted toward the CMM bucket.

- *PMM Bucket* = X seconds quoted for all 10 symbols/234,000 (23,400 * 10)
- *Preferenced Order Bucket* = X seconds quoted for all 890 symbols/20,826,000 (23,400 * 890)
- *CMM Bucket* = X seconds quoted for all 100 symbols/2,340,000 (23,400 * 100)

Proposal: 900 symbols are in 90% bucket, 100 symbols are in 60% bucket.

[9] A ''badge'' shall mean an account number, which may contain letters and/or numbers, assigned to Market Makers. A Market Maker account may be associated with multiple badges. *See* Options 1, Section 1(a)(5).

[10] Options 2, Section 5(e)(1) states that Competitive Market Makers, associated with the same Member, are collectively required to provide two-sided quotations in 60% of the cumulative number of seconds, or such higher percentage as the Exchange may announce in advance, for which that Member's assigned options class is open for trading. Competitive Market Maker are not required to make two-sided markets pursuant to this Rule in any Quarterly Options Series, any Adjusted Options Series, and any options series with an expiration of nine months or greater for options on equities and exchange-traded funds (''ETFs'') or with an expiration of twelve months or greater for index options. Competitive Market Makers may choose to quote such series in addition to regular series in the options class, but such quotations will not be considered when determining whether a Competitive Market Maker has met the obligation contained in this paragraph (e)(1).

[11] Options 2, Section 5(e) states, in relevant part, that a Member that is a Competitive Market Maker in an options series where the Member is also assigned as the Primary Market Maker in an options series will be held to both the Primary Market Maker and Competitive Market Maker obligations, pursuant to Options 2, Section 5(e), separately, in that options series. A Market Maker who executes a Preferenced Order, as described in Options 2, Section 10 and Options 3, Section 10 (''Preferred Market Maker''), shall be held to the standard of a Preferred Market Maker among all options series of any options class in which it executes the Preferenced Order.

[12] A Preferred Market Maker may be the Primary Market Maker appointed to the options class or any Competitive Market Maker appointed to the options class. *See* Options 2, Section 10(a)(1)(iii).

- *90% Bucket* = X seconds quoted for all 900 symbols/21,060,000 (23,400 * 900)
- *60% Bucket* = X seconds quoted for all 100 symbols/2,340,000 (23,400 * 100)

The Exchange believes that this proposal would remove the duplicative compliance burden for PMMs and Preferred Market Makers which currently requires a Member to deploy resources to meet both obligations concurrently without the ability to offset one against the other. The proposed rule change recognizes this substantial overlap by permitting quoting activity across both roles to be counted together when badges and options series are assigned within the same Member.

Implementation

The Exchange proposes to implement the quoting obligations on September 1, 2026. The Exchange would issue an Options Regulatory Alert notifying members of the amended quoting obligations.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[13] in general, and furthers the objectives of Section 6(b)(5) of the Act,[14] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest.

The Exchange's proposal to amend Options 2, Section 5(e), to modify the manner in which quoting obligations are aggregated and counted toward applicable quoting requirements for PMMs and Preferred Market Makers associated with the same Member is consistent with the Act. The Exchange believes that the proposed aggregation of quoting activity for PMMs and Preferred Market Makers promotes just and equitable principles of trade because these two categories of market participants are subject to materially similar quoting obligations. Both PMMs and Preferred Market Makers are subject to a requirement to provide continuous two-sided quotations in 90% of the cumulative number of seconds during the trading day.[15]

Further, most PMMs are also Preferred Market Makers in the same options series, such that the functional distinction between these roles, for purposes of assessing compliance with the quoting obligation, is minimal. Also, the allocation benefits for PMMs and Preferred Market Makers are similar.[16] Because the Exchange already confers similar economic benefits and preferential treatment on PMMs and Preferred Market Makers under the allocation rules pursuant to Options 3, Section 10 it is consistent with the Act to also treat their quoting activity in an aggregated manner for purposes of assessing compliance with the continuous quoting obligation under Options 2, Section 5.

The current requirement that a Member satisfy two separate quoting obligations—one with respect to PMMs and one with respect to Preferred Market Makers—imposes an administrative and operational burden on market participants that does not produce a corresponding benefit to the market. Requiring separate compliance tracking for each role within the same Member results in duplicative monitoring without necessarily encouraging greater or higher-quality quoting activity. The proposed aggregation removes impediments to and perfects the mechanism of a free and open market and a national market system because it eliminates this unnecessary burden while preserving the substantive quoting standard to which these participants are held. The Exchange does not believe that eliminating the requirement for separate compliance tracking will diminish the quality or breadth of quotations available to market participants, given that the 90% continuous quoting threshold remains.

Additionally, not amending the quoting obligations for Competitive Market Makers is consistent with the Act because Competitive Market Makers are not subject to the heightened 90% quoting obligation nor are they afforded enhanced allocations similar to an PMM or Preferred Market Maker.

Finally, the Exchange will continue to hold a Competitive Market Maker who is also assigned the PMM in an options series to both the PMM and Competitive Market Maker obligations, pursuant to Options 2, Section 5(e), separately, in that options series. Further, a Market Maker who executes a Preferenced Order will continue to be held to the standard of a Preferred Market Maker.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

The Exchange's proposal to amend Options 2, Section 5(e), to modify the manner in which quoting obligations are aggregated and counted toward applicable quoting requirements for PMMs and Preferred Market Makers associated with the same Member does not impose an undue burden on intra-market competition because all Preferred Market Makers and PMMs would continue to be required to quote in their assigned options series. Further, the manner in which quoting obligations are aggregated and counted would apply uniformly to all Preferred Market Makers and PMMs.

Not amending the quoting obligations for Competitive Market Makers does not impose an undue burden on intra-market competition because Competitive Market Makers are not subject to the heightened 90% quoting obligation similar to an PMM or Preferred Market Maker and are not afforded enhanced allocations that are afforded to an PMM or Preferred Market Maker.

The Exchange's proposal to amend Options 2, Section 5(e), to modify the manner in which quoting obligations are aggregated and counted toward applicable quoting requirements for PMMs and Preferred Market Makers associated with the same Member does not impose an undue burden on inter-market competition because other options exchanges could adopt a similar rule.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act[17] and subparagraph (f)(6) of Rule 19b–4 thereunder.[18]

[13] 15 U.S.C. 78f(b).

[14] 15 U.S.C. 78f(b)(5).

[15] *See supra* note 6.

[16] *See supra* note 7.

[17] 15 U.S.C. 78s(b)(3)(A)(iii).

[18] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–MRX–2026–33 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–MRX–2026–33. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–MRX–2026–33 and should be submitted on or before September 3, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–16458 Filed 8–12–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106059; File No. 4–551]

Program for Allocation of Regulatory Responsibilities Pursuant to Rule 17d–2; Notice of Filing and Order Approving and Declaring Effective an Amendment to the Plan for the Allocation of Regulatory Responsibilities Among NYSE American LLC, Cboe BZX Exchange, Inc., the Cboe EDGX Exchange, Inc., Cboe C2 Exchange, Inc., Cboe Exchange, Inc., Nasdaq ISE, LLC, Financial Industry Regulatory Authority, Inc., NYSE Arca, Inc., The Nasdaq Stock Market LLC, BOX Exchange LLC, Nasdaq Texas, LLC, Nasdaq PHLX LLC, Miami International Securities Exchange, LLC, Nasdaq GEMX, LLC, Nasdaq MRX, LLC, MIAX PEARL, LLC, MIAX Emerald, LLC, MIAX Sapphire, MEMX LLC, MX2 LLC, and Investors Exchange LLC Concerning Options-Related Market Surveillance

August 7, 2026.

Notice is hereby given that the Securities and Exchange Commission (''Commission'') has issued an Order, pursuant to Section 17(d) of the Securities Exchange Act of 1934 (''Act''),[1] approving and declaring effective an amendment to the plan for allocating regulatory responsibility (''Plan'') filed on July 23, 2026, pursuant to Rule 17d–2 of the Act,[2] by NYSE American LLC (''NYSE American''), Cboe BZX Exchange, Inc., (''BZX''), the Cboe EDGX Exchange, Inc. (''EDGX''), Cboe C2 Exchange, Inc. (''C2''), Cboe Exchange, Inc. (''Cboe''), Nasdaq ISE, LLC (''ISE''), Financial Industry Regulatory Authority, Inc. (''FINRA''), NYSE Arca, Inc. (''Arca''), The NASDAQ Stock Market LLC (''Nasdaq''), BOX Exchange LLC (''BOX''), NASDAQ Texas, LLC (''Nasdaq Texas''), NASDAQ PHLX LLC (''PHLX''), Miami International Securities Exchange, LLC (''MIAX''), Nasdaq GEMX, LLC (''Gemini''), Nasdaq MRX, LLC (''Mercury''), MIAX PEARL, LLC (''MIAX PEARL''), and MIAX Emerald, LLC (MIAX Emerald), MIAX Sapphire, LLC (''MIAX Sapphire''), MEMX LLC (''MEMX''), MX2 LLC (''MX2''), Investors Exchange LLC (''IEX'') (collectively, ''Participating Organizations'' or ''parties'').

I. Introduction

Section 19(g)(1) of the Act,[3] among other things, requires every self-regulatory organization (''SRO'') registered as either a national securities exchange or national securities association to examine for, and enforce compliance by, its members and persons associated with its members with the Act, the rules and regulations thereunder, and the SRO's own rules, unless the SRO is relieved of this responsibility pursuant to Section 17(d)[4] or Section 19(g)(2)[5] of the Act. Without this relief, the statutory obligation of each individual SRO could result in a pattern of multiple examinations of broker-dealers that maintain memberships in more than one SRO (''common members''). Such regulatory duplication would add unnecessary expenses for common members and their SROs.

Section 17(d)(1) of the Act[6] was intended, in part, to eliminate unnecessary multiple examinations and regulatory duplication.[7] With respect to a common member, Section 17(d)(1) authorizes the Commission, by rule or order, to relieve an SRO of the responsibility to receive regulatory reports, to examine for and enforce compliance with applicable statutes, rules, and regulations, or to perform other specified regulatory functions.

To implement Section 17(d)(1), the Commission adopted two rules: Rule 17d–1 and Rule 17d–2 under the Act.[8] Rule 17d–1 authorizes the Commission to name a single SRO as the designated examining authority (''DEA'') to examine common members for compliance with the financial responsibility requirements imposed by the Act, or by Commission or SRO rules.[9] When an SRO has been named as a common member's DEA, all other SROs to which the common member belongs are relieved of the responsibility to examine the firm for compliance with

change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[19] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78q(d).

[2] 17 CFR 240.17d–2.

[3] 15 U.S.C. 78s(g)(1).

[4] 15 U.S.C. 78q(d).

[5] 15 U.S.C. 78s(g)(2).

[6] 15 U.S.C. 78q(d)(1).

[7] *See* Securities Act Amendments of 1975, Report of the Senate Committee on Banking, Housing, and Urban Affairs to Accompany S. 249, S. Rep. No. 94–75, 94th Cong., 1st Session 32 (1975).

[8] 17 CFR 240.17d–1 and 17 CFR 240.17d–2, respectively.

[9] *See* Securities Exchange Act Release No. 12352 (April 20, 1976), 41 FR 18808 (May 7, 1976).

the applicable financial responsibility rules. On its face, Rule 17d–1 deals only with an SRO's obligations to enforce member compliance with financial responsibility requirements. Rule 17d–1 does not relieve an SRO from its obligation to examine a common member for compliance with its own rules and provisions of the federal securities laws governing matters other than financial responsibility, including sales practices and trading activities and practices.

To address regulatory duplication in these and other areas, the Commission adopted Rule 17d–2 under the Act.[10] Rule 17d–2 permits SROs to propose joint plans for the allocation of regulatory responsibilities with respect to their common members. Under paragraph (c) of Rule 17d–2, the Commission may declare such a plan effective if, after providing for notice and comment, it determines that the plan is necessary or appropriate in the public interest and for the protection of investors, to foster cooperation and coordination among the SROs, to remove impediments to, and foster the development of, a national market system and a national clearance and settlement system, and is in conformity with the factors set forth in Section 17(d) of the Act. Commission approval of a plan filed pursuant to Rule 17d–2 relieves an SRO of those regulatory responsibilities allocated by the plan to another SRO.

II. The Plan

On December 11, 2007, the Commission declared effective the Participating Organizations' Plan for allocating regulatory responsibilities pursuant to Rule 17d–2.[11] On April 11, 2008, the Commission approved an amendment to the Plan to include NASDAQ as a participant.[12] On October 9, 2008, the Commission approved an amendment to the Plan to clarify that the term Regulatory Responsibility for options position limits includes the examination responsibilities for the delta hedging exemption.[13] On February 25, 2010, the Commission approved an amendment to the Plan to add Bats and C2 as SRO participants and to reflect the name changes of the American Stock Exchange LLC to the NYSE Amex LLC, and the Boston Stock Exchange, Inc. to the NASDAQ OMX BX, Inc.[14] On May 11, 2012, the Commission approved an amendment to the Plan to add BOX as a participant to the Plan.[15] On December 5, 2012, the Commission approved an amendment to the Plan to add MIAX as a participant to the Plan.[16] On July 26, 2013, the Commission approved an amendment to the Plan to add Topaz Exchange, LLC as a Participant to the Plan.[17] On October 29, 2015, the Commission approved an amendment to add EDGX as a Participant to the Plan and to change the name of Topaz Exchange, LLC to ISE Gemini, LLC.[18] On February 16, 2016, the Commission approved an amendment to add ISE Mercury, LLC as a Participant to the Plan.[19] On February 2, 2017, the Commission approved an amendment to add MIAX PEARL as a Participant to the Plan.[20] On February 11, 2019, the Commission approved an amendment to add MIAX Emerald as a Participant to the Plan.[21] On November 23, 2022, the Commission approved a proposed amendment to the Plan to add MEMX as a Participant to the Plan, to reflect name changes of certain Participating Organizations, and update rule references.[22] On August 1, 2024, the Commission approved a proposed amendment to the Plan to add MIAX Sapphire as a Participant to the Plan.[23]

The Plan is designed to reduce regulatory duplication for common members by allocating regulatory responsibility for certain options-related market surveillance matters among the Participating Organizations. Generally, under the Plan, a Participating Organization will serve as the Designated Options Surveillance Regulator (''DOSR'') for each common member assigned to it and will assume regulatory responsibility with respect to that common member's compliance with applicable common rules for certain accounts. When an SRO has been named as a common member's DOSR, all other SROs to which the common member belongs will be relieved of regulatory responsibility for that common member, pursuant to the terms of the Plan, with respect to the applicable common rules specified in Exhibit A to the Plan.

III. Proposed Amendment to the Plan

On July 23, 2026, the parties submitted a proposed amendment to the Plan. The primary purpose of the amendment is to add MX2 and IEX as Participants to the Plan and to reflect the name change of Nasdaq BX, Inc. to Nasdaq Texas, LLC. The text of the proposed amended 17d–2 plan is as follows (additions are *italicized;* deletions are [bracketed]):

* * * * *

Agreement by and Among NYSE American LLC, CBOE BZX Exchange, Inc., CBOE EDGX Exchange Inc., Box Exchange LLC, Nasdaq *Texas, LLC* [BX, Inc.], CBOE C2 Exchange, Inc., CBOE Exchange, Inc., Nasdaq ISE, LLC, Nasdaq GEMX, LLC, NASDAQ MRX, LLC, Financial Industry Regulatory Authority, INC., NYSE ARCA, Inc., The Nasdaq Stock Market LLC, Nasdaq PHLX LLC, Miami International Securities Exchange, LLC, MIAX Pearl, LLC, MIAX Emerald, LLC, MIAX Sapphire, LLC, [And] MEMX LLC, *MX2 LLC, And Investors Exchange LLC* Pursuant to Rule 17d–2 Under the Securities Exchange Act of 1934

This agreement (this ''Agreement''), by and among NYSE American LLC (''NYSE American''), Cboe BZX Exchange, Inc., (''BZX''), the Cboe EDGX Exchange, Inc. (''EDGX''), Cboe C2 Exchange, Inc. (''C2''), Cboe Exchange, Inc. (''Cboe''), Nasdaq ISE, LLC (''ISE''), Financial Industry Regulatory Authority, Inc. (''FINRA''), NYSE Arca, Inc. (''Arca''), The Nasdaq Stock Market LLC (''Nasdaq''), BOX Exchange LLC (''BOX''), Nasdaq [BX, Inc. (''BX'')]*Texas, LLC (''Nasdaq Texas''),* Nasdaq PHLX LLC (''PHLX''), Miami International Securities Exchange, LLC (''MIAX''), Nasdaq GEMX, LLC (''GEMX''), Nasdaq MRX, LLC (''MRX''), MIAX PEARL, LLC (''MIAX PEARL''), MIAX Emerald, LLC (''MIAX Emerald''), MIAX Sapphire, LLC (''MIAX Sapphire''), [and] MEMX LLC (''MEMX''), *MX2 LLC (''MX2'') and*

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[10] *See* Securities Exchange Act Release No. 12935 (October 28, 1976), 41 FR 49091 (November 8, 1976).

[11] *See* Securities Exchange Act Release No. 56941 (December 11, 2007), 72 FR 71723 (December 18, 2007) (File No. 4–551).

[12] *See* Securities Exchange Act Release No. 57649 (April 11, 2008), 73 FR 20976 (April 17, 2008) (File No. 4–551).

[13] *See* Securities Exchange Act Release No. 58765 (October 9, 2008), 73 FR 62344 (October 20, 2008) (File No. 4–551).

[14] *See* Securities Exchange Act Release No. 61588 (February 25, 2010), 75 FR 9970 (March 4, 2010) (File No. 4–551).

[15] *See* Securities Exchange Act Release No. 66975 (May 11, 2012), 77 FR 29712 (May 18, 2010) (File No. 4–551).

[16] *See* Securities Exchange Act Release No. 68362 (December 5, 2012), 77 FR 73719 (December 11, 2012) (File No. 4–551).

[17] *See* Securities Exchange Act Release No. 70052 (July 26, 2013), 78 FR 46665 (August 1, 2013) (File No. 4–551).

[18] *See* Securities Exchange Act Release No. 76310 (October 29, 2015), 80 FR 68354 (November 4, 2015) (File No. 4–551).

[19] *See* Securities Exchange Act Release No. 77149 (February 16, 2016), 81 FR 8781 (February 22, 2016) (File No. 4–551).

[20] *See* Securities Exchange Act Release No. 79930 (February 2, 2017), 82 FR 9807 (February 8, 2017) (File No. 4–551).

[21] *See* Securities Exchange Act Release No. 85097 (February 11, 2019), 84 FR 4871 (February 19, 2019) (File No. 4–551).

[22] *See* Securities Exchange Act Release No. 96383 (November 23, 2022), 87 FR 73569 (November 30, 2022) (File No. 4–551).

[23] *See* Securities Exchange Act Release No. 100635 (August 1, 2024), 89 FR 64497 (August 7, 2024) (File No. 4–551).

Investors Exchange LLC (''IEX''), is made the 10th day of October 2007, and as amended the 31st day of March 2008, the 1st day of October 2008, the 3rd day of February 2010, the 25th day of April 2012, the 19th day of November 2012, the 30th day of May 2013, the 16th day of October 2015, the 29th day of January 2016, the 23rd day of January 2017, the 8th day of January 2019, the 18*th* day of October 2022, [and] the 19th day of July 2024, *and the 8th day of May 2026,* pursuant to Section 17(d) of the Securities Exchange Act of 1934, as amended (the ''Exchange Act''), and Rule 17d–2 thereunder (''Rule 17d–2''), which allows for a joint plan among self-regulatory organizations (''SROs'') to allocate regulatory obligations with respect to brokers or dealers that are members of two or more of the parties to this Agreement (''Common Members''). NYSE American, BZX, C2, Cboe, EDGX, Gemini, ISE, Mercury, FINRA, Arca, Nasdaq, BOX, [BX]*Nasdaq Texas,* PHLX, MIAX, MIAX PEARL, MIAX Emerald, MIAX Sapphire, [and] MEMX, *MX2 and IEX,* are collectively referred to herein as the ''Participants'' and individually, each a ''Participant.'' This Agreement shall be administered by a committee known as the Options Surveillance Group (the ''OSG'' or ''Group''), as described in Section V hereof. Unless defined in this Agreement or the context otherwise requires, the terms used herein shall have the meanings assigned thereto by the Exchange Act and the rules and regulations thereunder.

Whereas, the Participants desire to eliminate regulatory duplication with respect to SRO market surveillance of Common Member [1] activities with regard to certain common rules relating to listed options (''Options''); and

Whereas, for this purpose, the Participants desire to execute and file this Agreement with the Securities and Exchange Commission (the ''SEC'' or ''Commission'') pursuant to Rule 17d–2.

Now, Therefore, in consideration of the mutual covenants contained in this Agreement, the Participants agree as follows:

I. Except as otherwise provided in this Agreement, each Participant shall assume Regulatory Responsibility (as defined below) for the Common Members that are allocated or assigned to such Participant in accordance with the terms of this Agreement and shall be relieved of its Regulatory Responsibility as to the remaining Common Members. For purposes of this Agreement, a Participant shall be considered to be the Designated Options Surveillance Regulator (''DOSR'') for each Common Member that is allocated to it in accordance with Section VII.

II. As used in this Agreement, the term ''Regulatory Responsibility'' shall mean surveillance, investigation and enforcement responsibilities relating to compliance by the Common Members with such Options rules of the Participants as the Participants shall determine are substantially similar and shall approve from time to time, insofar as such rules relate to market surveillance (collectively, the ''Common Rules''). For the purposes of this Agreement the list of Common Rules is attached as Exhibit A hereto, which may only be amended upon unanimous written agreement by the Participants. The DOSR assigned to each Common Member shall assume Regulatory Responsibility with regard to that Common Member's compliance with the applicable Common Rules for certain accounts.[2] A DOSR may perform its Regulatory Responsibility or enter an agreement to transfer or assign such responsibilities to a national securities exchange registered with the SEC under Section 6(a) of the Exchange Act or a national securities association registered with the SEC under Section 15A of the Exchange Act. A DOSR may not transfer or assign its Regulatory Responsibility to an association registered for the limited purpose of regulating the activities of members who are registered as brokers or dealers in security futures products.

The term ''Regulatory Responsibility'' does not include, and each Participant shall retain full responsibility with respect to:

(a) surveillance, investigative and enforcement responsibilities other than those included in the definition of Regulatory Responsibility;

(b) any aspects of the rules of a Participant that are not substantially similar to the Common Rules or that are allocated for a separate surveillance purpose under any other agreement made pursuant to Rule 17d–2. Any such aspects of a Common Rule will be noted as excluded on Exhibit A.

With respect to options position limits, the term Regulatory Responsibility shall include examination responsibilities for the delta hedging exemption. Specifically, the Participants intend that FINRA will conduct examinations for delta hedging for all Common Members that are members of FINRA notwithstanding the fact that FINRA's position limit rule is, in some cases, limited to only firms that are not members of an options exchange (*i.e.,* access members). In such cases, FINRA's examinations for delta hedging options position limit violations will be for the identical or substantively similar position limit rule(s) of the other Participant(s). Examinations for delta hedging for Common Members that are non-FINRA members will be conducted by the same Participant conducting position limit surveillance. The allocation of Common Members to DOSRs for surveillance of compliance with options position limits and other agreed to Common Rules is provided in Exhibit B. The allocation of Common Members to DOSRs for examinations of the delta hedging exemption under the options position limits rules is provided in Exhibit C.

III. Each year within 30 days of the anniversary date of the commencement of operation of this Agreement, or more frequently if required by changes in the rules of a Participant, each Participant shall submit to the other Participants, through the Chair of the OSG, an updated list of Common Rules for review. This updated list may add Common Rules to Exhibit A, shall delete from Exhibit A rules of that Participant that are no longer identical or substantially similar to the Common Rules, and shall confirm that the remaining rules of the Participant included on Exhibit A continue to be identically or substantially similar to the Common Rules. Within 30 days from the date that each Participant has received revisions to Exhibit A from the Chair of the OSG, each Participant shall confirm in writing to the Chair of the OSG whether that Participant's rules listed in Exhibit A are Common Rules.

IV. Apparent violation of another Participant's rules discovered by a DOSR, but which rules are not within the scope of the discovering DOSR's Regulatory Responsibility, shall be referred to the relevant Participant for such action as is deemed appropriate by that Participant.

Notwithstanding the foregoing, nothing contained herein shall preclude a DOSR in its discretion from requesting that another Participant conduct an investigative or enforcement proceeding (''Proceeding'') on a matter for which the requesting DOSR has Regulatory Responsibility. If such other Participant agrees, the Regulatory Responsibility in such case shall be deemed transferred to the accepting Participant and confirmed

[1] In the case of the [BX]*Nasdaq Texas* and BOX, members are those persons who are Options Participants (as defined in the BOX Exchange LLC Rules and [NASDAQ BX, Inc.]*Nasdaq Texas LLC* Rules).

[2] Certain accounts shall include customer (''C'' as classified by the Options Clearing Corporation (''OCC'')) and firm (''F'' as classified by OCC) accounts, as well as other accounts, such as market maker accounts as the Participants shall, from time to time, identify as appropriate to review.

in writing by the Participants involved. Additionally, nothing in this Agreement shall prevent another Participant on whose market potential violative activity took place from conducting its own Proceeding on a matter. The Participant conducting the Proceeding shall advise the assigned DOSR. Each Participant agrees, upon request, to make available promptly all relevant files, records and/or witnesses necessary to assist another Participant in a Proceeding.

V. The OSG shall be composed of one representative designated by each of the Participants (a ''Representative''). Each Participant shall also designate one or more persons as its alternate representative(s) (an ''Alternate Representative''). In the absence of the Representative, the Alternate Representative shall assume the powers, duties and responsibilities of the Representative. Each Participant may at any time replace its Representative and/or its Alternate Representative to the Group.[3] A majority of the OSG shall constitute a quorum and, unless otherwise required, the affirmative vote of a majority of the Representatives present (in person, by telephone or by written consent) shall be necessary to constitute action by the Group.

The Group will have a Chair, Vice Chair and Secretary. A different Participant will assume each position on a rotating basis for a one-year term. In the event that a Participant replaces a Representative who is acting as Chair, Vice Chair or Secretary, the newly appointed Representative shall assume the position of Chair, Vice Chair, or Secretary (as applicable) vacated by the Participant's former Representative. In the event a Participant cannot fulfill its duties as Chair, the Participant serving as Vice Chair shall substitute for the Chair and complete the subject unfulfilled term. All notices and other communications for the OSG are to be sent in care of the Chair and, as appropriate, to each Representative.

VI. The OSG shall determine the times and locations of Group meetings, provided that the Chair, acting alone, may also call a meeting of the Group in the event the Chair determines that there is good cause to do so. To the extent reasonably possible, notice of any meeting shall be given at least ten business days prior to the meeting date. Representatives shall always be given the option of participating in any meeting telephonically at their own expense rather than in person.

[3] A Participant must give notice to the Chair of the Group of such a change.

VII. No less frequently than every two years, in such manner as the Group deems appropriate, the OSG shall allocate Common Members that conduct an Options business among the Participants (''Allocation''), and the Participant to which a Common Member is allocated will serve as the DOSR for that Common Member. Any Allocation shall be based on the following principles, except to the extent all affected Participants consent to one or more different principles:

(a) The OSG may not allocate a Common Member to a Participant unless the Common Member is a member of that Participant.

(b) To the extent practicable, Common Members that conduct an Options business shall be allocated among the Participants of which they are members in such manner as to equalize as nearly as possible the allocation among such Participants, provided that no Common Members shall be allocated to FINRA. For example, if sixteen Common Members that conduct an Options business are members only of three Participants, none of which is FINRA, those Common Members shall be allocated among the three Participants such that no Participant is allocated more than six such members and no Participant is allocated less than five such members. If, in the previous example, one of the three Participants is FINRA, the sixteen Common Members would be allocated evenly between the remaining Participants, so that the two non-FINRA Participants would be allocated eight Common Members each.

(c) To the extent practicable, Allocation shall take into account the amount of Options activity conducted by each Common Member in order to most evenly divide the Common Members with the largest amount of activity among the Participants of which they are members. Allocation will also take into account similar allocations pursuant to other plans or agreements to which the Common Members are party to maintain consistency in oversight of the Common Members.[4]

(d) To the extent practicable, Allocation of Common Members to Participants will be rotated among the applicable Participants such that a Common Member shall not be allocated to a Participant to which that Common Member was allocated within the previous two years. The assignment of DOSRs pursuant to the Allocation is attached as Exhibit B hereto, and will be updated from time to time to reflect Common Member Allocation changes.

(e) The Group may reallocate Common Members from time-to-time, as it deems appropriate.

(f) Whenever a Common Member ceases to be a member of its DOSR, the DOSR shall promptly inform the Group, which shall review the matter and allocate the Common Member to another Participant.

(g) A DOSR may request that a Common Member to which it is assigned be reallocated to another Participant by giving 30 days written notice to the Chair of the OSG. The Group, in its discretion, may approve such request and reallocate the Common Member to another Participant.

(h) All determinations by the Group with respect to Allocation shall be made by the affirmative vote of a majority of the Participants that, at the time of such determination, share the applicable Common Member being allocated; a Participant shall not be entitled to vote on any Allocation relating to a Common Member unless the Common Member is a member of such Participant.

VIII. Each DOSR shall conduct routine surveillance reviews to detect violations of the applicable Common Rules by each Common Member allocated to it with a frequency (daily, weekly, monthly, quarterly, semi-annually or annually as noted on Exhibit A) not less than that determined by the Group. The other Participants agree that, upon request, relevant information in their respective files relative to a Common Member will be made available to the applicable DOSR. In addition, each Participant shall provide, to the extent not otherwise already provided, information pertaining to its surveillance program that would be relevant to FINRA or the Participant(s) conducting routine examinations for the delta hedging exemption.

At each meeting of the OSG, each Participant shall be prepared to report on the status of its surveillance program for the previous quarter and any period prior thereto that has not previously been reported to the Group. In the event a DOSR believes it will not be able to complete its Regulatory Responsibility for its allocated Common Members, it will so advise the Group in writing promptly. The Group will undertake to remedy this situation by reallocating the subject Common Members among the remaining Participants. In such instance, the Group may determine to impose a regulatory fee for services provided to the DOSR that was unable to fulfill its Regulatory Responsibility.

IX. Each Participant will, upon request, promptly furnish a copy of the

[4] For example, if one Participant was allocated a Common Member by another regulatory group that Participant would be assigned to be the DOSR of that Common Member, unless there is good cause not to make that assignment.

report or applicable portions thereof relating to any investigation made pursuant to the provisions of this Agreement to each other Participant of which the Common Member under investigation is a member.

X. Each Participant will routinely populate a common database, to be accessed by the Group relating to any formal regulatory action taken during the course of a Proceeding with respect to the Common Rules concerning a Common Member.

XI. Any written notice required or permitted to be given under this Agreement shall be deemed given if sent by certified mail, return receipt requested, to any Participant to the attention of that Participant's Representative, to the Participant's principal place of business or by email at such address as the Representative shall have filed in writing with the Chair.

XII. The costs incurred by each Participant in discharging its Regulatory Responsibility under this Agreement are not reimbursable. However, any of the Participants may agree that one or more will compensate the other(s) for costs incurred.

XIII. The Participants shall notify the Common Members of this Agreement by means of a uniform joint notice approved by the Group. Each Participant will notify the Common Members that have been allocated to it that such Participant will serve as DOSR for that Common Member.

XIV. This Agreement shall be effective upon approval of the Commission. This Agreement may only be amended in writing duly approved by each Participant. All amendments to this Agreement, excluding changes to Exhibits A, B and C, must be filed with and approved by the Commission.

XV. Any Participant may manifest its intention to cancel its participation in this Agreement at any time upon providing written notice to (i) the Group six months prior to the date of such cancellation, or such other period as all the Participants may agree, and (ii) the Commission. Upon receipt of the notice the Group shall allocate, in accordance with the provisions of this Agreement, those Common Members for which the canceling Participant was the DOSR. The canceling Participant shall retain its Regulatory Responsibility and other rights, privileges and duties pursuant to this Agreement until the Group has completed the reallocation as described above, and the Commission has approved the cancellation.

XVI. The cancellation of its participation in this Agreement by any Participant shall not terminate this Agreement as to the remaining Participants. This Agreement will only terminate following notice to the Commission, in writing, by the then Participants that they intend to terminate the Agreement and the expiration of the applicable notice period. Such notice shall be given at least six months prior to the intended date of termination, or such other period as all the Participants may agree. Such termination will become effective upon Commission approval.

XVII. Participation in the Group shall be strictly limited to the Participants and no other party shall have any right to attend or otherwise participate in the Group except with the unanimous approval of all Participants. Notwithstanding the foregoing, any national securities exchange registered with the SEC under Section 6(a) of the Act or any national securities association registered with the SEC under section 15A of the Act may become a Participant to this Agreement provided that: (i) such applicant has adopted rules substantially similar to the Common Rules, and received approval thereof from the SEC; (ii) such applicant has provided each Participant with a signed statement whereby the applicant agrees to be bound by the terms of this Agreement to the same effect as though it had originally signed this Agreement and (iii) an amended agreement reflecting the addition of such applicant as a Participant has been filed with and approved by the Commission.

XVIII. This Agreement is wholly separate from the multiparty Agreement made pursuant to Rule 17d–2 by and among the Cboe BZX Exchange, Inc., BOX Exchange LLC, Cboe Exchange, Inc., Cboe C2 Exchange, Inc., Nasdaq ISE, LLC, Financial Industry Regulatory Authority, Inc., Miami International Securities Exchange, LLC, NYSE American LLC, NYSE Arca, Inc., The Nasdaq Stock Market LLC, Nasdaq [BX, Inc.] *Texas, LLC*, Nasdaq PHLX LLC, Nasdaq GEMX, LLC, Cboe EDGX Exchange, Inc., Nasdaq MRX, LLC, MIAX PEARL, LLC, MIAX Emerald, LLC, *MIAX Sapphire, LLC,* and MEMX LLC involving the allocation of regulatory responsibilities with respect to common members for compliance with common rules relating to the conduct by broker-dealers of accounts for listed options or index warrants approved by the SEC on *July 31, 2024*[October 18, 2022], and as may be amended from time to time.

Limitation of Liability

No Participant nor the Group nor any of their respective directors, governors, officers, employees or representatives shall be liable to any other Participant in this Agreement for any liability, loss or damage resulting from or claimed to have resulted from any delays, inaccuracies, errors or omissions with respect to the provision of Regulatory Responsibility as provided hereby or for the failure to provide any such Regulatory Responsibility, except with respect to such liability, loss or damages as shall have been suffered by one or more of the Participants and caused by the willful misconduct of one or more of the other Participants or its respective directors, governors, officers, employees or representatives. No warranties, express or implied, are made by the Participants, individually or as a group, or by the OSG with respect to any Regulatory Responsibility to be performed hereunder.

Relief From Responsibility

Pursuant to Section 17(d)(1)(A) of the Exchange Act and Rule 17d–2, the Participants join in requesting the Commission, upon its approval of this Agreement or any part thereof, to relieve the Participants that are party to this Agreement and are not the DOSR as to a Common Member of any and all Regulatory Responsibility with respect to the matters allocated to the DOSR.

* * * * *

This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original, but all such counterparts shall together constitute one and the same Agreement.

In Witness Whereof, the Participants hereto have executed this Agreement as of the date and year first above written.

Exhibit A

Options Surveillance Group 17d–2 Agreement

Common Rules as of [October 18, 2022] *July 19, 2024*

VIOLATION I—EXPIRING EXERCISE DECLARATIONS (EED)—FOR LISTED AND FLEX EQUITY OPTIONS

SRO	Description of rule	Exchange rule number	Frequency of review
BZX	Exercise of Options Contracts	Rule 23.1	At Expiration.
BOX	Exercise of Options Contracts	Rule 9000	At Expiration.
C2	Exercise of Options Contracts	Ch. 6, Sec. B	At Expiration.
Cboe	Exercise of Options Contracts	Rule 6.20(a)–(d), I&P .01–.07	At Expiration.
EDGX	Exercise of Options Contracts	Rule 23.1	At Expiration.
FINRA	Exercise of Options Contracts	Rule 2360(b)(23)	At Expiration.
IEX	*Exercise of Options Contracts*	*Rule 24.100*	*At Expiration.*
ISE	Exercise of Options Contracts	Options 6B, Section 1	At Expiration.
GEMX	Exercise of Options Contracts	Options 6B, Section 1	At Expiration.
MRX	Exercise of Options Contracts	Options 6B, Section 1	At Expiration.
MIAX	Exercise of Options Contracts	Rule 700	At Expiration.
MIAX PEARL	Exercise of Options Contracts	Rule 700	At Expiration.
MIAX Emerald	Exercise of Options Contracts	Rule 700	At Expiration.
MIAX Sapphire	Exercise of Options Contracts	Rule 700	At Expiration.
MEMX	Exercise of Options Contracts	Rule 23.1	At Expiration.
MX2	*Exercise of Options Contracts*	*Rule 23.1*	*At Expiration.*
Nasdaq	Exercise of Options Contracts	Options 6B, Section 1	At Expiration.
Nasdaq [BX]*NTX*	Exercise of Options Contracts	Options 6B, Section 1	At Expiration.
Nasdaq PHLX	Exercise of Equity Options Contracts.	Options 6B, Section 1	At Expiration.
NYSE Arca	Exercise of Options Contracts	Rule 6.24–O	At Expiration.
NYSE American	Exercise of Options Contracts	Rule 980	At Expiration.

SRO	Description of rule (for review as they apply to PL)	Exchange rule number	Frequency of review
Violation II: Position Limits (PL)—For Listed Equity Options			
BZX	Position Limits	Rule 18.7	Daily.
	Exemptions from Position	Rule 18.8	As Needed.
	Liquidation Positions	Rule 18.11	As Needed.
BOX	Position Limits	Rule 3120	Daily.
	Exemptions from Position Limits	Rule 3130	As Needed.
	Liquidation Positions	Rule 3160	As Needed.
C2	Position Limits	Ch. 8	Daily.
	Liquidation of Positions	Ch. 8	As Needed.
Cboe	Position Limits	Rule 8.30	Daily.
	Liquidation of Positions	Rule 8.44	As Needed.
EDGX	Position Limits	Rule 18.7	Daily.
	Exemptions from Position	Rule 18.8	As Needed.
	Liquidation Positions	Rule 18.11	As Needed.
FINRA	Position Limits	Rule 2360(b)(3)	Daily.
	Liquidation of Positions and Restrictions on Access.	Rule 2360(b)(6)	As Needed.
IEX	*Position Limits*	*Rule 19.160*	*Daily.*
	Exemptions from Position Limits	*Rule 19.170*	*As Needed.*
	Liquidation Positions	*Rule 19.200*	*As Needed.*
ISE	Position Limits	ISE Options 9, Section 13	Daily.
	Exemptions from Position Limits	ISE Options 9, Section 14	As Needed.
	Liquidation Positions	ISE Options 9, Section 17	As Needed.
GEMX	Position Limits	GEMX Options 9, Section 13	Daily.
	Exemptions from Position Limits	GEMX Options 9, Section 14	As Needed.
	Liquidation Positions	GEMX Options 9, Section 17	As Needed.
MRX	Position Limits	MRX Options 9, Section 13	Daily.
	Exemptions from Position Limits	MRX Options 9, Section 14	As Needed.
	Liquidation Positions	MRX Options 9, Section 17	As Needed.
MIAX	Position Limits	Rule 307	Daily.
	Exemptions from Position Limits	Rule 308	As Needed.
	Liquidating Positions	Rule 311	As Needed.
MIAX Pearl	Position Limits	Rule 307	Daily.
	Exemptions from Position Limits	Rule 308	As Needed.
	Liquidating Positions	Rule 311	As Needed.
MIAX Emerald	Position Limits	Rule 307	Daily.
	Exemptions from Position Limits	Rule 308	As Needed.
	Liquidating Positions	Rule 311	As Needed.
MIAX Sapphire	Position Limits	Rule 307	Daily.
	Exemptions from Position Limits	Rule 308	As Needed.
	Liquidating Positions	Rule 311	As Needed.
MEMX	Position Limits	Rule 18.7	Daily.
	Exemptions from Position	Rule 18.8	As Needed.

SRO	Description of rule (for review as they apply to PL)	Exchange rule number	Frequency of review
	Liquidation Positions	Rule 18.11	As Needed.
MX2	*Position Limits*	*Rule 18.7*	*Daily.*
	Exemptions from Position	*Rule 18.8*	*As Needed.*
	Liquidation Positions	*Rule 18.11*	*As Needed.*
Nasdaq	Position Limits	NOM Options 9, Section 13	Daily.
	Exemptions from Position Limits	NOM Options 9, Section 14	As Needed.
	Liquidation Positions	NOM Options 9, Section 17	As Needed.
Nasdaq [BX]*NTX*	Position Limits	[BX]*NTX* Options 9, Section 13	Daily.
	Exemptions from Position Limits	[BX]*NTX* Options 9, Section 14	As Needed.
	Liquidation Positions	[BX]*NTX* Options 9, Section 17	As Needed.
Nasdaq PHLX	Position Limits	PHLX Options 9, Section 13	Daily
	Liquidation of Positions	PHLX Options 9, Section 17	As Needed.
NYSE Arca	Position Limits	Rule 6.8–O	Daily.
	Liquidation of Position	Rule 6.7–O	As Needed.
NYSE American	Position Limits	Rule 904	Daily.
	Liquidating Positions	Rule 907	As Needed.
Violation III—Large Options Position Report (LOPR)—for Listed and FLEX Equity Options and ETF Options			
BZX	Reports Related to Position Limits	Rule 18.10	Yearly.
BOX	Reports Related to Position Limits	Rule 3150	Yearly.
C2	Reports Related to Position Limits	Ch. 8	Yearly.
	Reports Related to Position Limits	Ch. 8	Yearly.
	Reports Related to Position Limits	Ch. 8	Yearly.
Cboe	Reports Related to Position Limits	Rule 8.43(a)	Yearly.
	Reports Related to Position Limits	Rule 8.43(b)	Yearly.
	Reports Related to Position Limits	Rule 8.43(d)	Yearly.
EDGX	Reports Related to Position Limits	Rule 18.10	Yearly.
FINRA	Options	Rule 2360(b)(5)	Yearly.
IEX	*Reports Related to Position Limits*	*Rule 19.190*	*Yearly.*
ISE	Reports Related to Position Limits	ISE Options 9, Section 16—Reports Related to Position Limits.	Yearly.
GEMX	Reports Related to Position Limits	GEMX Options 9, Section 16—Reports Related to Position Limits.	Yearly.
MRX	Reports Related to Position Limits	MRX Options 9, Section 16—Reports Related to Position Limits.	Yearly.
MIAX	Reports Related to Position Limits	Rule 310	Yearly.
MIAX PEARL	Reports Related to Position Limits	Rule 310	Yearly.
MIAX Emerald	Reports Related to Position Limits	Rule 310	Yearly.
MIAX Sapphire	Reports Related to Position Limits	Rule 310	Yearly.
MEMX	Reports Related to Position Limits	Rule 18.10	Yearly.
MX2	*Reports Related to Position Limits*	*Rule 18.10*	*Yearly.*
Nasdaq	Reports Related to Position Limits	NOM Options 9, Section 16—Reports Related to Position Limits.	Yearly.
Nasdaq [BX]*NTX*	Reports Related to Position Limits	[BX]*NTX* Options 9, Section 16—Reports Related to Position Limits.	Yearly.
Nasdaq PHLX	Reporting of Options Positions	PHLX Options 6E, Section 2—Reporting of Options Positions, PHLX Options 9, Section 13—Position Limits.	Yearly.
NYSE Arca	Reporting of Options Positions	Rule 6.6–O	Yearly.
NYSE American	Reporting of Options Positions	Rule 906	Yearly.

SRO	Description of rule (as they apply to OCC adjustments/ by-laws Article V, Section 1 .01(a) and .02))	Exchange rule number	Frequency of review
Violation IV: Options Clearing Corporation (OCC) Adjustment Process			
BZX	Adherence to Law	Rule 18.1	Yearly.
BOX	Adherence to Law	Rule 3010	Yearly.
C2	Adherence to Law	Ch. 8	Yearly.
Cboe	Adherence to Law	Rule 8.2	Yearly.
EDGX	Adherence to Law	Rule 18.1	Yearly.
FINRA	Violation of By-Laws and Rules of FINRA or The OCC.	Rule 2360(b)(21)	Yearly.
IEX	*Adherence to Law*	*Rule 19.100*	*Yearly.*
ISE	Adherence to Law	ISE Options 9, Section 2	Yearly.
GEMX	Adherence to Law	GEMX Options 9, Section 2	Yearly.
MRX	Adherence to Law	MRX Options 9, Section 2	Yearly.

SRO	Description of rule (as they apply to OCC adjustments/ by-laws Article V, Section 1 .01(a) and .02))	Exchange rule number	Frequency of review
MIAX	Adherence to Law	Rule 300	Yearly.
MIAX PEARL	Adherence to Law	Rule 300	Yearly.
MIAX Emerald	Adherence to Law	Rule 300	Yearly.
MIAX Sapphire	Adherence to Law	Rul 300	Yearly.
MEMX	Adherence to Law	Rule 18.1	Yearly.
MX2	*Adherence to Law*	*Rule 18.1*	*Yearly.*
Nasdaq	Adherence to Law and Compliance with NOM Rules.	NOM Options 9, Section 2	Yearly.
Nasdaq [BX]*NTX*	Adherence to Law and Compliance with BX Options Rules.	[BX]*NTX* Options 9, Section 2	Yearly.
Nasdaq PHLX	Violation of By-Laws And Rules Of Options Clearing Corporation.	PHLX Options 9, Section 24	Yearly.
NYSE Arca	Adherence to Law and Good Business Practice.	Rule 11.1	Yearly.
NYSE American	Business Conduct	Rule 16	Yearly.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. 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 4–551 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number *4–551.* This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/other.shtml*). Copies of the plan also will be available for inspection and copying at the principal offices of the Participating Organizations. 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 4–551 and should be submitted on or before September 3, 2026.

V. Discussion

The Commission finds that the proposed Amended Plan is consistent with the factors set forth in Section 17(d) of the Act [24] and Rule 17d–2(c) thereunder [25] in that the proposed Amended Plan is necessary or appropriate in the public interest and for the protection of investors, fosters cooperation and coordination among SROs, and removes impediments to and fosters the development of the national market system. The Commission continues to believe that the Plan, as proposed to be amended, is an achievement in cooperation among the SRO participants. The Plan, as amended, will reduce unnecessary regulatory duplication by allocating to the designated SRO the responsibility for certain options-related market surveillance matters that would otherwise be performed by multiple SROs. The Plan promotes efficiency by reducing costs to firms that are members of more than one of the SRO participants. In addition, because the SRO participants coordinate their regulatory functions in accordance with the Plan, the Plan promotes, and will continue to promote, investor protection. Under paragraph (c) of Rule 17d–2, the Commission may, after appropriate notice and comment, declare a plan, or any part of a plan, effective. In this instance, the Commission believes that appropriate notice and comment can take place after the proposed amendment is effective. The primary purpose of the amendment is to add MX2 and IEX as Participants to the Plan and to reflect the name change of Nasdaq BX, Inc. to Nasdaq Texas, LLC. By declaring it effective today, the amended Plan can become effective and be implemented without undue delay. In addition, the Commission notes that the prior version of this Plan was published for comment, and the Commission did not receive any comments thereon.[26] Finally, the Commission does not believe that the amendment to the Plan raises any new regulatory issues that the Commission has not previously considered.

VI. Conclusion

This order gives effect to the amended Plan submitted to the Commission that is contained in File No. 4–551.

It is further ordered that those SRO participants that are not the DOSR as to a particular common member are relieved of those regulatory responsibilities allocated to the common member's DOSR under the amended Plan to the extent of such allocation.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[27]

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2026–16470 Filed 8–12–26; 8:45 am]

BILLING CODE 8011–01–P

[24] 15 U.S.C. 78q(d).

[25] 17 CFR 240.17d–2(c).

[26] *See* Securities Exchange Act Release No. 100635 (August 1, 2024), 89 FR 64497 (August 7, 2024) (File No. 4–551).

[27] 17 CFR 200.30–3(a)(34).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106064; File No. SR–Phlx–2026–48]

Self-Regulatory Organizations; Nasdaq PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Market Maker Quoting Obligations

August 10, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 30, 2026, Nasdaq PHLX LLC (''Phlx'' or

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Options 2, Section 5, Electronic Market Maker Obligations and Quoting Requirements.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/phlx/rulefilings,* and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Phlx proposes to amend Options 2, Section 5, Electronic Market Maker Obligations and Quoting Requirements.

The Exchange proposes to amend Options 2, Section 5(c), to modify the manner in which quoting obligations are aggregated and counted toward applicable quoting requirements for Lead Market Makers (''LMMs'') [3] and Directed Market Makers (''DMMs'') [4] associated with the same member organization. The Exchange proposes this amendment for the following reasons.

First, the Exchange believes that the proposed aggregation of quoting activity for LMMs and DMMs is appropriate because these two categories of market participants are subject to materially similar quoting obligations. Both LMMs and DMMs are subject to a requirement to provide continuous two-sided quotations in 90% of the cumulative number of seconds during the trading day. Currently, an LMM is required to provide two-sided quotations in 90% of the cumulative number of seconds, or such higher percentage as Phlx may announce.[5] This is calculated separately from a DMM's obligation to provide two-sided quotations in 90% of the cumulative number of seconds, or such higher percentage as Phlx may announce in advance, among all options series in which the DMM has executed a Directed Order on a daily basis.[6]

Second, most LMMs are also DMMs in the same options series, such that the functional distinction between these roles, for purposes of assessing compliance with the quoting obligation, is minimal.

Third, the allocation benefits for LMMs and DMMs are similar. Specifically, LMMs and DMMs each are entitled to preferential participation entitlements [7] that are greater than those afforded to ordinary Market Makers (*i.e.,* a Streaming Quote Trader or Remote Streaming Quote Traders).[8] Because the

[3] A ''Lead Market Maker'' means a member who is registered as an options Lead Market Maker pursuant to Options 2, Section 12(a). A Lead Market Maker includes a Remote Lead Market Maker which is defined as a Lead Market Maker in one or more classes that does not have a physical presence on the Exchange's Trading Floor and is approved by the Exchange pursuant to Options 2, Section 11. *See* Phlx Options 1, Section 1(b)(28).

[4] The term ''Directed Lead Market Maker, RSQT, or SQT'' means a Lead Market Maker, RSQT, or SQT that receives a Directed Order. *See* Phlx Options 2, Section 10(a)(i)(C). A ''Streaming Quote Trader'' or ''SQT'' means a Market Maker who has received permission from the Exchange to generate and submit option quotations electronically in options to which such SQT is assigned. An SQT may only submit such quotations while such SQT is physically present on the trading floor of the Exchange. An SQT may only submit quotes in classes of options in which the SQT is assigned. *See* Phlx Options 1, Section 1(b)(54). A ''Remote Streaming Quote Trader'' or ''RSQT'' means a Market Maker that is a member affiliated with an Remote Streaming Quote Trader Organization with no physical trading floor presence who has received permission from the Exchange to generate and submit option quotations electronically in options to which such RSQT has been assigned. A qualified RSQT may function as a Remote Lead Market Maker upon Exchange approval. An RSQT is also known as a Remote Market Maker (''RMM'') pursuant to Options 2, Section 11. A Remote Streaming Quote Organization (''RSQTO'') or Remote Market Maker Organization (''RMO'') are Exchange member organizations that have qualified pursuant to Options 2, Section 1. *See* Phlx Options 1, Section 1(b)(49). Phlx proposes to amend Options 1, Section 1(b)(49) to change ''an'' to ''a'' within the description. This is a non-substantive amendment.

[5] Options 2, Section 5(c)(2)(B) states that Lead Market Makers (including Remote Lead Market Makers), associated with the same member organization, are collectively required to provide two-sided quotations in 90% of the cumulative number of seconds, or such higher percentage as Phlx may announce in advance, for which that member organization's assigned options series are open for trading. Lead Market Makers shall be required to make two-sided markets pursuant to this rule in any Quarterly Option Series, any Adjusted Option Series, and any option series with an expiration of nine months or greater for options on equities and ETFs or with an expiration of twelve months or greater for index options.

[6] Options 2, Section 5(c)(2)(C) states that Directed Lead Market Makers, Directed SQTs and Directed RSQTs (''Directed Market Makers''), associated with the same member organization, are collectively required to provide two-sided quotations in 90% of the cumulative number of seconds, or such higher percentage as Phlx may announce in advance, among all options series in which the Directed Market Maker has executed a Directed Order on a daily basis, except that a Directed Market Maker shall not be required to make two-sided markets in any Quarterly Options Series, any Adjusted Options Series, and any options series with an expiration of nine months or greater for options on equities and ETFs or with an expiration of twelve months or greater for index options. A Directed Market Maker has the ongoing quoting obligation from the time a Directed Market Maker executes its first Directed Order in the options in which the Directed Market Maker is assigned until a Directed Market Maker notifies the Exchange that the Directed Market Maker is no longer directed. A Directed Market Maker shall not be required to make two-sided markets in any Quarterly Options Series, any Adjusted Options Series, and any options series with an expiration of nine months or greater for options on equities and ETFs or with an expiration of twelve months or greater for index options and would receive a participation entitlement in the Quarterly Options Series, the Adjusted Options Series, and an options series with an expiration of nine months or greater for options on equities and ETFs or with an expiration of twelve months or greater for index options for the Directed Order, only if it complies with the heightened 90% quoting requirement.

[7] An LMM is entitled to tiered allocation percentages of 60%, 40%, or 30%, depending on the number of other participants at the national best bid or offer provided, after all Public Customer orders have been fully executed, the LMM's quote is at the better of the internal PBBO or the NBBO. *See* Options 3, Section 10(a)(1)(B). The term ''Public Customer'' means a person or entity that is not a broker or dealer in securities and is not a Professional as defined within Options 1, Section (b)(45). *See* Options 1, Section 1(b)(46). A DMM is entitled to receive 40% of the contracts in the relevant Directed Order, after all Public Customer orders have been fully executed, upon receipt of a Directed Order provided the DMM's quote or market maker order is at the better of the internal PBBO or the NBBO. *See* Options 3, Section 10(a)(1)(C).

[8] A ''Market Maker'' means a Streaming Quote Trader or a Remote Streaming Quote Trader who enters quotations for his own account electronically into the System. *See* Options 1, Section 1(b)(29). A ''Streaming Quote Trader'' or ''SQT'' means a Market Maker who has received permission from the Exchange to generate and submit option quotations electronically in options to which such SQT is assigned. An SQT may only submit such quotations while such SQT is physically present on the trading floor of the Exchange. An SQT may only submit quotes in classes of options in which the SQT is assigned. *See* Options 1, Section 1(b)(54). A ''Remote Streaming Quote Trader'' or ''RSQT'' means a Market Maker that is a member affiliated with an Remote Streaming Quote Trader Organization with no physical trading floor presence who has received permission from the Exchange to generate and submit option quotations electronically in options to which such RSQT has been assigned. A qualified RSQT may function as a Remote Lead Market Maker upon Exchange approval. An RSQT is also known as a Remote Market Maker (''RMM'') pursuant to Options 2,

Continued

Exchange already confers similar economic benefits and preferential treatment on LMMs and DMMs under the allocation rules pursuant to Options 3, Section 10 it is consistent and equitable to also treat their quoting activity in an aggregated manner for purposes of assessing compliance with the continuous quoting obligation under Options 2, Section 5.

Fourth, the current requirement that a member organization satisfy two separate quoting obligations—one with respect to LMMs and one with respect to DMMs—imposes an administrative and operational burden on market participants that does not produce a corresponding benefit to the market. Requiring separate compliance tracking for each role within the same member organization results in duplicative monitoring without necessarily encouraging greater or higher-quality quoting activity. The proposed aggregation eliminates this unnecessary burden while preserving the substantive quoting standard to which these participants are held. The Exchange does not believe that eliminating the requirement for separate compliance tracking will diminish the quality or breadth of quotations available to market participants, given that the 90% continuous quoting threshold remains.

Proposal

At this time, Phlx proposes to amend Options 2, Section 5(c) which describes the various market making quoting obligations and the requirement to meet each quoting obligation separately. Current Options 2, Section 5(c) states,

Electronic Market Makers must enter bids and offers for the options to which it is registered, except in an assigned options series listed intra-day on the Exchange. On a daily basis, an electronic Market Maker must make markets consistent with the applicable quoting requirements specified below. A member organization will be required to meet each market making obligation separately. Quotes submitted through the Specialized Quote Feed interface, utilizing badges and options series assigned to a Lead Market Maker, will be counted toward the requirement to provide two-sided quotations in 90% of the cumulative number of seconds, or such higher percentage as Phlx may announce. Quotes submitted through the Specialized Quote Feed interface, utilizing badges and options series assigned to a Market Maker, will be counted toward the requirement to provide two-sided quotations in 60% of the cumulative number of seconds, or such higher percentage as Phlx may announce. A member organization that is an SQT in an options series where the member organization is also assigned as the Lead Market Maker in an options series will be held to both the Lead Market Maker and Market Maker obligations, pursuant to Options 2, Section 5(c), separately, in that options series. An SQT or RSQT who receives a Directed Order shall be held to the standard of a Directed SQT or Directed RSQT, as appropriate.

The Exchange proposes to amend Options 2, Section 5(c) to state instead that,

Electronic Market Makers must enter bids and offers for the options to which it is registered, except in an assigned options series listed intra-day on the Exchange. On a daily basis, an electronic Market Maker must make markets consistent with the applicable quoting requirements specified below.

Quotes submitted through the Specialized Quote Feed interface, utilizing badges and options series assigned to a Lead Market Maker and a Market Maker will be counted toward the requirement to provide two-sided quotations in 90% and 60%, respectively, of the cumulative number of seconds, or such higher percentage as Phlx may announce.

A member organization that is an SQT in an options series where the member organization is also assigned as the Lead Market Maker in an options series will be held to both the Lead Market Maker and Market Maker obligations, pursuant to Options 2, Section 5(c), separately, in that options series.

An SQT or RSQT who executes[9] a Directed Order shall be held to the standard of a Directed SQT or Directed RSQT, as appropriate.

Where an SQT or RSQT is both a Lead Market Maker and a Directed Market Maker, the SQT's or RSQT's quotes in its assigned series submitted through the Specialized Quote Feed interface will count toward its quoting obligations as a Lead Market Maker and as a Directed Market Maker.

The proposal modifies the methodology by which activity across badges[10] and options series assigned within the same member organization is aggregated toward satisfying those existing thresholds. With this proposal, no participant is relieved of existing obligations to provide continuous two-sided quotations based on the role, rather the proposal adjusts the measurement for calculating the fulfillment of the LMM and DMM quoting obligations by measuring those obligations on a combined basis rather than in isolation. The proposal does not amend an SQT's or RSQT's (collectively ''Market Maker'') quoting obligation to provide two-sided quotations in 60% of the cumulative number of seconds, or such higher percentage as Phlx may announce.[11]

Today, a Market Maker is not subject to the heightened 90% quoting obligation nor is a Market Maker afforded enhanced allocations similar to an LMM or DMM. With respect to Market Maker allocations in Options 3, Section 10, these participants have priority over all other orders at the same price after Public Customers, LMMs and DMMs are allocated.

Finally, as is the case today, a member organization that is a Market Maker in an options series where the member organization is also assigned as the LMM in an options series will be held to both the LMM and Market Maker obligations, pursuant to Options 2, Section 5(c), separately, in that options series. Also, as is the case today, a Market Maker who executes a Directed Order shall be held to the standard of a Directed Market Maker in such option series.[12] Examples of the proposed change are below.

For purposes of the below examples, the numerator is the total number of seconds the member organization disseminates quotes in each assigned options series, (minus exclusions, as applicable) and the denominator is the eligible total number of seconds each

Section 11. A Remote Streaming Quote Organization (''RSQTO'') or Remote Market Maker Organization (''RMO'') are Exchange member organizations that have qualified pursuant to Options 2, Section 1. *See* Options 1, Section 1(b)(49).

[9] The Exchange proposes to amend ''receives'' to ''executes'' to align the text to Nasdaq ISE, LLC, Nasdaq MRX, LLC and Nasdaq GEMX, LLC at Options 2, Section 5(e). Furthermore, Phlx Options 2, Section 5(c)(2)(C) utilizes the word ''executes'' as well. Phlx previously amended Options 2, Section 5(c)(2)(C) to utilize the word executed instead of receives in a prior rule change but inadvertently did not amend the word in this paragraph. *See* Securities Exchange Act Release No. 100599 (July 25, 2024), 89 FR 61550 (July 31, 2026) (SR–Phlx–2024–26) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Options 2, Sections 5 and 10 and Options 3, Section 15).

[10] The term ''badge'' means an account number, which may contain letters and/or numbers, assigned to Lead Market Makers and Market Makers. A Lead Market Maker or Market Maker account may be associated with multiple badges. See Options 1, Section 1(b)(6).

[11] Options 2, Section 5(c)(2)(A) states that SQTs and RSQTs, associated with the same member organization, are collectively required to provide two-sided quotations in 60% of the cumulative number of seconds, or such higher percentage as Phlx may announce in advance, for which that member organization's assigned options series are open for trading. Notwithstanding the foregoing, a member organization shall not be required to make two-sided markets pursuant to this paragraph (c)(2) above in any Quarterly Option Series, any adjusted option series, and any option series with an expiration of nine months or greater for options on equities and exchange-traded funds (''ETFs'') or with an expiration of twelve months or greater for index options.

[12] Options 2, Section 5(c) states, in relevant part, that A member organization that is an SQT in an options series where the member organization is also assigned as the Lead Market Maker in an options series will be held to both the Lead Market Maker and Market Maker obligations, pursuant to Options 2, Section 5(c), separately, in that options series. An SQT or RSQT who receives a Directed Order shall be held to the standard of a Directed SQT or Directed RSQT, as appropriate.

assigned option series in the options class is open for trading that day (minus exclusions, as applicable). In each example, the member organization's quoting time across all eligible options series for each of the number of symbols would be added up and then divided by the total amount of seconds all those options series across the number of assigned symbols are open for trading on that day.

For the examples below, assume:

- Each symbol only has 1 series the member organization is required to quote.
- Each options series in all symbols is open for every second of the trading day.

Example #1

Firm #1 has 125 symbols
100 symbols are Lead Market Maker (''LMM'')

—25 LMM symbols executed Directed Orders [13]

25 symbols are MM

—25 MM symbols executed Directed Orders

Today: 75 symbols are counted toward LMM bucket, 50 symbols are counted toward the Directed Order bucket, and 0 symbols are counted toward the MM bucket.

- *LMM Bucket* = X seconds quoted for all 75 symbols/1,755,000 (23,400 * 75)
- *Directed Order Bucket* = X seconds quoted for all 50 symbols/1,170,000 (23,400 * 50)
- *MM Bucket* = No obligation because the 25 symbols are directed

Proposal: 125 symbols are in 90% bucket, 0 symbols are in 60% bucket.

- *90% Bucket* = X seconds quoted for all 125 symbols/2,925,000 (23,400 * 125)
- *60% Bucket* = No obligation for MM because the 25 symbols have DMM obligations

Example #2

Firm #1 has 150 symbols
100 symbols are LMM

—25 LMM symbols executed Directed Orders

50 symbols are MM

—25 MM symbols executed Directed Orders

Today: 75 symbols are counted toward LMM bucket, 50 symbols are counted toward the Directed Order bucket, and 25 symbols are counted toward the MM bucket.

- *LMM Bucket* = X seconds quoted for all 75 symbols/1,755,000 (23,400 * 75)
- *Directed Order Bucket* = X seconds quoted for all 50 symbols/1,170,000 (23,400 * 50)
- *MM Bucket* = X seconds quoted for all 25 symbols/585,000 (23,400 * 25)

Proposal: 125 symbols are in 90% bucket, 25 symbols are in 60% bucket.

- *90% Bucket* = X seconds quoted for all 125 symbols/2,925,000 (23,400 * 125)
- *60% Bucket* = X seconds quoted for all 25 symbols/585,000 (23,400 * 25)

Example #3

Firm #1 has 1,000 symbols
400 symbols are LMM

—390 LMM symbols executed Directed Orders

600 symbols are MM

—500 MM symbols executed Directed Orders

Today: 10 symbols are counted toward LMM bucket, 890 symbols are counted toward the Directed Order bucket, and 100 symbols are counted toward the MM bucket.

- *LMM Bucket* = X seconds quoted for all 10 symbols/234,000 (23,400 * 10)
- *Directed Order Bucket* = X seconds quoted for all 890 symbols/20,826,000 (23,400 * 890)
- *MM Bucket* = X seconds quoted for all 100 symbols/2,340,000 (23,400 * 100)

Proposal: 900 symbols are in 90% bucket, 100 symbols are in 60% bucket.

- *90% Bucket* = X seconds quoted for all 900 symbols/21,060,000 (23,400 * 900)
- *60% Bucket* = X seconds quoted for all 100 symbols/2,340,000 (23,400 * 100)

The Exchange believes that this proposal would remove the duplicative compliance burden for LMMs and DMMs which currently requires a Phlx member organization to deploy resources to meet both obligations concurrently without the ability to offset one against the other. The proposed rule change recognizes this substantial overlap by permitting quoting activity across both roles to be counted together when badges and options series are assigned within the same member organization.

Implementation

The Exchange proposes to implement the quoting obligations on September 1, 2026. The Exchange would issue an Options Regulatory Alert notifying members of the amended quoting obligations.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[14] in general, and furthers the objectives of Section 6(b)(5) of the Act,[15] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest.

The Exchange's proposal to amend Options 2, Section 5(c), to modify the manner in which quoting obligations are aggregated and counted toward applicable quoting requirements for LMMs and DMMs associated with the same member organization is consistent with the Act. The Exchange believes that the proposed aggregation of quoting activity for LMMs and DMMs promotes just and equitable principles of trade because these two categories of market participants are subject to materially similar quoting obligations. Both LMMs and DMMs are subject to a requirement to provide continuous two-sided quotations in 90% of the cumulative number of seconds during the trading day.[16]

Further, most LMMs are also DMMs in the same options series, such that the functional distinction between these roles, for purposes of assessing compliance with the quoting obligation, is minimal. Also, the allocation benefits for LMMs and DMMs are similar.[17] Because the Exchange already confers similar economic benefits and preferential treatment on LMMs and DMMs under the allocation rules pursuant to Options 3, Section 10 it is consistent with the Act to also treat their quoting activity in an aggregated manner for purposes of assessing compliance with the continuous quoting obligation under Options 2, Section 5.

The current requirement that a member organization satisfy two separate quoting obligations—one with respect to LMMs and one with respect to DMMs—imposes an administrative and operational burden on market participants that does not produce a corresponding benefit to the market. Requiring separate compliance tracking for each role within the same member organization results in duplicative monitoring without necessarily encouraging greater or higher-quality quoting activity. The proposed aggregation removes impediments to and perfects the mechanism of a free

[13] The term ''Directed Lead Market Maker, RSQT, or SQT'' means a Lead Market Maker, RSQT, or SQT that receives a Directed Order. *See* Options 2, Section 10(a)(i)(C).

[14] 15 U.S.C. 78f(b).

[15] 15 U.S.C. 78f(b)(5).

[16] *See supra* note 5.

[17] *See supra* note 7.

and open market and a national market system because it eliminates this unnecessary burden while preserving the substantive quoting standard to which these participants are held. The Exchange does not believe that eliminating the requirement for separate compliance tracking will diminish the quality or breadth of quotations available to market participants, given that the 90% continuous quoting threshold remains.

Additionally, not amending the quoting obligations for Market Makers is consistent with the Act because Market Makers are not subject to the heightened 90% quoting obligation nor are they afforded enhanced allocations similar to an LMM or DMM.

Finally, the Exchange will continue to hold a Market Maker who is also assigned the LMM in an options series to both the LMM and Market Maker obligations, pursuant to Options 2, Section 5(c), separately, in that options series. Further, a Market Maker who executes a Directed Order will continue to be held to the standard of a DMM.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

The Exchange's proposal to amend Options 2, Section 5(c), to modify the manner in which quoting obligations are aggregated and counted toward applicable quoting requirements for LMMs and DMMs associated with the same member organization does not impose an undue burden on intra-market competition because all DMMs and LMMs would continue to be required to quote in their assigned options series. Further, the manner in which quoting obligations are aggregated and counted would apply uniformly to all DMMs and LMMs.

Not amending the quoting obligations for Market Makers does not impose an undue burden on intra-market competition because Market Makers are not subject to the heightened 90% quoting obligation similar to an LMM or DMM and are not afforded enhanced allocations that are afforded to an LMM or DMM.

The Exchange's proposal to amend Options 2, Section 5(c), to modify the manner in which quoting obligations are aggregated and counted toward applicable quoting requirements for LMMs and DMMs associated with the same member organization does not impose an undue burden on inter-market competition because other options exchanges could adopt a similar rule.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act [18] and subparagraph (f)(6) of Rule 19b–4 thereunder.[19]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–Phlx–2026–48 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–Phlx–2026–48. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml.* Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–Phlx–2026–48 and should be submitted on or before September 3, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

Sherry R. Haywood,

Assistant Secretary.

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[18] 15 U.S.C. 78s(b)(3)(A)(iii).

[19] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[20] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106066; File No. SR–ISE–2026–43]

Self-Regulatory Organizations; Nasdaq ISE, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Market Maker Quotation Obligations

August 10, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 30, 2026, Nasdaq ISE, LLC (''ISE'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Options 2, Section 5, Market Maker Quotations.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/ise/rulefilings,* and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

ISE proposes to amend Options 2, Section 5, Market Maker Quotations. Specifically, the Exchange proposes to amend Options 2, Section 5(e), to modify the manner in which quoting obligations are aggregated and counted toward applicable quoting requirements for Primary Market Makers (''PMMs'') [3] and Preferred Market Makers [4] associated with the same Member. The Exchange proposes this amendment for the following reasons.

First, the Exchange believes that the proposed aggregation of quoting activity for PMMs and Preferred Market Makers is appropriate because these two categories of market participants are subject to materially similar quoting obligations. Both PMMs and Preferred Market Makers are subject to a requirement to provide continuous two-sided quotations in 90% of the cumulative number of seconds during the trading day. Currently, an PMM is required to provide two-sided quotations in 90% of the cumulative number of seconds, or such higher percentage as the Exchange may announce.[5] This is calculated separately from a Preferred Market Maker's obligation to provide two-sided quotations in 90% of the cumulative number of seconds, or such higher percentage as the Exchange may announce in advance, among all options series in which the Preferred Market Maker has executed a Preferenced Order on a daily basis.[6]

Second, most PMMs are also Preferred Market Makers in the same options series, such that the functional distinction between these roles, for purposes of assessing compliance with the quoting obligation, is minimal.

Third, the allocation benefits for PMMs and Preferred Market Makers are similar. Specifically, PMMs and Preferred Market Makers each are entitled to preferential participation entitlements [7] that are greater than those afforded to ordinary Competitive Market Makers.[8] Because the Exchange already confers similar economic benefits and preferential treatment on PMMs and Preferred Market Makers under the allocation rules pursuant to Options 3, Section 10 it is consistent and equitable to also treat their quoting activity in an aggregated manner for purposes of assessing compliance with the continuous quoting obligation under Options 2, Section 5.

Fourth, the current requirement that a Member satisfy two separate quoting obligations—one with respect to PMMs and one with respect to Preferred Market Makers—imposes an administrative and operational burden on market participants that does not produce a corresponding benefit to the market. Requiring separate compliance tracking for each role within the same Member results in duplicative monitoring without necessarily encouraging greater or higher-quality quoting activity. The proposed aggregation eliminates this unnecessary burden while preserving the substantive quoting standard to which these participants are held. The Exchange does not believe that eliminating the requirement for separate compliance tracking will diminish the quality or breadth of quotations available to market participants, given that the 90% continuous quoting threshold remains.

Proposal

At this time, ISE proposes to amend Options 2, Section 5(e) which describes the various market making quoting obligations and the requirement to meet each quoting obligation separately. Current Options 2, Section 5(e) states,

Intra-day Quotes. A Market Maker must enter bids and offers for the options to which it is appointed, except in an assigned options series listed intra-day on the Exchange. On a daily basis, a Market Maker must make markets consistent with the applicable quoting requirements specified below. A Member will be required to meet each market making obligation separately. Quotes submitted through the Specialized Quote Feed interface, utilizing badges and options series assigned to a Primary Market Maker, will be counted toward the requirement to provide two-sided quotations in 90% of the cumulative number of seconds, or such higher percentage as ISE may announce. Quotes submitted through the Specialized Quote Feed interface, utilizing badges and options series assigned to a Competitive Market Maker, will be counted toward the requirement to provide two-sided quotations in 60% of the cumulative number of seconds, or such higher percentage as ISE may announce. A Member that is a Competitive Market Maker in an options series where the Member is also assigned as the Primary Market Maker in an options series will be held to both the Primary Market Maker and Competitive Market Maker obligations,

[3] The term ''Primary Market Maker'' means a Member that is approved to exercise trading privileges associated with PMM Rights. *See* Options 1, Section 1(a)(37).

[4] A Preferred Market Maker may be the Primary Market Maker appointed to the options class or any Competitive Market Maker appointed to the options class. *See* Options 2, Section 10(a)(1)(iii).

[5] Options 2, Section 5(e)(2) states that Primary Market Makers, associated with the same Member, are collectively required to provide two-sided quotations in 90% of the cumulative number of seconds, or such higher percentage as the Exchange may announce in advance, for which that Member's assigned options class is open for trading. Primary Market Makers shall be required to make two-sided markets pursuant to this Rule in any Quarterly Options Series, any Adjusted Options Series, and any option series with an expiration of nine months or greater for options on equities and ETFs or with an expiration of twelve months or greater for index options.

[6] Options 2, Section 5(e)(3) states that Preferred Market Makers, associated with the same Member, are collectively required to provide two-sided quotations in 90% of the cumulative number of seconds, or such higher percentage as the Exchange may announce in advance, among all options series in which the Preferred Market Maker has executed a Preferenced Order on a daily basis, except that a Preferred Market Maker shall not be required to make two-sided markets in any Quarterly Options Series, any Adjusted Options Series, and any options series with an expiration of nine months or greater for options on equities and ETFs or with an expiration of twelve months or greater for index options. A Preferred Market Maker has the ongoing quoting obligation from the time a Preferred Market Maker executes its first Preferenced Order in the options in which the Preferred Market Maker is assigned until a Preferred Market Maker notifies the Exchange that the Preferred Market Maker is no longer preferenced.

[7] An PMM is entitled to tiered allocation percentages of 60%, 40%, or 30%, depending on the number of other participants at the national best bid or offer provided, after all Priority Customer orders have been fully executed, the PMM's quote is at the better of the internal BBO or the NBBO. *See* Options 3, Section 10(c)(1)(B). The term ''Priority Customer'' means a person or entity that (i) is not a broker or dealer in securities, and (ii) does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s). *See* Options 1, Section 1(a)(38). A Preferred Market Maker Preferred Market Maker is entitled to receive 60% or 40% of the contracts in the relevant Preferenced Order, after all Priority Customer orders have been fully executed, upon receipt of a Preferenced Order provided the Preferred Market Maker's quote or market maker order is at the better of the internal PBBO or the NBBO. *See* Options 3, Section 10(c)(1)(C).

[8] The term ''Competitive Market Maker'' means a Member that is approved to exercise trading privileges associated with CMM Rights. *See* Options 1, Section 1(a)(12).

pursuant to Options 2, Section 5(e), separately, in that options series. A Market Maker who executes a Preferenced Order, as described in Options 2, Section 10 and Options 3, Section 10 (''Preferred Market Maker''), shall be held to the standard of a Preferred Market Maker among all options series of any options class in which it executes the Preferenced Order.

The Exchange proposes to amend Options 2, Section 5(e) to state instead that,

Intra-day Quotes. A Market Maker must enter bids and offers for the options to which it is appointed, except in an assigned options series listed intra-day on the Exchange. On a daily basis, a Market Maker must make markets consistent with the applicable quoting requirements specified below.

Quotes submitted through the Specialized Quote Feed interface, utilizing badges and options series assigned to a Primary Market Maker and a Competitive Market Maker will be counted toward the requirement to provide two-sided quotations in 90% and 60%, respectively, of the cumulative number of seconds, or such higher percentage as ISE may announce.

A Member that is a Competitive Market Maker in an options series where the Member is also assigned as the Primary Market Maker in an options series will be held to both the Primary Market Maker and Competitive Market Maker obligations, pursuant to Options 2, Section 5(e), separately, in that options series.

A Market Maker who executes a Preferenced Order, as described in Options 2, Section 10 and Options 3, Section 10 (''Preferred Market Maker''), shall be held to the standard of a Preferred Market Maker among all options series of any options class in which it executes the Preferenced Order.

Where a Market Maker is both a Primary Market Maker and a Preferred Market Maker, the Market Maker's quotes in its assigned series submitted through the Specialized Quote Feed interface will count toward its quoting obligations as a Primary Market Maker and as a Preferred Market Maker.

The proposal modifies the methodology by which activity across badges [9] and options series assigned within the same Member is aggregated toward satisfying those existing thresholds. With this proposal, no participant is relieved of existing obligations to provide continuous two-sided quotations based on the role, rather the proposal adjusts the measurement for calculating the fulfillment of the PMM and Preferred Market Maker quoting obligations by measuring those obligations on a combined basis rather than in isolation. The proposal does not amend a Competitive Market Maker's quoting obligation to provide two-sided quotations in 60% of the cumulative number of seconds, or such higher percentage as the Exchange may announce.[10]

Today, a Competitive Market Maker is not subject to the heightened 90% quoting obligation nor is a Competitive Market Maker afforded enhanced allocations similar to an PMM or Preferred Market Maker. With respect to Competitive Market Maker allocations in Options 3, Section 10, these participants have priority over all other orders at the same price after Priority Customers, PMMs and Preferred Market Makers are allocated.

Finally, as is the case today, a Member that is a Competitive Market Maker in an options series where the Member is also assigned as the PMM in an options series will be held to both the PMM and Competitive Market Maker obligations, pursuant to Options 2, Section 5(e), separately, in that options series. Also, as is the case today, a Competitive Market Maker who executes a Preferenced Order shall be held to the standard of a Preferred Market Maker in such option series.[11] Examples of the proposed change are below.

For purposes of the below examples, the numerator is the total number of seconds the Member disseminates quotes in each assigned options series, (minus exclusions, as applicable) and the denominator is the eligible total number of seconds each assigned option series in the options class is open for trading that day (minus exclusions, as applicable). In each example, the Member's quoting time across all eligible options series for each of the number of symbols would be added up and then divided by the total amount of seconds all those options series across the number of assigned symbols are open for trading on that day.

For the examples below, assume:

- Each symbol only has 1 series the Member is required to quote.
- Each options series in all symbols is open for every second of the trading day.

Example #1

Firm #1 has 125 symbols

100 symbols are Primary Market Maker (''PMM'')
—25 PMM symbols executed Preferenced Orders [12]
25 symbols are CMM
—25 CMM symbols executed Preferenced Orders

Today: 75 symbols are counted toward PMM bucket, 50 symbols are counted toward the Preferenced Order bucket, and 0 symbols are counted toward the CMM bucket.

- PMM Bucket = X seconds quoted for all 75 symbols/1,755,000 (23,400 * 75)
- Preferenced Order Bucket = X seconds quoted for all 50 symbols/ 1,170,000 (23,400 * 50)
- CMM Bucket = No obligation because the 25 symbols are preferenced

Proposal: 125 symbols are in 90% bucket, 0 symbols are in 60% bucket.

- 90% Bucket = X seconds quoted for all 125 symbols/2,925,000 (23,400 * 125)
- 60% Bucket = No obligation for CMM because the 25 symbols have Preferenced Order obligations

Example #2

Firm #1 has 150 symbols

100 symbols are PMM
—25 PMM symbols executed Preferenced Orders
50 symbols are CMM
—25 CMM symbols executed Preferenced Orders

Today: 75 symbols are counted toward PMM bucket, 50 symbols are counted toward the Preferenced Order bucket, and 25 symbols are counted toward the CMM bucket.

- PMM Bucket = X seconds quoted for all 75 symbols/1,755,000 (23,400 * 75)
- Preferenced Order Bucket = X

[9] A ''badge'' shall mean an account number, which may contain letters and/or numbers, assigned to Market Makers. A Market Maker account may be associated with multiple badges. *See* Options 1, Section 1(a)(5).

[10] Options 2, Section 5(e)(1) states that Competitive Market Makers, associated with the same Member, are collectively required to provide two-sided quotations in 60% of the cumulative number of seconds, or such higher percentage as the Exchange may announce in advance, for which that Member's assigned options class is open for trading. Competitive Market Maker are not required to make two-sided markets pursuant to this Rule in any Quarterly Options Series, any Adjusted Options Series, and any options series with an expiration of nine months or greater for options on equities and exchange-traded funds (''ETFs'') or with an expiration of twelve months or greater for index options. Competitive Market Makers may choose to quote such series in addition to regular series in the options class, but such quotations will not be considered when determining whether a Competitive Market Maker has met the obligation contained in this paragraph.

[11] Options 2, Section 5(e) states, in relevant part, that a Member that is a Competitive Market Maker in an options series where the Member is also assigned as the Primary Market Maker in an options series will be held to both the Primary Market Maker and Competitive Market Maker obligations, pursuant to Options 2, Section 5(e), separately, in that options series. A Market Maker who executes a Preferenced Order, as described in Options 2, Section 10 and Options 3, Section 10 (''Preferred Market Maker''), shall be held to the standard of a Preferred Market Maker among all options series of any options class in which it executes the Preferenced Order.

[12] A Preferred Market Maker may be the Primary Market Maker appointed to the options class or any Competitive Market Maker appointed to the options class. *See* Options 2, Section 10(a)(1)(iii).

seconds quoted for all 50 symbols/1,170,000 (23,400 * 50)

- CMM Bucket = X seconds quoted for all 25 symbols/585,000 (23,400 * 25)

Proposal: 125 symbols are in 90% bucket, 25 symbols are in 60% bucket.

- 90% Bucket = X seconds quoted for all 125 symbols/2,925,000 (23,400 * 125)
- 60% Bucket = X seconds quoted for all 25 symbols/585,000 (23,400 * 25)

Example #3

Firm #1 has 1,000 symbols

400 symbols are PMM
—390 PMM symbols executed Preferenced Orders
600 symbols are CMM
—500 CMM symbols executed Preferenced Orders

Today: 10 symbols are counted toward PMM bucket, 890 symbols are counted toward the Preferenced Order bucket, and 100 symbols are counted toward the CMM bucket.

- PMM Bucket = X seconds quoted for all 10 symbols/234,000 (23,400 * 10)
- Preferenced Order Bucket = X seconds quoted for all 890 symbols/20,826,000 (23,400 * 890)
- CMM Bucket = X seconds quoted for all 100 symbols/2,340,000 (23,400 * 100)

Proposal: 900 symbols are in 90% bucket, 100 symbols are in 60% bucket.

- 90% Bucket = X seconds quoted for all 900 symbols/21,060,000 (23,400 * 900)
- 60% Bucket = X seconds quoted for all 100 symbols/2,340,000 (23,400 * 100)

The Exchange believes that this proposal would remove the duplicative compliance burden for PMMs and Preferred Market Makers which currently requires a Member to deploy resources to meet both obligations concurrently without the ability to offset one against the other. The proposed rule change recognizes this substantial overlap by permitting quoting activity across both roles to be counted together when badges and options series are assigned within the same Member.

Implementation

The Exchange proposes to implement the quoting obligations on September 1, 2026. The Exchange would issue an Options Regulatory Alert notifying members of the amended quoting obligations.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[13] in general, and furthers the objectives of Section 6(b)(5) of the Act,[14] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest.

The Exchange's proposal to amend Options 2, Section 5(e), to modify the manner in which quoting obligations are aggregated and counted toward applicable quoting requirements for PMMs and Preferred Market Makers associated with the same Member is consistent with the Act. The Exchange believes that the proposed aggregation of quoting activity for PMMs and Preferred Market Makers promotes just and equitable principles of trade because these two categories of market participants are subject to materially similar quoting obligations. Both PMMs and Preferred Market Makers are subject to a requirement to provide continuous two-sided quotations in 90% of the cumulative number of seconds during the trading day.[15]

Further, most PMMs are also Preferred Market Makers in the same options series, such that the functional distinction between these roles, for purposes of assessing compliance with the quoting obligation, is minimal. Also, the allocation benefits for PMMs and Preferred Market Makers are similar.[16] Because the Exchange already confers similar economic benefits and preferential treatment on PMMs and Preferred Market Makers under the allocation rules pursuant to Options 3, Section 10 it is consistent with the Act to also treat their quoting activity in an aggregated manner for purposes of assessing compliance with the continuous quoting obligation under Options 2, Section 5.

The current requirement that a Member satisfy two separate quoting obligations—one with respect to PMMs and one with respect to Preferred Market Makers—imposes an administrative and operational burden on market participants that does not produce a corresponding benefit to the market. Requiring separate compliance tracking for each role within the same Member results in duplicative monitoring without necessarily encouraging greater or higher-quality quoting activity. The proposed aggregation removes impediments to and perfects the mechanism of a free and open market and a national market system because it eliminates this unnecessary burden while preserving the substantive quoting standard to which these participants are held. The Exchange does not believe that eliminating the requirement for separate compliance tracking will diminish the quality or breadth of quotations available to market participants, given that the 90% continuous quoting threshold remains.

Additionally, not amending the quoting obligations for Competitive Market Makers is consistent with the Act because Competitive Market Makers are not subject to the heightened 90% quoting obligation nor are they afforded enhanced allocations similar to an PMM or Preferred Market Maker.

Finally, the Exchange will continue to hold a Competitive Market Maker who is also assigned the PMM in an options series to both the PMM and Competitive Market Maker obligations, pursuant to Options 2, Section 5(e), separately, in that options series. Further, a Market Maker who executes a Preferenced Order will continue to be held to the standard of a Preferred Market Maker.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

The Exchange's proposal to amend Options 2, Section 5(e), to modify the manner in which quoting obligations are aggregated and counted toward applicable quoting requirements for PMMs and Preferred Market Makers associated with the same Member does not impose an undue burden on intra-market competition because all Preferred Market Makers and PMMs would continue to be required to quote in their assigned options series. Further, the manner in which quoting obligations are aggregated and counted would apply uniformly to all Preferred Market Makers and PMMs.

Not amending the quoting obligations for Competitive Market Makers does not impose an undue burden on intra-market competition because Competitive Market Makers are not subject to the heightened 90% quoting obligation similar to an PMM or Preferred Market Maker and are not afforded enhanced allocations that are afforded to an PMM or Preferred Market Maker.

[13] 15 U.S.C. 78f(b).

[14] 15 U.S.C. 78f(b)(5).

[15] *See supra* note 6.

[16] *See supra* note 7.

The Exchange's proposal to amend Options 2, Section 5(e), to modify the manner in which quoting obligations are aggregated and counted toward applicable quoting requirements for PMMs and Preferred Market Makers associated with the same Member does not impose an undue burden on inter-market competition because other options exchanges could adopt a similar rule.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act [17] and subparagraph (f)(6) of Rule 19b–4 thereunder.[18]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–ISE–2026–43 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–ISE–2026–43. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–ISE–2026–43 and should be submitted on or before September 3, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–16459 Filed 8–12–26; 8:45 am]

BILLING CODE 8011–01–P

[17] 15 U.S.C. 78s(b)(3)(A)(iii).

[18] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[19] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106070; File No. SR–GEMX–2026–28]

Self-Regulatory Organizations; Nasdaq GEMX, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Market Maker Quoting Obligations

August 10, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 30, 2026, Nasdaq GEMX, LLC (''GEMX'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Options 2, Section 5, Market Maker Quotations.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/gemx/rulefilings,* and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

GEMX proposes to amend Options 2, Section 5, Market Maker Quotations. Specifically, the Exchange proposes to amend Options 2, Section 5(e), to modify the manner in which quoting obligations are aggregated and counted toward applicable quoting requirements for Primary Market Makers (''PMMs'') [3] and Preferred Market Makers [4] associated with the same Member. The Exchange proposes this amendment for the following reasons.

First, the Exchange believes that the proposed aggregation of quoting activity for PMMs and Preferred Market Makers is appropriate because these two categories of market participants are subject to materially similar quoting obligations. Both PMMs and Preferred Market Makers are subject to a requirement to provide continuous two-sided quotations in 90% of the cumulative number of seconds during the trading day. Currently, an PMM is

[3] The term ''Primary Market Maker'' means a Member that is approved to exercise trading privileges associated with PMM Rights. *See* Options 1, Section 1(a)(35).

[4] A Preferred Market Maker may be the Primary Market Maker appointed to the options class or any Competitive Market Maker appointed to the options class. *See* Options 2, Section 10(a)(1)(iii).

required to provide two-sided quotations in 90% of the cumulative number of seconds, or such higher percentage as the Exchange may announce.[5] This is calculated separately from a Preferred Market Maker's obligation to provide two-sided quotations in 90% of the cumulative number of seconds, or such higher percentage as the Exchange may announce in advance, among all options series in which the Preferred Market Maker has executed a Preferenced Order on a daily basis.[6]

Second, most PMMs are also Preferred Market Makers in the same options series, such that the functional distinction between these roles, for purposes of assessing compliance with the quoting obligation, is minimal.

Third, the allocation benefits for PMMs and Preferred Market Makers are similar. Specifically, PMMs and Preferred Market Makers each are entitled to preferential participation entitlements[7] that are greater than those afforded to ordinary Competitive Market Makers.[8] Because the Exchange already confers similar economic benefits and preferential treatment on PMMs and Preferred Market Makers under the allocation rules pursuant to Options 3, Section 10 it is consistent and equitable to also treat their quoting activity in an aggregated manner for purposes of assessing compliance with the continuous quoting obligation under Options 2, Section 5.

Fourth, the current requirement that a Member satisfy two separate quoting obligations—one with respect to PMMs and one with respect to Preferred Market Makers—imposes an administrative and operational burden on market participants that does not produce a corresponding benefit to the market. Requiring separate compliance tracking for each role within the same Member results in duplicative monitoring without necessarily encouraging greater or higher-quality quoting activity. The proposed aggregation eliminates this unnecessary burden while preserving the substantive quoting standard to which these participants are held. The Exchange does not believe that eliminating the requirement for separate compliance tracking will diminish the quality or breadth of quotations available to market participants, given that the 90% continuous quoting threshold remains.

Proposal

At this time, GEMX proposes to amend Options 2, Section 5(e) which describes the various market making quoting obligations and the requirement to meet each quoting obligation separately. Current Options 2, Section 5(e) states,

Intra-day Quotes. A Market Maker must enter bids and offers for the options to which it is appointed, except in an assigned options series listed intra-day on the Exchange. On a daily basis, a Market Maker must make markets consistent with the applicable quoting requirements specified below. A Member will be required to meet each market making obligation separately. Quotes submitted through the Specialized Quote Feed interface, utilizing badges and options series assigned to a Primary Market Maker, will be counted toward the requirement to provide two-sided quotations in 90% of the cumulative number of seconds, or such higher percentage as GEMX may announce. Quotes submitted through the Specialized Quote Feed interface, utilizing badges and options series assigned to a Competitive Market Maker, will be counted toward the requirement to provide two-sided quotations in 60% of the cumulative number of seconds, or such higher percentage as GEMX may announce. A Member that is a Competitive Market Maker in an options series where the Member is also assigned as the Primary Market Maker in an options series will be held to both the Primary Market Maker and Competitive Market Maker obligations, pursuant to Options 2, Section 5(e), separately, in that options series. A Market Maker who executes a Preferenced Order, as described in Options 2, Section 10 and Options 3, Section 10 (''Preferred Market Maker''), shall be held to the standard of a Preferred Market Maker among all options series of any options class in which it executes the Preferenced Order.

The Exchange proposes to amend Options 2, Section 5(e) to state instead that,

Intra-day Quotes. A Market Maker must enter bids and offers for the options to which it is appointed, except in an assigned options series listed intra-day on the Exchange. On a daily basis, a Market Maker must make markets consistent with the applicable quoting requirements specified below.

Quotes submitted through the Specialized Quote Feed interface, utilizing badges and options series assigned to a Primary Market Maker and a Competitive Market Maker will be counted toward the requirement to provide two-sided quotations in 90% and 60%, respectively, of the cumulative number of seconds, or such higher percentage as GEMX may announce.

A Member that is a Competitive Market Maker in an options series where the Member is also assigned as the Primary Market Maker in an options series will be held to both the Primary Market Maker and Competitive Market Maker obligations, pursuant to Options 2, Section 5(e), separately, in that options series.

A Market Maker who executes a Preferenced Order, as described in Options 2, Section 10 and Options 3, Section 10 (''Preferred Market Maker''), shall be held to the standard of a Preferred Market Maker among all options series of any options class in which it executes the Preferenced Order.

Where a Market Maker is both a Primary Market Maker and a Preferred Market Maker, the Market Maker's quotes in its assigned series submitted through the Specialized Quote Feed interface will count toward its quoting obligations as a Primary Market Maker and as a Preferred Market Maker.

The proposal modifies the methodology by which activity across badges[9] and options series assigned within the same Member is aggregated toward satisfying those existing thresholds. With this proposal, no

[5] Options 2, Section 5(e)(2) states that Primary Market Makers, associated with the same Member, are collectively required to provide two-sided quotations in 90% of the cumulative number of seconds, or such higher percentage as the Exchange may announce in advance, for which that Member's assigned options class is open for trading. Primary Market Makers shall be required to make two-sided markets pursuant to this Rule in any Quarterly Options Series, any Adjusted Options Series, and any option series with an expiration of nine months or greater for options on equities and ETFs or with an expiration of twelve months or greater for index options.

[6] Options 2, Section 5(e)(3) states that Preferred Market Makers, associated with the same Member, are collectively required to provide two-sided quotations in 90% of the cumulative number of seconds, or such higher percentage as the Exchange may announce in advance, among all options series in which the Preferred Market Maker has executed a Preferenced Order on a daily basis, except that a Preferred Market Maker shall not be required to make two-sided markets in any Quarterly Options Series, any Adjusted Options Series, and any options series with an expiration of nine months or greater for options on equities and ETFs or with an expiration of twelve months or greater for index options. A Preferred Market Maker has the ongoing quoting obligation from the time a Preferred Market Maker executes its first Preferenced Order in the options in which the Preferred Market Maker is assigned until a Preferred Market Maker notifies the Exchange that the Preferred Market Maker is no longer preferenced.

[7] An PMM is entitled to tiered allocation percentages of 60%, 40%, or 30%, depending on the number of other participants at the national best bid or offer provided, after all Priority Customer orders have been fully executed, the PMM's quote is at the better of the internal BBO or the NBBO. *See* Options 3, Section 10(c)(1)(B). The term ''Priority Customer'' means a person or entity that (i) is not a broker or dealer in securities, and (ii) does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s). *See* Options 1, Section 1(a)(36). A Preferred Market Maker Preferred Market Maker is entitled to receive 60% or 40% of the contracts in the relevant Preferenced Order, after all Priority Customer orders have been fully executed, upon receipt of a Preferenced Order provided the Preferred Market Maker's quote or market maker order is at the better of the internal PBBO or the NBBO. *See* Options 3, Section 10(c)(1)(C).

[8] The term ''Competitive Market Maker'' means a Member that is approved to exercise trading privileges associated with CMM Rights. *See* Options 1, Section 1(a)(12).

[9] A ''badge'' shall mean an account number, which may contain letters and/or numbers, assigned to Market Makers. A Market Maker account may be associated with multiple badges. *See* Options 1, Section 1(a)(5).

participant is relieved of existing obligations to provide continuous two-sided quotations based on the role, rather the proposal adjusts the measurement for calculating the fulfillment of the PMM and Preferred Market Maker quoting obligations by measuring those obligations on a combined basis rather than in isolation. The proposal does not amend a Competitive Market Maker's quoting obligation to provide two-sided quotations in 60% of the cumulative number of seconds, or such higher percentage as the Exchange may announce.[10]

Today, a Competitive Market Maker is not subject to the heightened 90% quoting obligation nor is a Competitive Market Maker afforded enhanced allocations similar to an PMM or Preferred Market Maker. With respect to Competitive Market Maker allocations in Options 3, Section 10, these participants have priority over all other orders at the same price after Priority Customers, PMMs and Preferred Market Makers are allocated.

Finally, as is the case today, a Member that is a Competitive Market Maker in an options series where the Member is also assigned as the PMM in an options series will be held to both the PMM and Competitive Market Maker obligations, pursuant to Options 2, Section 5(e), separately, in that options series. Also, as is the case today, a Competitive Market Maker who executes a Preferenced Order shall be held to the standard of a Preferred Market Maker in such option series.[11]

Examples of the proposed change are below.

For purposes of the below examples, the numerator is the total number of seconds the Member disseminates quotes in each assigned options series, (minus exclusions, as applicable) and the denominator is the eligible total number of seconds each assigned option series in the options class is open for trading that day (minus exclusions, as applicable). In each example, the Member's quoting time across all eligible options series for each of the number of symbols would be added up and then divided by the total amount of seconds all those options series across the number of assigned symbols are open for trading on that day.

For the examples below, assume:

- Each symbol only has 1 series the Member is required to quote.
- Each options series in all symbols is open for every second of the trading day.

Example #1

Firm #1 has 125 symbols

100 symbols are Primary Market Maker (''PMM'')
—25 PMM symbols executed Preferenced Orders [12]
25 symbols are CMM
—25 CMM symbols executed Preferenced Orders

Today: 75 symbols are counted toward PMM bucket, 50 symbols are counted toward the Preferenced Order bucket, and 0 symbols are counted toward the CMM bucket.

- PMM Bucket = X seconds quoted for all 75 symbols/1,755,000 (23,400 * 75)
- Preferenced Order Bucket = X seconds quoted for all 50 symbols/ 1,170,000 (23,400 * 50)
- CMM Bucket = No obligation because the 25 symbols are preferenced

Proposal: 125 symbols are in 90% bucket, 0 symbols are in 60% bucket.

- 90% Bucket = X seconds quoted for all 125 symbols/2,925,000 (23,400 * 125)
- 60% Bucket = No obligation for CMM because the 25 symbols have Preferenced Order obligations

Example #2

Firm #1 has 150 symbols

100 symbols are PMM
—25 PMM symbols executed Preferenced Orders
50 symbols are CMM
—25 CMM symbols executed Preferenced Orders

Today: 75 symbols are counted toward PMM bucket, 50 symbols are counted toward the Preferenced Order bucket, and 25 symbols are counted toward the CMM bucket.

- PMM Bucket = X seconds quoted for all 75 symbols/1,755,000 (23,400 * 75)
- Preferenced Order Bucket = X seconds quoted for all 50 symbols/ 1,170,000 (23,400 * 50)
- CMM Bucket = X seconds quoted for all 25 symbols/585,000 (23,400 * 25)

Proposal: 125 symbols are in 90% bucket, 25 symbols are in 60% bucket.

- 90% Bucket = X seconds quoted for all 125 symbols/2,925,000 (23,400 * 125)
- 60% Bucket = X seconds quoted for all 25 symbols/585,000 (23,400 * 25)

Example #3

Firm #1 has 1,000 symbols

400 symbols are PMM
—390 PMM symbols executed Preferenced Orders
600 symbols are CMM
—500 CMM symbols executed Preferenced Orders

Today: 10 symbols are counted toward PMM bucket, 890 symbols are counted toward the Preferenced Order bucket, and 100 symbols are counted toward the CMM bucket.

- PMM Bucket = X seconds quoted for all 10 symbols/234,000 (23,400 * 10)
- Preferenced Order Bucket = X seconds quoted for all 890 symbols/ 20,826,000 (23,400 * 890)
- CMM Bucket = X seconds quoted for all 100 symbols/2,340,000 (23,400 * 100)

Proposal: 900 symbols are in 90% bucket, 100 symbols are in 60% bucket.

- 90% Bucket = X seconds quoted for all 900 symbols/21,060,000 (23,400 * 900)
- 60% Bucket = X seconds quoted for all 100 symbols/2,340,000 (23,400 * 100)

The Exchange believes that this proposal would remove the duplicative compliance burden for PMMs and Preferred Market Makers which currently requires a Member to deploy resources to meet both obligations concurrently without the ability to offset one against the other. The proposed rule change recognizes this substantial overlap by permitting quoting activity across both roles to be counted together when badges and options series are assigned within the same Member.

[10] Options 2, Section 5(e)(1) states that Competitive Market Makers, associated with the same Member, are collectively required to provide two-sided quotations in 60% of the cumulative number of seconds, or such higher percentage as the Exchange may announce in advance, for which that Member's assigned options class is open for trading. Competitive Market Maker are not required to make two-sided markets pursuant to this Rule in any Quarterly Options Series, any Adjusted Options Series, and any options series with an expiration of nine months or greater for options on equities and exchange-traded funds (''ETFs'') or with an expiration of twelve months or greater for index options. Competitive Market Makers may choose to quote such series in addition to regular series in the options class, but such quotations will not be considered when determining whether a Competitive Market Maker has met the obligation contained in this paragraph (e)(1).

[11] Options 2, Section 5(e) states, in relevant part, that a Member that is a Competitive Market Maker in an options series where the Member is also assigned as the Primary Market Maker in an options series will be held to both the Primary Market Maker and Competitive Market Maker obligations, pursuant to Options 2, Section 5(e), separately, in that options series. A Market Maker who executes a Preferenced Order, as described in Options 2, Section 10 and Options 3, Section 10 (''Preferred Market Maker''), shall be held to the standard of a Preferred Market Maker among all options series of any options class in which it executes the Preferenced Order.

[12] A Preferred Market Maker may be the Primary Market Maker appointed to the options class or any Competitive Market Maker appointed to the options class. *See* Options 2, Section 10(a)(1)(iii).

Implementation

The Exchange proposes to implement the quoting obligations on September 1, 2026. The Exchange would issue an Options Regulatory Alert notifying members of the amended quoting obligations.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[13] in general, and furthers the objectives of Section 6(b)(5) of the Act,[14] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest.

The Exchange's proposal to amend Options 2, Section 5(e), to modify the manner in which quoting obligations are aggregated and counted toward applicable quoting requirements for PMMs and Preferred Market Makers associated with the same Member is consistent with the Act. The Exchange believes that the proposed aggregation of quoting activity for PMMs and Preferred Market Makers promotes just and equitable principles of trade because these two categories of market participants are subject to materially similar quoting obligations. Both PMMs and Preferred Market Makers are subject to a requirement to provide continuous two-sided quotations in 90% of the cumulative number of seconds during the trading day.[15]

Further, most PMMs are also Preferred Market Makers in the same options series, such that the functional distinction between these roles, for purposes of assessing compliance with the quoting obligation, is minimal. Also, the allocation benefits for PMMs and Preferred Market Makers are similar.[16] Because the Exchange already confers similar economic benefits and preferential treatment on PMMs and Preferred Market Makers under the allocation rules pursuant to Options 3, Section 10 it is consistent with the Act to also treat their quoting activity in an aggregated manner for purposes of assessing compliance with the continuous quoting obligation under Options 2, Section 5.

The current requirement that a Member satisfy two separate quoting obligations—one with respect to PMMs and one with respect to Preferred Market Makers—imposes an administrative and operational burden on market participants that does not produce a corresponding benefit to the market. Requiring separate compliance tracking for each role within the same Member results in duplicative monitoring without necessarily encouraging greater or higher-quality quoting activity. The proposed aggregation removes impediments to and perfects the mechanism of a free and open market and a national market system because it eliminates this unnecessary burden while preserving the substantive quoting standard to which these participants are held. The Exchange does not believe that eliminating the requirement for separate compliance tracking will diminish the quality or breadth of quotations available to market participants, given that the 90% continuous quoting threshold remains.

Additionally, not amending the quoting obligations for Competitive Market Makers is consistent with the Act because Competitive Market Makers are not subject to the heightened 90% quoting obligation nor are they afforded enhanced allocations similar to an PMM or Preferred Market Maker.

Finally, the Exchange will continue to hold a Competitive Market Maker who is also assigned the PMM in an options series to both the PMM and Competitive Market Maker obligations, pursuant to Options 2, Section 5(e), separately, in that options series. Further, a Market Maker who executes a Preferenced Order will continue to be held to the standard of a Preferred Market Maker.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

The Exchange's proposal to amend Options 2, Section 5(e), to modify the manner in which quoting obligations are aggregated and counted toward applicable quoting requirements for PMMs and Preferred Market Makers associated with the same Member does not impose an undue burden on intra-market competition because all Preferred Market Makers and PMMs would continue to be required to quote in their assigned options series. Further, the manner in which quoting obligations are aggregated and counted would apply uniformly to all Preferred Market Makers and PMMs.

Not amending the quoting obligations for Competitive Market Makers does not impose an undue burden on intra-market competition because Competitive Market Makers are not subject to the heightened 90% quoting obligation similar to an PMM or Preferred Market Maker and are not afforded enhanced allocations that are afforded to an PMM or Preferred Market Maker.

The Exchange's proposal to amend Options 2, Section 5(e), to modify the manner in which quoting obligations are aggregated and counted toward applicable quoting requirements for PMMs and Preferred Market Makers associated with the same Member does not impose an undue burden on inter-market competition because other options exchanges could adopt a similar rule.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act[17] and subparagraph (f)(6) of Rule 19b–4 thereunder.[18]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act.

[13] 15 U.S.C. 78f(b).

[14] 15 U.S.C. 78f(b)(5).

[15] *See supra* note 6.

[16] *See supra* note 7.

[17] 15 U.S.C. 78s(b)(3)(A)(iii).

[18] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

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–GEMX–2026–28 on the subject line.

Paper Comment

- 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–GEMX–2026–28. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–GEMX–2026–28 and should be submitted on or before September 3, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

Sherry R. Haywood,

Assistant Secretary.

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BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106068; File No. SR–MEMX–2026–22]

Self-Regulatory Organizations; MEMX LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rule 14.1 Regarding Information Circular Requirements

August 10, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–13AU3.4 thereunder,[2] notice is hereby given that on July 28, 2026, MEMX LLC (''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing with the Commission a proposed rule change to: (1) amend Exchange Rule 14.1(a) to add express cross-references to Rules 3.7 and 3.21; (2) delete Rule 14.1(b)(1) in its entirety, thereby removing the requirement that the Exchange distribute an information circular to Members [3] prior to the commencement of trading in each UTP Exchange Traded Product [4] that generally includes the same information as contained in the information circular approved by the listing exchange; (3) amend Rule 14.1(b)(2)(B) to require that any written description be provided in a form approved by the listing exchange or prepared by the open-ended management company issuing such securities; and (4) renumber Rules 14.1(b)(2) through (5) as Rules 14.1(b)(1) through (4), respectively. The proposal is similar to a proposal that Cboe BZX Exchange, Inc. (''Cboe BZX'') filed with the Commission.[5] The text of the proposed rule change is provided in Exhibit 5 and is available on the Exchange's website at *https://info.memxtrading.com/regulation/rules-and-filings/.*

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to eliminate the requirement that the Exchange distribute an information circular to Members prior to the commencement of trading in each UTP Exchange Traded Product that generally includes the same information as contained in the information circular provided by the listing exchange as provided in Rule 14.1(b)(1). The Exchange also proposes to amend Rule 14.1(a) to add express cross-references to Rules 3.7 and 3.21. The Exchange also proposes to amend Rule 14.1(b)(2)(B) to require that any written description be provided in a form approved by the listing exchange or prepared by the open-ended management company issuing such securities.[6] Last, the Exchange proposes to renumber Rules 14.1(b)(2) through (5) as Rules 14.1(b)(1) through (4), respectively.

Rule 14.1(b) governs the trading of UTP Exchanged Traded Products—securities listed on another national securities exchange that trade on the Exchange pursuant to unlisted trading privileges (''UTP''). Under current Rule 14.1(b)(1), the Exchange must distribute an information circular prior to the commencement of trading in each UTP Exchange Traded Product that generally mirrors the information circular issued by the primary listing exchange, including: (a) the special risks of trading the Exchange Traded Product; (b) the Exchange Rules that will apply to the Exchange Traded Product; and (c) information about the dissemination of the value of the underlying assets or indexes. The Exchange proposes to delete Rule 14.1(b)(1) in its entirety.

The information circular requirement is unnecessary because the primary listing exchange's information circular already provides Members with the same disclosures the Exchange would otherwise be required to produce. Members have access to the primary listing exchange's information circular prior to the commencement of UTP trading and may rely upon it for the same purposes.[7] The Exchange's issuance of a separate, duplicative

[19] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Exchange Rule 1.5(p).

[4] *See* Exchange Rule 1.5(kk).

[5] *See* Securities Exchange Act Release No. 105715 (June 17, 2026) 91 FR 37477 (June 23, 2026) (SR-CboeBZX–2026–054).

[6] As further described below, the Exchange will notify Members of the written description requirement under Rule 14.1(b)(2)(B) by means of an information circular. Such written description will only be required when required by the listing exchange.

[7] Such information circulars are generally available on the primary listing exchange's website.

circular therefore serves no independent investor protection function.

The Exchange also proposes to amend Rule 14.1(a) to add express cross-references to Rule 3.7 (Recommendations to Customers) and Rule 3.21 (Customer Disclosures). The Exchange is adding express cross-references to those rules in the introductory paragraph of Rule 14.1(a) to enhance their visibility in the context of UTP Exchange Traded Products. These rules already apply to Members by operation of the Exchange's rulebook. The cross-references are intended to make the applicable framework explicit in the context of UTP Exchange Traded Product. Rule 3.7 independently requires Members to ensure that any recommendation of a UTP Exchange Traded Product is suitable for the customer based on the customer's investment profile, a standing obligation that applies regardless of whether the Exchange has issued a product-specific information circular. Similarly, Rule 3.21 independently requires Members to provide customers with a written disclosure of the risks of trading outside of Regular Trading Hours before accepting any order for execution during such sessions, a standing obligation not contingent on the Exchange's issuance of a product-specific information circular.

Because Rule 14.1(b)(1) has historically served as the mechanism through which the Exchange satisfies the notification obligation under Rule 14.1(b)(2)(B), deletion of Rule 14.1(b)(1) necessitates a conforming amendment to Rule 14.1(b)(2)(B). The Exchange proposes to amend Rule 14.1(b)(2)(B) to require that any written description be provided in a form approved by the listing exchange or prepared by the open-ended management company issuing such securities. The Exchange will notify Members by information circular that such written description will only be required when mandated by the listing exchange. This amendment is consistent with the broader purpose of the proposed rule change: where the listing exchange's information circular already provides Members with the information necessary to assess a UTP Exchange Traded Product, a duplicative written description obligation serves no independent investor protection function. Members may rely on the listing exchange's information circular in the same manner and to the same effect.

Finally, the Exchange proposes to renumber existing Rules 14.1(b)(2) through (5) as Rules 14.1(b)(1) through (4), respectively.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[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 believes the proposed deletion of Rule 14.1(b)(1) is consistent with the Act because the primary listing exchange's information circular already provides Members with the same disclosures that the Exchange's information circular would contain. The investor protection functions historically served by the information circular requirement are independently addressed through the primary listing exchange's information circular and the Member-level obligations imposed by Rules 3.7 and 3.21, to which the Exchange proposes to add express cross-references in Rule 14.1(a). The proposed amendment to Rule 14.1(b)(2)(B) ensures that where a written description is required, it is provided in a form approved by the listing exchange, thereby aligning the Exchange's requirements with those of the primary listing market. The Exchange will further notify Members by information circular that such written description will only be required when mandated by the listing exchange, ensuring that no duplicative obligation is imposed where the listing exchange has not determined one to be warranted. The renumbering of Rules 14.1(b)(2) through (5) as Rules 14.1(b)(1) through (4) is ministerial. Additionally, as discussed above, the proposal does not raise any novel issues not previously considered by the Commission.[11] For these reasons, the Exchange believes the proposed rule change is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change eliminates duplicative procedural obligations applicable to the Exchange in its capacity as a UTP trading venue. It does not alter the terms or conditions under which UTP Exchange Traded Product may be traded on the Exchange, impose any new requirements on Members, or affect the ability of any market participant to access the Exchange's markets. Members will continue to have access to the primary listing exchange's information circular prior to the commencement of UTP trading and may rely upon it for the same purposes as the Exchange's information circular. The proposed amendment to Rule 14.1(b)(2)(B) aligns the written description obligation with the primary listing market's requirements and does not impose any burden on Members beyond what the primary listing market itself requires.[12] Accordingly, the Exchange does not believe the proposed rule change imposes any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act [13] and Rule 19b–4(f)(6) [14] thereunder. Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; or (iii) become operative

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

[10] *Id.*

[11] *See supra* note 7.

[12] As further described below, the Exchange will notify Members of the written description requirement under Rule 14.1(b)(2)(B) by means of an information circular. Such written description will only be required when required by the listing exchange.

[13] 15 U.S.C. 78s(b)(3)(A).

[14] 17 CFR 240.19b–4(f)(6).

for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [15] and Rule 19b–4(f)(6) [16] thereunder.

A proposed rule change filed under Rule 19b–4(f)(6) [17] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b4(f)(6)(iii),[18] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become operative immediately upon filing. The Exchange states that the proposed rule change eliminates duplicative procedural obligations applicable to the Exchange in its capacity as a UTP trading venue because the primary listing exchange's information circular already provides Members with the same disclosures the Exchange would otherwise be required to produce.[19] The Exchange also notes that the proposed rule change does not alter the terms or conditions under which UTP Exchange Traded Products may be traded on the Exchange. For these reasons, the Commission finds that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Therefore, the Commission hereby waives the 30-day operative delay and designates the proposed rule change to be operative upon filing.[20]

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.

[15] 15 U.S.C. 78s(b)(3)(A).

[16] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–3AU3.4(f)(6)(iii) requires the Exchange to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[17] 17 CFR 240.19b–4(f)(6).

[18] 17 CFR 240.19b–4(f)(6)(iii).

[19] The Exchange represents that such information circulars are generally available on the primary listing exchange's website. *See supra* note 7.

[20] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–MEMX–2026–22 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–MEMX–2026–22. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–MEMX–2026–22 and should be submitted on or before September 3, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[21]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–16461 Filed 8–12–26; 8:45 am]

BILLING CODE 8011–01–P

[21] 17 CFR 200.30–3(a)(12), (59).

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 36290; File No. 812–16017]

AMG BBH Asset-Backed Credit Fund, LLC, et al.; August 10, 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'') and closed-end management investment companies to co-invest in portfolio companies with each other and with certain affiliated investment entities.

APPLICANTS: AMG BBH Asset-Backed Credit Fund, LLC, BBH Credit Partners, and certain of their affiliated entities as described in Appendix A to the application.

FILING DATES: The application was filed on April 17, 2026, and amended on June 23, 2026.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing on any application by emailing the SEC's Secretary at *Secretarys-Office@sec.gov* and serving the Applicants with a copy of the request by email, if an email address is listed for the relevant Applicant below, or personally or by mail, if a physical address is listed for the relevant Applicant below. The email should include the file number referenced above. Hearing requests should be received by the Commission by 5:30 p.m., Eastern time, on September 4, 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: Mark J. Duggan, *mark.duggan@amg.com,* AMG Funds LLC, 680 Washington Boulevard, Suite 500, Stamford, CT 06901, Brown Brothers Harriman Credit Partners, LLC, 140 Broadway, New York, NY 10005, Nathan Somogie, Esq., *nathan.somogie@stblaw.com,* Simpson Thacher & Bartlett LLP, 855 Boylston Street, Boston, MA 02116.

FOR FURTHER INFORMATION CONTACT: Thomas Ahmadifar, Branch Chief or Toyin Momoh, 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' amended application, filed June 23, 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 Advocacy at (202) 551–8090.

For the Commission, by the Division of Investment Management, under delegated authority.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–16466 Filed 8–12–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106067; File No. SR–ISE–2026–42]

Self-Regulatory Organizations; Nasdaq ISE, LLC; Notice of Filing of Proposed Rule Change To Amend the Criteria for Underlying Securities

August 10, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 28, 2026, Nasdaq ISE, LLC (''ISE'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Options 4, Section 3, Criteria for Underlying Securities, to adopt listing criteria for options on Commodity-Based Trusts that hold one or more digital commodities.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/ise/rulefilings,* and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its listing rules at ISE Options 4, Section 3, Criteria for Underlying Securities. Specifically, the Exchange proposes to amend the criteria for listing options on Exchange-Traded Fund Shares (''ETFs'') at Options 4, Section 3(h).

Background

Currently, Options 4, Section 3(h)(vi) specifies that ISE may list and trade options on shares of a Commodity-Based Trust that meets the generic criteria of The Nasdaq Stock Market LLC (''Nasdaq'') Rule 5711(d)[3] provided the trust holds a single crypto asset or multiple crypto assets.[4] Further, a Commodity-Based Trust that meets the requirements of Options 4, Section 3(h)(vi) must also satisfy the following requirements: (A) the total global supply of each underlying crypto asset(s) held by the Commodity-Based Trust has an average daily market value of at least $700 million over the last 12 months; and (B) each crypto asset held by the Commodity-Based Trust underlies a derivatives contract that trades on a market with which the Exchange has a comprehensive surveillance sharing agreement, whether directly or through common membership in the Intermarket Surveillance Group (''ISG'').

Proposal

In light of the recent approval of a proposal that modified the generic listing standards for Commodity-Based Trusts at Nasdaq Rule 5711(d),[5] the Exchange proposes to amend Options 4, Section 3(h)(3) to align the options rules with the rule text adopted in SR–NASDAQ–2026–032, which will permit the Exchange to list options on Commodity-Based Trust Shares pursuant to the revised listing standards of Nasdaq Rule 5711(d).

Digital Commodity

First, the Exchange proposes to amend Options 4, Section 3(h) to replace the term ''crypto asset'' with the term ''digital commodity.'' Options 4, Section 3(h) defines the term ''crypto asset'' as an asset that is generated, issued and/or transferred using a blockchain or similar distributive ledger technology network, including, but not limited to, assets known as ''tokens,'' ''digital assets,'' ''virtual currencies,'' and ''coins'' and that relies on cryptographic protocols. The proposal will define the term ''digital commodity'' to mean a commodity that is a digital asset and is intrinsically linked to, and derives its value from, the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Nasdaq Rule 5711(d) permits the listing and trading of certain qualifying exchange-traded products that physically hold commodities like precious metals and digital asset commodities on the Exchange. Pursuant to Nasdaq Rule 5711(d), the term ''Commodity-Based Trust Shares'' means a security that: (1) is issued by a trust, limited liability company, partnership, or other similar entity (''Trust'') that, if applicable, is operated by a registered commodity pool operator pursuant to the Commodity Exchange Act, and is not registered as an investment company pursuant to the Investment Company Act of 1940, or series or class thereof; (2) is designed to reflect the performance of one or more reference assets or an index of reference assets, less expenses and other liabilities; (3) in order to reflect the performance as provided in (d)(iii)(A)(2) above, is issued by a Trust that holds (a) one or more commodities or commodity-based assets as defined in (d)(iii)(C) below, and (b) in addition to such commodities or commodity-based assets, may hold securities, cash, and cash equivalents; (4) is issued by such Trust in a specified aggregate minimum number in return for a deposit of (a) a specified quantity of the underlying commodities, commodity-based assets, securities, cash, and/or cash equivalents, or (b) a cash amount with a value based on the next determined net asset value per Trust share; and (5) when aggregated in the same specified minimum number, may be redeemed at a holder's request by such Trust which will deliver to the redeeming holder (a) the specified quantity of the underlying commodities, commodity-based assets, securities, cash, and/or cash equivalents, or (b) a cash amount with a value based on the next determined net asset value per Trust share.

[4] The term ''crypto asset'' means an asset that is generated, issued and/or transferred using a blockchain or similar distributive ledger technology network including, but not limited to, assets known as ''tokens,'' ''digital assets,'' ''virtual currencies,'' and ''coins'' and that rely on cryptographic protocols. *See* Options 4, Section 3(h)(3).

[5] *See* Securities Exchange Act Release No. 105995 (July 27, 2026) (SR–NASDAQ–2026–032) (not yet published) (''SR–NASDAQ–2026–032''). This proposal allowed for a buffer of up to 15% of the net asset value of the Commodity-Based Trust Shares holdings to consist of certain assets that do not meet the eligibility criteria under the generic listing standards; added a definition for digital commodity (as defined below); and allowed for actively-managed strategies.

programmatic operation of a functional crypto system, as well as supply and demand dynamics, rather than from the expectations of profits from the essential managerial efforts of others.

The Exchange notes that the proposed definition of digital commodity is informed by the joint interpretative guidance issued by the SEC and the Commodity Futures Trading Commission (''CFTC''), effective March 23, 2026,[6] and would align the options terminology with the terminology utilized in Nasdaq Rule 5711(d), which is the basis for listing options on interests in a Commodity-Based Trust. Practically, the term ''crypto asset'' is more broadly defined—it captures anything that (1) is generated, issued, or transferred on a blockchain or similar Distributed Ledger Technology (''DLT'') network and (2) relies on cryptographic protocols. It is technology-defined and deliberately inclusive (''including but not limited to'' tokens, virtual currencies, coins, etc.). There is no mention of economic function, value source, or regulatory character. This is in contrast to the term ''digital commodity,'' which is a narrower classification that sits inside the broader crypto-asset universe. Not every crypto asset qualifies as a digital commodity. Under the proposal, a digital commodity (i) must be a commodity as provided in the Commodity Exchange Act; [7] (ii) its value must be ''intrinsically linked to and derives from the programmatic operation of a functional crypto system'' and market dynamics; and (iii) its value must not be derived from ''the expectations of profits from the essential managerial efforts of others,'' which excludes assets that would be classified as securities.[8]

Comprehensive Surveillance Sharing Agreement

Second, to more closely align with Commodity-Based Trusts that may be listed pursuant to Nasdaq Rule 5711(d), the Exchange proposes to amend Options 4, Section 3(h)(3)(B) to require that each digital commodity held by the Commodity-Based Trust underlies a derivatives contract that trades on a market with which the Exchange has a comprehensive surveillance sharing agreement, whether directly or through common membership in the Intermarket Surveillance Group, except that up to 15% of the net asset value (''NAV'') of the Commodity-Based Trust holdings in the aggregate may consist of digital commodities that do not meet this requirement. As noted above, today, each crypto asset held by the Commodity-Based Trust must underlie a derivatives contract that trades on a market with which the Exchange has a comprehensive surveillance sharing agreement, whether directly or through common membership in the ISG.

SR–NASDAQ–2026–032 amended Nasdaq Rule 5711(d) to allow up to 15% of the NAV of the Commodity-Based Trust Shares holdings to consist of certain assets that do not meet the generic listing standards eligibility criteria in subparagraphs (A) [9] and (B) [10] of Nasdaq Rule 5711(d)(iv). Specifically, new subparagraph (C) of Nasdaq Rule 5711(d)(iv) provides that notwithstanding the eligibility requirements in Nasdaq Rule 5711(d)(iv)(A) and (B), up to 15% of the NAV of the Commodity-Based Trust Shares holdings in the aggregate may consist of (i) digital commodities that do not meet the criteria in subparagraph (A) of Nasdaq Rule 5711(d)(iv), or (ii) securities that do not meet the criteria in subparagraph (B) of Nasdaq Rule 5711(d)(iv).

The proposed amendment will permit the Exchange to list options on shares of Commodity-Based Trusts that meet the criteria in Nasdaq Rule 5711(d), as amended, provided these options satisfy the conditions in proposed Options 4, Section 3(h)(4). Currently, Options 4, Section 3(h)(3)(A) requires that to list options on shares of a Commodity-Based Trust pursuant to Options 4, Section 3(h)(vi), the total global supply of each underlying crypto asset(s) held by the Commodity-Based Trust must have an average daily market value of at least $700 million over the last 12 months. Options 4, Section 3(h)(3)(A), as proposed, will require that the total global supply of each underlying digital commodity or digital commodities held by the Commodity-Based Trust have an average daily market value of at least $700 million over the last 12 months in addition to the proposed requirement in Options 4, Section 3(h)(3)(B). Proposed Options 4, Section 3(h)(3) would state.

Additionally, with respect to a Commodity-Based Trust that meets the requirements of Options 4, Section 3(h)(vi), the following requirements are satisfied: (A) the total global supply of each underlying digital commodity or digital commodities held by the Commodity-Based Trust has an average daily market value of at least $700 million over the last 12 months; and (B) each digital commodity held by the Commodity-Based Trust underlies a derivatives contract that trades on a market with which the Exchange has a comprehensive surveillance sharing agreement, whether directly or through common membership in the Intermarket Surveillance Group except that up to 15% of the NAV of the Commodity-Based Trust holdings in the aggregate may consist of digital commodities that do not meet this requirement.

Having adequate liquidity in the trust's constituent digital commodities ensures that the creation and redemption process for trust shares, which depends on the ability to acquire or deliver the underlying commodity in specified quantities, functions efficiently. Commodity-Based Trust Shares are issued in return for a deposit of a specified quantity of the underlying commodities and may be redeemed by the trust upon delivery of the specified quantity to the redeeming holder. When the underlying commodity market is sufficiently liquid, the create and redeem mechanism keeps the market price of the trust shares closely tethered to the trust's net asset value. A tight NAV-to-price relationship, in turn, produces reliable pricing inputs for options overlying the trust shares, directly protecting options investors from the risk of trading instruments whose reference prices have become disconnected from fundamental value. Additionally, the $700 million average daily market-value requirement ensures that the global supply of each constituent digital commodity is large enough that the introduction of listed options, and the hedging activity they generate, will not become a source of market disruption. The market supply requirement continues to serve as a

[6] *See* ''Application of the Federal Securities Laws to Certain Types of Crypto Assets and Certain Transactions Involving Crypto Assets,'' 91 FR 13714 (March 23, 2026).

[7] *See* 7 U.S.C. 1a(9).

[8] *See* proposed Options 4, Section 3(h)(3).

[9] Subparagraph (A) of Nasdaq Rule 5711(d)(iv) sets forth the eligibility requirements for commodity and commodity-based asset holdings of Commodity-Based Trust Shares. Specifically, each commodity or commodity that underlies a commodity-based asset held by the Trust must fall into at least one of the following categories in subparagraphs (A): (1) the commodity trades on a market that is an ISG member; provided that the Exchange may obtain information about trading in such commodity from the ISG member; or (2) the commodity underlies a futures contract that has been made available to trade on a designated contract market for at least six months; provided that the Exchange has a comprehensive surveillance sharing agreement, whether directly or through common membership in ISG, with such designated contract market; or (3) on an initial basis only, an exchange-traded fund (''ETF'') designed to provide economic exposure of no less than 40% of its NAV to the commodity lists and trades on a national securities exchange.

[10] Subparagraph (B) of Nasdaq Rule 5711(d)(iv) sets forth the eligibility requirements for the Trust's security holdings. Specifically, if the Trust holds any securities, each security held by the Trust would need to meet the criteria of Nasdaq Rule 5735 (Managed Fund Shares), Sections b(1)(A) and (B), or if the security is a listed option, trades on an ISG market.

good measure of liquidity to prevent the addition of options trading on the Commodity-Based Trust from disrupting the market for the underlying security. The minimum global-supply threshold ensures that hedging-related demand will remain a modest fraction of overall market activity, thereby preserving stable, competitive pricing conditions for all market participants.

The proposed amendment to permit up to 15% of the NAV of the Commodity-Based Trust holdings to consist of digital commodities that do not meet the comprehensive surveillance sharing agreement requirement does not diminish this liquidity-based investor-protection framework. Each digital commodity held by the trust, including those within the 15% buffer, must independently satisfy the $700 million average daily market-value threshold. Accordingly, every constituent asset, regardless of whether it underlies a derivatives contract on a surveilled market, must demonstrate the same baseline level of global liquidity before the Exchange may list options on the trust. The liquidity standard thus operates as a uniform floor that applies to 100% of the trust's commodity holdings, even where the surveillance requirement applies to only 85%.

The remaining up to 15% of NAV that may not be covered by surveillance sharing agreements does not materially diminish the Exchange's ability to detect and prevent manipulation. The portion of the trust's holdings not covered by surveillance sharing agreements would constitute a small fraction of the trust's total value, and attempts to manipulate the price of these minor constituent assets would need to have a disproportionately large price impact on the constituent assets in order to meaningfully affect the NAV of the trust and, consequently, the price of the options. This structural feature, the dilution of any single constituent's influence across the broader trust portfolio, provides an additional investor-protection safeguard inherent in the design of multi-asset Commodity-Based Trusts.

In addition, options on Commodity-Based Trust Shares are subject to ongoing listing requirements, including transparency obligations regarding the trust's holdings, NAV calculations, and creation and redemption mechanisms. These continuous disclosure requirements provide the Exchange and market participants with real-time visibility into the composition and value of the trust, ensuring that liquidity conditions can be monitored on an ongoing basis and creating an additional layer of protection against manipulation.

Finally, the Exchange will continue to require each underlying digital commodity to have a requisite amount of deliverable supply, which, in addition to all the other criteria the underlying ETF is required to satisfy under Nasdaq Rule 5711(d), ensures adequate liquidity prior to listing. With this proposed change, a majority of the holdings of the Commodity-Based Trust would continue to underlie a derivatives contract that trades on a market with which the Exchange has a comprehensive surveillance sharing agreement, whether directly or through common membership in the ISG, thereby providing the Exchange with the information necessary to adequately surveil options on qualifying Commodity-Based Trusts.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[11] in general, and furthers the objectives of Section 6(b)(5) of the Act,[12] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [13] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

Listing options on Commodity-Based Trusts will continue to provide investors with the ability to hedge their exposure to the underlying trust in a timely manner. Similar to options on any other exchange-traded fund, options on Commodity-Based Trusts offer investors a lower-cost tool to manage their exposure to the price of a digital commodity. Additionally, listing these options on a national securities exchange, rather than trading in the over-the-counter (''OTC'') options market, increases market transparency and enhances the process of price discovery to the benefit of all investors.

In addition, the Exchange believes that its proposal to amend the listing criteria at Options 4, Section 3(h)(vi) with respect to options on Commodity-Based Trusts will remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, protect investors because it would allow the Exchange to immediately list and trade qualifying options on Commodity-Based Trusts, provided the initial listing criteria have been met, without any additional approvals from the Commission.

Specifically, the Exchange's proposal to amend Options 4, Section 3(h) to replace the term and meaning of ''crypto asset'' with ''digital commodity'' is consistent with the Act. The Exchange notes that the proposed definition of digital commodity is informed by the joint interpretative guidance issued by the SEC and the CFTC, effective March 23, 2026,[14] and would: (i) align the options terminology with the terminology utilized in Nasdaq Rule 5711(d), which is the basis for listing options on interests in a Commodity-Based Trust; and (ii) permit options to be listed on shares of a Commodity-Based Trust pursuant to Nasdaq Rule 5711(d), as amended.

Practically, the term ''crypto asset'' is more broadly defined in that it captures anything that (1) is generated, issued, or transferred on a blockchain or similar DLT network and (2) relies on cryptographic protocols. It is technology-defined and deliberately inclusive (''including but not limited to'' tokens, virtual currencies, coins, etc.). There is no mention of economic function, value source, or regulatory character. This is in contrast to the term ''digital commodity,'' which is a narrower classification that sits inside the broader crypto-asset universe. Not every crypto asset qualifies as a digital commodity; rather, a digital commodity must (i) be a commodity as provided in the Commodity Exchange Act; [15] (ii) its value must be ''intrinsically linked to and derives from the programmatic operation of a functional crypto system'' and market dynamics; and (iii) its value must not be derived from ''the expectations of profits from the essential managerial efforts of others'' which excludes assets that would be classified as securities.

Beyond the definitional change, and to more closely align with Commodity-Based Trust Shares that may be listed pursuant to Nasdaq Rule 5711(d), the Exchange proposes to amend Options 4,

[11] 15 U.S.C. 78f(b).

[12] 15 U.S.C. 78f(b)(5).

[13] 15 U.S.C. 78f(b)(5).

[14] *See* ''Application of the Federal Securities Laws to Certain Types of Crypto Assets and Certain Transactions Involving Crypto Assets,'' 91 FR 13714 (March 23, 2026).

[15] *See* 7 U.S.C. 1a(9).

Section 3(h)(3)(B) to require that at least 85% of the NAV of the Commodity-Based Trust holdings underlie a derivatives contract that trades on a market with which the Exchange has a comprehensive surveillance sharing agreement, whether directly or through common membership in the ISG. This proposal is consistent with the Act as the vast majority of the economic value of the trust's portfolio will remain subject to the same comprehensive surveillance framework that the Commission has previously found sufficient to address concerns about fraud and manipulation for listing options on Commodity-Based Trust Shares.

Under this surveillance framework, the Exchange maintains surveillance sharing agreements with ISG members. Surveillance sharing agreements provide the Exchange access to trading data, clearing data, and customer identity information from the market where the underlying commodity derivatives trade, enabling detection of coordinated or manipulative activity across markets. Specifically, the surveillance sharing agreements create robust mechanisms for sharing information related to trading activity, clearing activity, and customer identity, enabling the Exchange to detect and investigate potentially manipulative trading patterns in the underlying digital commodity derivatives markets. The remaining up to 15% of NAV that may not be covered by surveillance sharing agreements does not materially diminish the Exchange's ability to detect and prevent manipulation. The portion of the trust's holdings not covered by surveillance sharing agreements would constitute a small fraction of the trust's total value, and attempts to manipulate the price of these minor constituent assets would need to have a disproportionately large price impact on the constituent assets in order to meaningfully affect the NAV of the trust and, consequently, the price of the options.

The proposal is also consistent with the Act's investor-protection objectives because it preserves the liquidity conditions on which reliable options pricing depends. Having adequate liquidity in the trust's constituent digital commodities ensures that the creation and redemption process for trust shares, which depends on the ability to acquire or deliver the underlying commodity in specified quantities, functions efficiently. Commodity-Based Trust Shares are issued in return for a deposit of a specified quantity of the underlying commodities and may be redeemed by the trust upon delivery of the specified quantity to the redeeming holder. When the underlying commodity market is sufficiently liquid, the create and redeem mechanism keeps the market price of the trust shares closely tethered to the trust's net asset value. A tight NAV-to-price relationship, in turn, produces reliable pricing inputs for options overlying the trust shares, directly protecting options investors from the risk of trading instruments whose reference prices have become disconnected from fundamental value.

The multi-asset structure of the trust also provides a structural safeguard against manipulation. Attempts to manipulate the price of these minor constituent assets would need to have a disproportionately large price impact on the constituent assets in order to meaningfully affect the NAV of the trust and, consequently, the price of the options. Commodity-Based Trust Shares listed on national securities exchanges are subject to ongoing listing requirements, including transparency obligations regarding the trust's holdings, NAV calculations, and creation and redemption mechanisms. These features provide the Exchange and market participants with continuous visibility into the composition and value of the trust, creating an additional layer of protection against manipulation. Finally, the Exchange currently surveils the trading of options on Commodity-Based Trust Shares and will continue to do so under the proposed amended criteria.

Additionally, the $700 million average daily market-value requirement ensures that the global supply of each constituent digital commodity is large enough that the introduction of listed options, and the hedging activity they generate, will not become a source of market disruption. The market supply requirement continues to serve as a good measure of liquidity to prevent the addition of options trading on the Commodity-Based Trust from disrupting the market for the underlying security. The minimum global-supply threshold ensures that hedging-related demand will remain a modest fraction of overall market activity, thereby preserving stable, competitive pricing conditions for all market participants.

The proposed amendment to permit up to 15% of the NAV of the Commodity-Based Trust holdings to consist of digital commodities that do not meet the comprehensive surveillance sharing agreement requirement does not diminish this liquidity-based investor-protection framework. Each digital commodity held by the trust, including those within the 15% buffer, must independently satisfy the $700 million average daily market-value threshold. Accordingly, every constituent asset, regardless of whether it underlies a derivatives contract on a surveilled market, must demonstrate the same baseline level of global liquidity before the Exchange may list options on the trust. The liquidity standard thus operates as a uniform floor that applies to 100% of the trust's commodity holdings, even where the surveillance requirement applies to only 85%.

The remaining up to 15% of NAV that may not be covered by surveillance sharing agreements does not materially diminish the Exchange's ability to detect and prevent fraud and manipulation, consistent with Section 6(b)(5)'s objectives of preventing fraudulent and manipulative acts and practices and protecting investors and the public interest. That portion of the trust's holdings would constitute a small fraction of the trust's total value, and an attempt to manipulate the price of these minor constituent assets would need to have a disproportionately large price impact on those assets in order to meaningfully affect the NAV of the trust and, consequently, the price of the options. This structural dilution of any single constituent's influence across the broader trust portfolio provides an investor-protection safeguard inherent in the design of multi-asset Commodity-Based Trusts, operating in addition to—rather than in place of—the 85% surveillance framework and the ongoing listing and disclosure requirements described elsewhere in this filing.

Continuous disclosure obligations provide a further safeguard against manipulation. Commodity-Based Trust Shares listed are subject to ongoing listing requirements, including transparency obligations regarding the trust's holdings, NAV calculations, and creation and redemption mechanisms. These continuous disclosure requirements provide the Exchange and market participants with real-time visibility into the composition and value of the trust, ensuring that liquidity conditions can be monitored on an ongoing basis and creating an additional layer of protection against manipulation.

In addition, the Exchange will continue to require each underlying digital commodity to have a requisite amount of deliverable supply, which, in addition to all the other criteria the underlying ETF is required to satisfy under Nasdaq Rule 5711(d), ensures adequate liquidity prior to listing. With this proposed change, a majority of the

holdings of the Commodity-Based Trust would continue to underlie a derivatives contract that trades on a market with which the Exchange has a comprehensive surveillance sharing agreement, whether directly or through common membership in the ISG, thereby providing the Exchange with the information necessary to adequately surveil options on qualifying Commodity-Based Trusts. Today, the Exchange has a comprehensive surveillance sharing agreement in place with both the CME and Coinbase Derivatives through its common membership in ISG. This facilitates the sharing of information that is available to the CME and Coinbase Derivatives through their surveillance of their respective markets, including their surveillance of their respective digital asset futures markets.

Finally, options on qualifying Commodity-Based Trusts must continue to satisfy the initial listing standards and continued listing standards currently in the Exchange Rules, applicable to options on all ETFs, including ETFs that hold other digital commodities already deemed appropriate for options trading on the Exchange in addition to the proposed criteria.

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 proposal to amend the term and meaning of ''crypto asset'' to ''digital commodity'' within Options 4, Section 3(h), will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the term aligns with the terminology utilized in Nasdaq Rule 5711(d). Options on qualifying Commodity-Based Trusts would need to satisfy the initial listing standards set forth in the Exchange Rules in the same manner as any other ETF before the Exchange could list options on them. Additionally, options on qualifying Commodity-Based Trusts will be equally available to all market participants who wish to trade such options. The Exchange Rules currently applicable to the listing and trading of options on ETFs on the Exchange will apply in the same manner to the listing and trading of all options on qualifying Commodity-Based Trusts.

The Exchange does not believe that the proposal to amend the term and meaning of ''crypto asset'' to ''digital commodity'' within Options 4, Section 3(h), will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. Other options exchanges are free to amend their listing rules, as applicable, to permit them to list and trade options on Commodity-Based Trusts that hold digital commodities.

The Exchange does not believe that its proposal to amend Options 4, Section 3(h)(3)(B) to require that at least 85% of the NAV of the Commodity-Based Trust holdings underlie a derivatives contract that trades on a market with which the Exchange has a comprehensive surveillance sharing agreement, whether directly or through common membership in the ISG, will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because all options on Commodity-Based Trust Shares will be listed pursuant to the same listing standards and will be available to all market participants.

The Exchange does not believe that its proposal to amend Options 4, Section 3(h)(3)(B) to require that at least 85% of the NAV of the Commodity-Based Trust holdings underlie a derivatives contract that trades on a market with which the Exchange has a comprehensive surveillance sharing agreement, whether directly or through common membership in the ISG, will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. Other options exchanges are free to amend their listing rules, as applicable, to permit them to list and trade options on Commodity-Based Trusts that hold digital commodities.

Additionally, the Exchange notes that listing and trading options on qualifying Commodity-Based Trusts on the Exchange will subject such options to transparent exchange-based rules while enhancing price discovery and liquidity, rather than trading such options in the OTC market. The Exchange believes that the proposed rule change may relieve any burden on, or otherwise promote, competition as it is designed to increase competition for order flow on the Exchange in a manner that is beneficial to investors by providing them with a lower-cost option to hedge their investment portfolios in a timely manner.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission shall: (a) by order approve or disapprove such proposed rule change, or (b) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include file number SR–ISE–2026–42 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–ISE–2026–42. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–ISE–2026–42 and should be submitted on or before September 3, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–16460 Filed 8–12–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

TIME AND DATE: Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission (Commission) will hold an Open Meeting on Friday, August 14, 2026, at 10:00 a.m. (ET).

PLACE: The meeting will be held in Auditorium LL–002 at the Commission's headquarters, 100 F Street NE, Washington, DC 20549 and will be simultaneously webcast on the Commission's website at *www.sec.gov.*

STATUS: This meeting will begin at 10:00 a.m. (ET) and will be open to the public. Seating will be on a first-come, first-served basis. Visitors will be subject to security checks. The meeting also will be open to the public via webcast on the Commission's website at *www.sec.gov.*

MATTERS TO BE CONSIDERED:

1. The Commission will consider whether to issue a release proposing new rules to create a tailored offering regime for certain investment contracts involving crypto assets.

CONTACT PERSON FOR MORE INFORMATION: For further information, please contact Vanessa A. Countryman from the Office of the Secretary at (202) 551–5400.

Authority: 5 U.S.C. 552b.

Dated: August 10, 2026.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2026–16519 Filed 8–11–26; 4:15 pm]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–106063; File No. SR–PHLX–2026–50]

Self-Regulatory Organizations; Nasdaq PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the PHLX Pricing Schedule at Options 7, Sections 2 (Customer Rebate Program) and 4 (Multiply Listed Options Fees)

August 10, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 31, 2026, Nasdaq PHLX LLC (''PHLX'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the PHLX Pricing Schedule at Options 7, Sections 2 (Customer Rebate Program) and 4 (Multiply Listed Options Fees).

While these amendments are effective upon filing, the Exchange has designated the proposed amendments to be operative on August 3, 2026.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/phlx/rulefilings,* and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

PHLX proposes to amend its Pricing Schedule at Options 7, Section 2 (Customer Rebate Program) and Section 4 (Multiply Listed Options Fees).

Options 7, Section 2 (Customer Rebate Program)

Currently, the Exchange pays rebates on five Customer[3] Rebate Tiers according to four categories. The Customer Rebate Tiers below are calculated by totaling Customer volume in Multiply Listed Options (including SPY) that are electronically-delivered and executed, except volume associated with electronic Qualified Contingent Cross Orders, as defined in Options 3, Section 12. Rebates are paid on Customer Rebate Tiers according to the below categories.[4]

Customer rebate tiers	Percentage thresholds of national customer volume in multiply-listed equity and ETF options classes, excluding SPY options (monthly)	Category A	Category B	Category C	Category D
Tier 1	0.00%–0.60%	$0.00	$0.00	$0.00	$0.00
Tier 2	Above 0.60%–1.50%	0.10	0.10	0.16	0.21
Tier 3	Above 1.50%–2.00%	0.15	0.12	0.18	0.22
Tier 4	Above 2.00%–2.50%	0.20	0.16	0.22	0.26
Tier 5	Above 2.50%	0.21	0.17	0.22	0.27

[16] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The term ''Customer'' applies to any transaction that is identified by a member or member organization for clearing in the Customer range at The Options Clearing Corporation (''OCC'') which is not for the account of a broker or dealer or for the account of a ''Professional'' (as that term is defined in Options 1, Section 1(b)(45)). *See* Options 7, Section 1(c).

[4] Members and member organizations under Common Ownership may aggregate their Customer volume for purposes of calculating the Customer Rebate Tiers and receiving rebates. Affiliated Entities may aggregate their Customer volume for purposes of calculating the Customer Rebate Tiers and receiving rebates. *See* Options 7, Section 2. Rebates are not paid on broad-based index options symbols listed within Options 7, Section 5.A. in any Category, however broad-based index options symbols listed within Options 7, Section 5.A. count toward the volume requirement to qualify for a Customer Rebate Tier.

The Exchange pays a Category B Rebate on Customer PIXL Orders [5] in Options 7, Section 4 symbols that execute against non-Initiating Order interest. In the instance where member organizations qualify for Tier 4 in the Customer Rebate Program, Customer PIXL Orders that execute against a PIXL Initiating Order will be paid a rebate of $0.13 per contract. In the instance where member organizations qualify for Tier 5 in the Customer Rebate Program, Customer PIXL Orders that execute against a PIXL Initiating Order will be paid a rebate of $0.14 per contract. All rebates on Customer PIXL Orders will be capped at 4,000 contracts per order for Simple PIXL Orders.

The Exchange proposes to modify this Category B Rebate so that in the instance where member organizations qualify for Tier 4 in the Customer Rebate Program, Customer PIXL Orders that execute against a PIXL Initiating Order will be paid a rebate of $0.125 (instead of $0.13) per contract; while in the instance where member organizations qualify for Tier 5 in the Customer Rebate Program, Customer PIXL Orders that execute against a PIXL Initiating Order will be paid a rebate of $0.135 (instead of $0.14) per contract.

Options 7, Section 4 (Multiply Listed Options Fees)

Currently, the Exchange offers a Broker-Dealer Transaction Cap whereby the Floor Options Transaction Charges for each Broker-Dealer is capped at $15,000 per transaction (including FLEX and Cabinet Options Transaction Charges). For purposes of this cap, the term ''per transaction'' includes simple orders or, with respect to complex orders, all legs of the same complex order that are Floor Options Transaction Charges.

The Exchange also offers a volume-based Floor Transaction (Open Outcry) Floor Broker Incentive Program. Under this program, currently, Broker-Dealer Floor Options Transactions that are capped pursuant to the Broker-Dealer Transaction Cap are considered qualifying volume, but are not paid rebates based on the Floor Transaction (Open Outcry) Floor Broker Incentive Program. Additionally, the program also provides that a Floor Broker will be paid a $0.20 per contract rebate for open outcry floor executions that are contra a Lead Market Maker [6] or Market Maker,[7] in lieu of any Floor Broker Incentive Program rebate. This rebate is payable to the Floor Broker on contracts even if those contracts qualified for the Broker-Dealer Transaction Cap.

The Exchange proposes to discontinue the Broker-Dealer Transaction Cap and, consequently, the references to this cap in the rule text for the Floor Transaction (Open Outcry) Floor Broker Incentive Program.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[8] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[9] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Commission and the courts have repeatedly expressed their preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, while adopting a series of steps to improve the current market model, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [10]

Likewise, in *NetCoalition* v. *Securities and Exchange Commission* [11] (''NetCoalition'') the D.C. Circuit upheld the Commission's use of a market-based approach in evaluating the fairness of market data fees against a challenge claiming that Congress mandated a cost-based approach.[12] As the court emphasized, the Commission ''intended in Regulation NMS that 'market forces, rather than regulatory requirements' play a role in determining the market data . . . to be made available to investors and at what cost.'' [13]

Further, ''[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers'. . . .'' [14] Although the court and the SEC were discussing the cash equities markets, the Exchange believes that these views apply with equal force to the options markets.

Options 7, Section 2 (Customer Rebate Program)

The Exchange's proposal to modify the Category B Rebate to pay Customer PIXL Orders that execute against a PIXL Initiating Order a rebate of $0.125 per contract (instead of $0.13) where member organizations qualify for Tier 4 of the Customer Rebate Program, and $0.135 per contract (instead of $0.14) where member organizations qualify for Tier 5 of the Customer Rebate Program, is reasonable. Despite the modest reduction in the amount of these rebates, the Exchange believes that the Category B Rebate will continue to incentivize member organizations to submit Customer PIXL Orders to the Exchange and to qualify for Tier 4 or Tier 5 of the Customer Rebate Program

[5] A PIXL Order is as described in Options 3, Section 13(a). See Options 3, Section 7(y). A member may electronically submit for execution an order it represents as agent on behalf of a Public Customer, broker-dealer, or any other entity (''PIXL Order'') against principal interest or against any other order it represents as agent (an ''Initiating Order'') provided it submits the PIXL Order for electronic execution into the PIXL Auction. *See* Options 3, Section 13.

[6] The term ''Lead Market Maker'' applies to transactions for the account of a Lead Market Maker (as defined in Options 2, Section 12(a)). A Lead Market Maker is an Exchange member who is registered as an options Lead Market Maker pursuant to Options 2, Section 12(a). An options Lead Market Maker includes a Remote Lead Market Maker which is defined as an options Lead Market Maker in one or more classes that does not have a physical presence on an Exchange floor and is approved by the Exchange pursuant to Options 2, Section 11. *See* Options 7, Section 1(c).

[7] The term ''Market Maker'' is defined in Options 1, Section 1(b)(28) as a member of the Exchange who is registered as an options Market Maker pursuant to Options 2, Section 12(a). A Market Maker includes SQTs and RSQTs as well as Floor Market Makers. The term ''Streaming Quote Trader'' or ''SQT'' is defined in Options 1, Section 1(b)(55) as a Market Maker who has received permission from the Exchange to generate and submit option quotations electronically in options to which such SQT is assigned. The term ''Remote Streaming Quote Trader'' or ''RSQT'' is defined in Options 1, Section 1(b)(49) as a Market Maker that is a member affiliated with an RSQTO with no physical trading floor presence who has received permission from the Exchange to generate and submit option quotations electronically in options to which such RSQT has been assigned. A Remote Streaming Quote Trader Organization or ''RSQTO,'' which may also be referred to as a Remote Market Making Organization (''RMO''), is a member organization in good standing that satisfies the RSQTO readiness requirements in Options 2, Section 1(a). *See* Options 7, Section 1(c).

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(4) and (5).

[10] Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (''Regulation NMS Adopting Release'').

[11] *NetCoalition* v. *SEC,* 615 F.3d 525 (D.C. Cir. 2010).

[12] *See NetCoalition,* at 534–535.

[13] *Id.* at 537.

[14] *Id.* at 539 (quoting Securities Exchange Act Release No. 59039 (Dec. 2, 2008), 73 FR 74770, 74782–83 (Dec. 9, 2008) (SR–NYSEArca–2006–21)).

in order to earn a rebate on Customer PIXL Orders that execute against Initiating Order interest.

The Exchange's proposal to modify the Category B Rebate is equitable and not unfairly discriminatory because the Exchange would uniformly pay the modified rebates to any member organization that qualifies for Tier 4 or Tier 5 of the Customer Rebate Program. Further, paying these rebates only to Customers is equitable and not unfairly discriminatory because Customer liquidity benefits all market participants by providing more trading opportunities, which attracts market makers. An increase in the activity of market makers—particularly in response to pricing—facilitates tighter spreads, which may cause an additional corresponding increase in order flow from other market participants.

Options 7, Section 4 (Multiply Listed Options Fees)

The Exchange's proposal to discontinue the Broker-Dealer Transaction Cap, and, consequently, to remove the references to that cap from the rule text for the Floor Transaction (Open Outcry) Floor Broker Incentive Program, is reasonable. While the Broker-Dealer Transaction Cap was designed to incentivize Broker-Dealers to submit larger-sized orders to the Exchange for execution on the trading floor, the Exchange has determined that the cap has not achieved that objective to a degree that warrants its continued application. Broker-Dealers will remain able to submit orders to the Exchange, subject to the standard Floor Options Transaction Charges applicable to Broker-Dealers in Options 7, Section 4, and other market participants will continue to have the opportunity to interact with those orders on the trading floor.

The Exchange's proposal to discontinue the Broker-Dealer Transaction Cap is equitable and not unfairly discriminatory because, going forward, no member or member organization will be eligible for the Broker-Dealer Transaction Cap. All Broker-Dealer Floor Options Transaction Charges will be assessed uniformly to all Broker-Dealers pursuant to the pricing applicable to Broker-Dealers in Options 7, Section 4. The consequential removal of the references to the Broker-Dealer Transaction Cap from the rule text for the Floor Transaction (Open Outcry) Floor Broker Incentive Program is likewise equitable and not unfairly discriminatory because, absent the Broker-Dealer Transaction Cap, no capped Broker-Dealer Floor Options Transactions remain to which that clause could apply.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

Inter-Market Competition

The proposal does not impose an undue burden on inter-market competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes its proposal remains competitive with other options markets and will offer market participants another choice of where to transact options. The Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive, or rebate opportunities available at other venues to be more favorable. In such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges. Because competitors are free to modify their own fees in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited.

Intra-Market Competition

The Exchange does not believe that the proposed rule change would impose any burden on intra-market competition that is not necessary or appropriate in furtherance of the purposes of the Act.

Options 7, Section 2 (Customer Rebate Program)

The Exchange's proposal to modify the Category B Rebate paid on Customer PIXL Orders that execute against a PIXL Initiating Order does not impose an undue burden on intra-market competition. The Exchange would uniformly pay the modified Category B rebate of $0.125 per contract to any member organization that qualifies for Tier 4 of the Customer Rebate Program, and the modified Category B rebate of $0.135 per contract to any member organization that qualifies for Tier 5 of the Customer Rebate Program. Further, paying these rebates only to Customers is equitable and not unfairly discriminatory because Customer liquidity benefits all market participants by providing more trading opportunities, which attracts market makers. An increase in the activity of market makers—particularly in response to pricing—facilitates tighter spreads, which may cause an additional corresponding increase in order flow from other market participants.

Options 7, Section 4 (Multiply Listed Options Fees)

The Exchange's proposal to discontinue the Broker-Dealer Transaction Cap, and to remove the corresponding references to that cap from the rule text for the Floor Transaction (Open Outcry) Floor Broker Incentive Program, does not impose an undue burden on intra-market competition. Going forward, no member or member organization will be eligible for the Broker-Dealer Transaction Cap, and all Broker-Dealer Floor Options Transactions will be assessed the applicable Floor Options Transaction Charges in Options 7, Section 4 in a uniform manner.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.[15]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or

[15] 15 U.S.C. 78s(b)(3)(A)(ii).

• Send an email to *rule-comments@sec.gov.* Please include file number SR–PHLX–2026–50 on the subject line.

Paper Comments

• Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–PHLX–2026–50. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–PHLX–2026–50 and should be submitted on or before September 3, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–16464 Filed 8–12–26; 8:45 am]

BILLING CODE 8011–01–P

[16] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #21751 and #21752; WEST VIRGINIA Disaster Number WV–20027]

Presidential Declaration Amendment of a Major Disaster for the State of West Virginia

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of West Virginia (FEMA–4932–DR), dated August 3, 2026.

Incident: Severe Storms, Straight-line Winds, Tornadoes, Flooding, Landslides, and Mudslides.

DATES: Issued on August 7, 2026.

Incident Period: July 21, 2026 through July 22, 2026.

Physical Loan Application Deadline Date: October 3, 2026.

Economic Injury (EIDL) Loan Application Deadline Date: May 3, 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: The notice of the President's major disaster declaration for the State of West Virginia, dated August 3, 2026, is hereby amended to include the following areas as adversely affected by the disaster:

Primary Counties (Physical Damage and Economic Injury Loans): Pleasants, Ritchie.

Contiguous Counties (Economic Injury Loans Only):

West Virginia: Calhoun, Tyler, Wirt, Wood.

Ohio: Washington.

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. 2026–16509 Filed 8–12–26; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #21741 and #21742; LOUISIANA Disaster Number LA–20021]

Presidential Declaration Amendment of a Major Disaster for Public Assistance Only for the State of Louisiana

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of Louisiana (FEMA–4927–DR), dated June 30, 2026.

Incident: Tropical Storm Arthur.

DATES: Issued on August 7, 2026.

Incident Period: June 17, 2026 through June 24, 2026.

Physical Loan Application Deadline Date: August 31, 2026.

Economic Injury (EIDL) Loan Application Deadline Date: March 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: The notice of the President's major disaster declaration for Private Non-Profit organizations in the State of Louisiana, dated June 30, 2026, is hereby amended to include the following areas as adversely affected by the disaster.

Primary Parish: East Feliciana.

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. 2026–16551 Filed 8–12–26; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #21662 and #21663; LOUISIANA Disaster Number LA–20018]

Presidential Declaration Amendment of a Major Disaster for the State of Louisiana

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 3.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of Louisiana (FEMA–4927–DR), dated June 30, 2026.

Incident: Tropical Storm Arthur.

DATES: Issued on August 7, 2026.

Incident Period: June 17, 2026 through June 24, 2026.

Physical Loan Application Deadline Date: October 1, 2026.

Economic Injury (EIDL) Loan Application Deadline Date: March 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: The notice of the President's major disaster declaration for the State of Louisiana, dated June 30, 2026, is hereby amended to extend the deadline for filing applications for physical damages as a result of this disaster to October 1, 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. 2026–16554 Filed 8–12–26; 8:45 am]

BILLING CODE 8026–09–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2021–0015; Notice 2]

Toyota Motor North America, Inc., Grant of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Grant of petition.

SUMMARY: Toyota Motor North America, Inc. (TMNA) on behalf of Toyota Motor Corporation (TMC) (collectively referred to as ''Toyota''), has determined that certain model year (MY) 2020–2021 Toyota C–HR motor vehicles do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 110, *Tire Selection and Rims and Motor Home/Recreation Vehicle Trailer Load Carrying Capacity Information for Motor Vehicles with a GVWR of 4,536 Kilograms (10,000 pounds) or Less.* Toyota filed a noncompliance report dated February 3, 2021, and subsequently petitioned NHTSA on February 26, 2021, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety. This notice announces the grant of Toyota's petition.

FOR FURTHER INFORMATION CONTACT: Kamna Ralhan, Office of Vehicle Safety Compliance, NHTSA, (202) 366–6443.

SUPPLEMENTARY INFORMATION:

I. Overview

Toyota has determined that certain MY 2020–2021 Toyota C–HR motor vehicles do not fully comply with the requirements of paragraph S4.3(d) of FMVSS No. 110, *Tire Selection and Rims and Motor Home/Recreation Vehicle Trailer Load Carrying Capacity Information for Motor Vehicles with a GVWR of 4,536 Kilograms (10,000 pounds) or Less* (49 CFR 571.110). Toyota filed a noncompliance report dated February 3, 2021, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports.* Toyota subsequently petitioned NHTSA on February 26, 2021, for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential as it relates to motor vehicle safety, pursuant to 49 U.S.C. 30118(d) and 30120(h) and 49 CFR part 556, *Exemption for Inconsequential Defect or Noncompliance.*

Notice of receipt of Toyota's petition was published with a 30-day public comment period, on April 23, 2021, in the **Federal Register** (86 FR 21782). No comments were received. To view the petition and all supporting documents, log onto the Federal Docket Management System (FDMS) website at *https://www.regulations.gov/.* Then follow the online search instructions to locate docket number ''NHTSA–2021–0015.''

II. Vehicles Involved

Approximately 3,981 MY 2020–2021 Toyota C–HR motor vehicles, manufactured between September 16, 2019, and November 30, 2020, were reported by the manufacturer.

III. Noncompliance

Toyota explains that the noncompliance is that the subject vehicles are equipped with tire information pressure labels that incorrectly state the tire size information for the front and rear tires and, therefore, do not fully meet the requirements specified in paragraph S4.3(d) of FMVSS No. 110. Specifically, the subject vehicles were originally equipped with 17-inch wheels, however, the tire information pressure labels indicate that the vehicles were originally equipped with 18-inch tires.

IV. Rule Requirements

Paragraph S4.3(d) of FMVSS No. 110 includes the requirements relevant to this petition. Each vehicle, except for a trailer or incomplete vehicle, shall show the information specified in S4.3 (a) through (g), and may show, at the manufacturer's option, the information specified in S4.3 (h) and (i) on a placard permanently affixed to the driver's side B-pillar. Specifically, tire size designation, indicated by the headings ''size'' or ''original tire size'' or original size'' must be shown.

V. Summary of Toyota's Petition

The following views and arguments presented in this section, ''V. Summary of Toyota's Petition,'' are the views and arguments provided by Toyota. They do not reflect the views of the Agency.

Toyota describes the subject noncompliance and contends that the noncompliance is inconsequential as it relates to motor vehicle safety. According to Toyota, it believes the intent of FMVSS No. 110 is to ensure that vehicles are equipped with tires appropriate to handle maximum vehicle loads and prevent overloading. Toyota notes that the purpose and scope section of FMVSS No. 110 indicates that the requirements for tire selection are to prevent tire overloading.

Toyota says that the subject vehicles are equipped with the correct tire/wheel combination and meet all other applicable FMVSS requirements. Toyota also says that all other information listed on the vehicle placard is correct, including the spare tire size, the cold tire inflation pressure, and the maximum combined weight of occupants and cargo.

Toyota explains that the tires installed on the subject vehicles ''were designed for the subject vehicle and are appropriate for the maximum vehicle loads.'' Toyota says that only the front and rear tire size information listed on the vehicle placard is incorrect, as they correspond to the tire size used on other C–HR model vehicles.

Toyota argues that because the tires installed on the vehicle are the appropriate tires for the vehicle performance and maximum loading requirements, there is no risk to motor vehicle safety.

Toyota believes that if the vehicle owner was to replace the tires on the subject vehicle, the owner would ''notice that the tire size specified on the placard does not match the tires installed on the vehicle.'' Toyota adds that the ''18-inch wheels are visually different because they are alloy wheels as opposed to the 17-inch wheels, which are steel.'' According to Toyota, the owner of the subject vehicle can find the correct tire size information on the sidewall of each tire or in the owner's manual.

Toyota says that the 18-inch replacement tire size incorrectly indicated on the placard cannot be mounted on the 17-inch wheels originally installed on the subject vehicle. To replace the tires, the vehicle owner would refer to other sources to find the correct tire size information, such as the tire sidewalls, the owner's manual, and the marking on the wheels. Alternatively, to replace the tires according to the incorrect size listed on the placard, the vehicle owner would also need to replace the original wheels with 18-inch wheels.

If the vehicle owner decided to replace both the original tires and

wheels with ones corresponding to the incorrect vehicle placard, the replacement tires and wheels would be the same size as what is originally equipped on other C–HR model vehicles and would be appropriate for the vehicle maximum loads.

Toyota argues that NHTSA has granted similar petitions for FMVSS No. 110 requirements in the past and gives the following examples:

1. Volkswagen Group of America, Inc., (81 FR 88728, December 8, 2016).

Toyota says that Volkswagen's petition involved a noncompliance with paragraph S4.3(d) where the tire placard stated an incorrect tire size that did not match the tires originally installed on the affected vehicles. Toyota says that NHTSA confirmed that the tire sizes indicated on the placard ''would still have a load capacity sufficient to support the listed weight limitation of occupants and cargo that is printed on the placard.'' When inflated to the placard's recommended cold inflation pressure, both the original tires installed on the vehicle and the incorrect tire size listed on the placard are appropriate to handle the vehicle maximum loads. For these reasons, Toyota says NHTSA found that incorrect tire size indicated by the placard should not cause any unsafe conditions. Toyota believes this reasoning can also be applied to the subject noncompliance.

2. BMW of North America, LLC., (84 FR 26505, June 6, 2019).

Toyota explains that the noncompliance at issue in BMW's petition was that the tire information placards on the affected vehicles listed cold tire inflation pressure and tire size designation for the 18-inch tires instead of the 17-inch tires as intended and therefore did not comply with paragraphs S4.3(c) and 4.3(d) of FMVSS No. 110. Toyota says NHTSA decided to grant BMW's petition because the Agency agreed that if an owner of the affected vehicle ''installed 18-inch tires on the vehicle, those tires, at the listed cold inflation pressure, would also be appropriate for the vehicle's front and rear GAWRs.'' Further, Toyota says NHTSA determined that if the vehicle owner inflated the tires to the incorrect inflation pressure listed on the placard, ''the result would be an increase to 240 kPa/35 psi for the rear tires and a net increase in load capacity for the vehicle overall.'' If 18-inch tires were installed on the vehicles, ''those tires at the listed cold inflation pressure would also be appropriate for the vehicle's front and rear GAWRs.'' Toyota says NHTSA agreed that the noncompliance was inconsequential and there would be no risk that the tires would be underinflated or overinflated because of the noncompliance. Additionally, the correct tire size and corresponding recommend cold tire inflation pressure can be found on the tire sidewall and in the owner's manual. Similarly, Toyota states that when inflated to the cold inflation pressure indicated by the placard, the incorrectly sized tires installed on the subject vehicles are appropriate to handle the vehicle maximum loads and the tire size information is available in places other than the placard, such as the sidewall and the owner's manual. However, unlike the noncompliance at issue in BMW's petition, the placard on the subject vehicles contains the correct cold tire inflation pressure.

3. Daimler Chrysler Corporation (73 FR 11462, March 3, 2008); Mercedes-Benz USA, LLC (MBUSA), (78 FR. 43967, July 22, 2013); Mercedes-Benz USA, LLC (82 FR 5640, January 18, 2017); General Motors, LLC, (84 FR 25117, May 30, 2019).

Toyota says that NHTSA has also granted at least four similar petitions for inconsequential noncompliance for the incorrect spare tire size indicated on the placard, such as those listed above. Toyota says NHTSA found those noncompliances to be inconsequential to motor vehicle safety for reasons that included the following: (1) Both the spare tire size indicated on the placard and the spare tire size installed on the vehicles meet the FMVSS No. 110 loading requirements when inflated to the pressure indicated on the placard; and (2) other than the vehicle placard error, the vehicles comply with all other safety performance requirements of FMVSS No. 110. Toyota believes that these reasons also apply to the tires installed on the subject vehicles.

VI. NHTSA's Analysis

The burden of establishing the inconsequentiality of a failure to comply with a performance requirement in an FMVSS is substantial and difficult to meet. Accordingly, the Agency has not found many such noncompliances inconsequential.[1]

In determining the inconsequentiality of a noncompliance, NHTSA focuses on the safety risk to individuals who experience the type of event against which a recall would otherwise protect.[2] In general, NHTSA does not consider the absence of complaints or injuries when determining if a noncompliance is inconsequential to safety. The absence of complaints does not mean vehicle occupants have not experienced a safety issue, nor does it mean that there will not be safety issues in the future.[3] Further, because each inconsequential noncompliance petition must be evaluated on its own facts and determinations are highly fact-dependent, NHTSA does not consider prior determinations as binding precedent. Petitioners are reminded that they have the burden of persuading NHTSA that the noncompliance is inconsequential to safety.

The purpose of the placard requirements in paragraph 4.3(d) of FMVSS No. 110 is to identify the tire size designation for the tires installed at the time of the first purchase for purposes other than resale.

As described by Toyota, an internal audit found that the part number for the tire information placard for C–HRs equipped with 225/50R18 tires had been incorrectly specified in the parts list for certain C–HRs equipped with 215/60R17 tires and steel wheels.

The tire/wheel combination installed on the subject vehicles was designed for this vehicle and accordingly, meets all other applicable FMVSS. In addition, the cold tire inflation pressure specified on the placard is correct and is the recommended pressure for the tires installed on the vehicle.

In the event an owner or service technician followed the erroneous tire size information on the noncompliant label it would soon become obvious that an 18-inch tire will not fit on a 17-inch rim. Given that accurate tire fitment information would be available from other sources, so the proper 17-inch tire could be fitted, the printing error found here does not pose a safety risk. Moreover, the misprint is not indicative of the respective load capacity of the two tire sizes at issue as the load rating

[1] *Cf. Gen. Motors Corporation; Ruling on Petition for Determination of Inconsequential Noncompliance,* 69 FR 19897, 19899 (Apr. 14, 2004) (citing prior cases where noncompliance was expected to be imperceptible, or nearly so, to vehicle occupants or approaching drivers).

[2] *See Gen. Motors, LLC; Grant of Petition for Decision of Inconsequential Noncompliance,* 78 FR 35355 (June 12, 2013) (finding noncompliance had no effect on occupant safety because it had no effect on the proper operation of the occupant classification system and the correct deployment of an air bag); *Osram Sylvania Prods. Inc.; Grant of Petition for Decision of Inconsequential Noncompliance,* 78 FR 46000 (July 30, 2013) (finding occupant using noncompliant light source would not be exposed to significantly greater risk than occupant using similar compliant light source).

[3] *See Morgan 3 Wheeler Limited; Denial of Petition for Decision of Inconsequential Noncompliance,* 81 FR 21663, 21666 (Apr. 12, 2016); *see also United States* v. *Gen. Motors Corp.,* 565 F.2d 754, 759 (D.C. Cir. 1977) (finding defect poses an unreasonable risk when it ''results in hazards as potentially dangerous as sudden engine fire, and where there is no dispute that at least some such hazards, in this case fires, can definitely be expected to occur in the future'').

of 17-inch tire at 230 kPa is 20 kg more than 18-inch tires. Therefore, vehicle equipped with 17-inch tire doesn't pose any safety risk to the driver or passenger of the vehicle.

Alternatively, in the unlikely event a consumer chose to purchase four 18-inch rims to accommodate the misprinted tire size, the result would be a tire/wheel size combination that is appropriate for the vehicle maximum loads. The replacement tire/wheel combination would be the same 18″ size that was originally equipped on other C–HR manufactured vehicles.

VII. NHTSA's Decision

In consideration of the foregoing, NHTSA has decided that Toyota has met its burden of persuasion that the incorrect tire size designation on the vehicle's Tire and Information placard, as required by paragraph S4.3(d) of FMVSS No. 110, is inconsequential to motor vehicle safety. Accordingly, Toyota's application is granted, and it is exempted from providing the notification of noncompliance that is required by 49 U.S.C. 30118, and from remedying the noncompliance, as required by 49 U.S.C. 30120.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, this decision applies to the subject vehicles that Toyota no longer controlled at the time it determined that the noncompliance existed. However, the granting of this petition does not relieve vehicle distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant vehicles under their control after Toyota notified them that the subject noncompliance existed.

(Authority: 49 U.S.C. 30118, 30120; delegations of authority at 49 CFR 1.95 and 501.8)

Otto G. Matheke III,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 2026–16540 Filed 8–12–26; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Information Collection Renewal; Comment Request; Conversions From Mutual to Stock Form

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites comment on a continuing information collection, as required by the Paperwork Reduction Act of 1995 (PRA). In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The OCC is soliciting comment concerning the renewal of its information collection titled, ''Conversions From Mutual to Stock Form.''

DATES: Comments must be received by October 13, 2026.

ADDRESSES: Commenters are encouraged to submit comments by email, if possible. You may submit comments by any of the following methods:

- *Email: prainfo@occ.treas.gov.*
- *Mail:* Chief Counsel's Office, Attention: Comment Processing, Office of the Comptroller of the Currency, Attention: 1557–0347, 400 7th Street SW, Suite 1E–216, Washington, DC 20219.
- *Hand Delivery/Courier:* 400 7th Street SW, Suite 1E–216, Washington, DC 20219.
- *Fax:* (571) 293–4835.

Instructions: You must include ''OCC'' as the agency name and ''1557–0347'' in your comment. In general, the OCC will publish comments on *www.reginfo.gov* without change, including any business or personal information provided, such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

Following the close of this notice's 60-day comment period, the OCC will publish a second notice with a 30-day comment period. You may review comments and other related materials that pertain to this information collection beginning on the date of publication of the second notice for this collection by the method set forth in the next bullet.

- *Viewing Comments Electronically:* Go to *www.reginfo.gov.* Hover over the ''Information Collection Review'' tab and click on ''Information Collection Review'' from the drop-down menu. From the ''Currently under Review'' drop-down menu, select ''Department of the Treasury'' and then click ''submit.'' This information collection can be located by searching OMB control number ''1557–0347'' or ''Conversions From Mutual to Stock Form.'' Upon finding the appropriate information collection, click on the related ''ICR Reference Number.'' On the next screen, select ''View Supporting Statement and Other Documents'' and then click on the link to any comment listed at the bottom of the screen.

For assistance in navigating *www.reginfo.gov,* please contact the Regulatory Information Service Center at (202) 482–7340.

FOR FURTHER INFORMATION CONTACT: Shaquita Merritt, Clearance Officer, (202) 649–5490, Chief Counsel's Office, 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: Under the PRA (44 U.S.C. 3501 *et seq.*), Federal agencies must obtain approval from the OMB for each collection of information that they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include agency requests or requirements, imposed on ten or more persons, that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of title 44 generally requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, the OCC is publishing notice of the renewal of this collection.

Title: Conversions From Mutual to Stock Form.

OMB Control No.: 1557–0347.

Type of Review: Regular.

Affected Public: Businesses or other for-profit.

Description: Under section 5(i)(2)(A) of the Home Owners' Loan Act (12 U.S.C. 1464(i)(2)(A)), a savings association may convert from a mutual form to a stock form, in accordance with the regulations issued by the Office of the Comptroller of the Currency (OCC). The OCC regulations governing mutual-to-stock savings association conversions are located in 12 CFR 192. These regulations set forth the processes, procedures, and required filings in conjunction with both standard mutual-to-stock conversions and voluntary supervisory mutual-to-stock conversions.

Twelve CFR 192.5(c) provides that the appropriate Federal banking agency may waive any requirement of part 192 or any provision of a prescribed form. To obtain such a waiver, a savings association must file a written request with the appropriate Federal banking agency that: (1) specifies the requirement(s) or provision(s) for which the waiver is sought; (2) demonstrates that the waiver is equitable; is not detrimental to the savings association, its account holders, or other savings associations; and is not contrary to the public interest; and (3) includes a legal opinion demonstrating that the waiver sought does not conflict with applicable law.

Twelve CFR 192.105(a) sets forth the minimum requirements for the business plan a savings association must adopt prior to filing an application for conversion. The plan must include projections and activities for three years following the conversion; the plan for deploying conversion proceeds to meet credit and lending needs in proposed market areas; the risks associated with the plan for deployment of conversion proceeds and the effect of the plan on management resources, staffing, and facilities; the expertise of the savings association's management and board of directors; and plans for adequate staffing and controls to prudently manage the growth, expansion, new investment, and other operations and activities proposed in the business plan.

Twelve CFR 192.110(b) provides that upon review and approval of the savings association's business plan, the chief executive officer and at least two-thirds of the board must certify that the plan accurately reflects the intended plans for deployment of conversion proceeds and that any new initiatives reflected in the business plan are reasonably achievable. The savings association must submit these certifications with its business plan as part of its application for conversion under § 192.150. Twelve CFR 192.115(b) provides that the savings association must file the business plan as a separate confidential exhibit to Form AC.

Twelve CFR 192.130 provides that a savings association must include information included in §§ 192.320 (order of priority to purchase conversion shares) through 192.485 (liquidation account provision), and § 192.505 (restrictions on trading of shares) in its conversion plan.

Twelve CFR 192.135(a) provides that a savings association must notify its members that its board of directors has adopted a plan of conversion. This notification may be accomplished by mail or email, the posting of notices in local newspapers, or the posting of a notice on the savings association's website. Twelve CFR 192.135(b) sets forth the minimum requirements for the required notice, including information about the rights of account holders in connection with the conversion and the processes available to exercise those rights.

Twelve CFR 192.150 sets forth the information required to be included in a savings association's application for conversion. The application must include: (1) the plan for conversion; (2) pricing materials meeting the requirements of § 192.200(b); (3) proxy materials under § 192.270; (4) an offering circular described in § 192.300; (5) documents and information required by Form AC; (6) any necessary written consents; (7) the savings association's business plan, submitted as a separately bound, confidential exhibit; and (8) any other information requested by the appropriate Federal banking agency.

Twelve CFR 192.180(a) requires a savings association to publish a public notice of its application for conversion by simultaneously posting the notice prominently in its home and branch offices. Twelve CFR 192.180(b) provides that a savings association must publish and post a new notice and allow an additional 30 days for comment if the savings association must refile the application.

Twelve CFR 192.225(a) requires that after the appropriate Federal banking agency approves the plan of conversion, the savings association must submit the plan to its members for approval and obtain approval at a special or annual meeting of its members. Twelve CFR 192.225(d) provides that a savings association may notify eligible account holders or supplemental eligible account holders who are not voting members of its proposed conversion and include only the information in § 192.135 in its notice.

Twelve CFR 192.235(a) provides that a savings association must notify its members of the meeting to consider its conversion by sending the members a proxy statement cleared by the appropriate Federal banking agency. Twelve CFR 192.235(c) requires the savings association to also notify each beneficial holder of an account held in a fiduciary capacity if the savings association is a Federal savings association and the name of the beneficial holder is disclosed on the savings association's records or if the savings association is a State-chartered savings association and the beneficial holder possesses voting rights under State law.

Twelve CFR 192.240(a) requires that, after the members meeting, the savings association file with the appropriate OCC licensing office (Federally-chartered) or FDIC region (State-chartered) the following information: (1) a certified copy of each adopted resolution on the conversion; (2) the total votes eligible to be cast; (3) the total votes represented in person or by proxy; (4) the total votes cast in favor of and against each matter; (5) the percentage of votes necessary to approve each matter; and (6) an opinion of counsel that the meeting was conducted in compliance with all applicable State or Federal laws and regulations. Twelve CFR 192.240(b) requires that, upon completion of the conversion, the savings association promptly submit an opinion of counsel that it complied with all applicable laws.

Twelve CFR 192.250(b)(2) requires that if, in complying with proxy solicitation provisions, the savings association solicits proxies through newspaper advertisements, the advertisements may include only (i) the name of the savings association; (ii) the reason for the advertisement; (iii) the proposal or proposals to be voted upon; (iv) where a member may obtain a copy of the proxy solicitation material; and (v) a request for the savings association's members to vote at the meeting.

Twelve CFR 192.255 sets forth the form of proxy requirements. The form of proxy must include the following: (a) a statement in bold face type stating that management is soliciting the proxy; (b) blank spaces where the member must date and sign the proxy; (c) clear and impartial identification of each matter or group of related matters that members will vote upon; (d) the phrase ''Revocable Proxy'' in bold face type (at least 18 point); (e) a description of any charter or State law requirement that restricts or conditions votes by proxy; (f) an acknowledgment that the member received a proxy statement before he or she signed the form of proxy; (g) the date, time, and the place of the meeting, when available; (h) a way for the

member to specify by ballot whether he or she approves or disapproves of each matter that members will vote upon; (i) a statement that management will vote the proxy in accordance with the member's specifications; and (j) a statement in bold face type indicating how management will vote the proxy if the member does not specify a choice for a matter.

Twelve CFR 192.270 requires that a savings association prepare its proxy statement in compliance with part 192 and Form PS and mail proxy solicitation material to its members.

Twelve CFR 192.275(a) provides that a savings association must file revised proxy solicitation materials as an amendment to its application for conversion. The proxy solicitation materials must be in the form in which it furnished the materials to its members. Twelve CFR 192.275(b) provides that to revise its proxy a savings association must file: (1) revised proxy materials as required by Form PS; (2) a revised form of proxy, if applicable; (3) any additional proxy solicitation material subject to § 192.270; and (4) a copy of the revised proxy solicitation materials marked to clearly indicate changes from the prior filing.

Twelve CFR 192.280 sets out the rules for mailing proxy solicitation materials. Twelve CFR 192.280(a) provides that a savings association must mail the member's cleared proxy if a member requests in writing that the savings association mail the proxy solicitation material, the savings board of directors has adopted a plan of conversion, the appropriate Federal banking agency has cleared the member's proxy solicitation and the member agrees to defray the savings association's reasonable expenses. Twelve CFR 192.280(b) provides that upon receipt of such a request, the savings association must promptly furnish to the member the approximate number of members that the savings association solicited or will solicit (or the approximate number of members of any group of account holders that the member designates) and the estimated cost of mailing the proxy solicitation material.

Twelve CFR 192.295 provides that if a savings association amends its application for conversion, the appropriate Federal banking agency may require the savings association to re-solicit proxies for its members' meeting as a condition of approval of the amendment.

Twelve CFR 192.300 sets forth the requirements governing offering circulars. Twelve CFR 192.300(a) provides that a Federal savings association must file its offering circular with the appropriate OCC licensing office and a State savings association must file its offering circular with the appropriate FDIC region. Twelve CFR 192.300(b) provides that a savings association must condition its stock offering upon member approval of its plan of conversion.

Twelve CFR 192.305 sets forth rules governing the distribution of the offering circular. Twelve CFR 192.305(a) provides that a savings association may distribute a preliminary offering circular at the same time as or after it mails the proxy statement to its members. Twelve CFR 192.305(c) provides that a savings association must distribute a final offering circular for stock issued in the transaction to persons listed in its plan of conversion within ten calendar days after the appropriate Federal banking agency declares the offering circular effective or the Securities and Exchange Commission declares the registration statement for the offering circular effective.

Twelve CFR 192.310 sets forth the rules governing post-effective amendments to an offering circular. Twelve CFR 192.310(b) provides that after the appropriate Federal banking agency or the Securities and Exchange Commission declares the post-effective amendment effective, the savings association must immediately have the amendment to the offering circular delivered to each person who subscribed for or ordered shares in the offering. Twelve CFR 192.310(c) provides that the post-effective amendment must indicate that each person may increase, decrease, or rescind their subscription or order.

Twelve CFR 192.320 provides that a savings association must offer to sell its shares in the following order: (a) eligible account holders; (b) tax-qualified employee stock ownership plans; (c) supplemental eligible account holders; (d) other voting members who have subscription rights; and (e) the savings association's community or the general public.

Twelve CFR 192.335 sets forth the procedures for the sale of conversion shares. Twelve CFR 192.335(a) provides that a savings association must distribute order forms to all eligible account holders, supplemental eligible account holders, and other voting members to enable them to subscribe for the conversion shares they are permitted under the plan of conversion. The savings association may either send the order forms with its offering circular or after the savings association distributes its offering circular.

Twelve CFR 192.405 sets forth the rules governing extensions of the offering period. Twelve CFR 192.405(a) provides that a savings association must submit a request in writing to the appropriate Federal banking agency for an extension of any offering period. Twelve CFR 192.405(b) provides that if the appropriate Federal banking agency grants a savings association's request for an extension of the offering period, the savings association must provide a post-effective amendment to the offering circular under § 192.310 to each person who subscribed for or ordered stock. The amendment must indicate that the appropriate Federal banking agency extended the offering period and that each person who subscribed for or ordered stock may increase, decrease, or rescind their subscription or order within the time remaining in the extension period.

Twelve CFR 192.430 sets forth the rules governing charter amendments. Twelve CFR 192.430(a) provides that if the savings association is a Federally-chartered mutual savings association or savings bank and it converts to a Federally-chartered stock savings association or savings bank, it must apply to the OCC to amend its charter and bylaws consistent with 12 CFR 5.22 as part of the savings association's application for conversion. Twelve CFR 192.430(b) provides that a Federally-chartered mutual savings association or savings bank that is converting to a State-chartered stock savings association must surrender its charter to the OCC for cancellation promptly after the State issues its new State stock charter and promptly file a copy of its new State stock charter with the FDIC.

Twelve CFR 192.450 sets forth the general rules governing liquidation accounts. Twelve CFR 192.450(a) provides that a liquidation account represents the potential interest of eligible account holders and supplemental eligible account holders in the savings association's net worth at the time of conversion. A savings association must maintain a sub-account to reflect the interest of each account holder. Twelve CFR 192.450(b) provides that before a savings association may provide a liquidation distribution to common stockholders, the savings association must give a liquidation distribution to those eligible account holders and supplemental eligible account holders who hold savings accounts from the time of conversion until liquidation. Twelve CFR 192.450(c) provides that a savings association must disclose the liquidation account in the footnotes to

the savings association's financial statements.

Twelve CFR 192.470 sets forth the rules governing adjustments to liquidation sub-accounts. Twelve CFR 192.470(a) provides that a savings association must reduce the balance of an eligible account holder's or supplemental eligible account holder's liquidation sub-account if the deposit balance in the account holder's savings account at the close of business on any annual closing date, falls below the lesser of: (i) the deposit balance in the account holder's savings account as of the relevant eligibility record date; or (ii) the deposit balance in the account holder's savings account as of its lowest balance as of any subsequent annual closing date. The reduction in the liquidation sub-account from its balance at the time of conversion must be proportionate to the reduction in the account holder's savings account from its balance at the time of conversion. Twelve CFR 192.470(c) provides that a savings association is not required to adjust the liquidation account and sub-account balances at each annual closing date if the savings association maintains sufficient records to make the computations if a liquidation subsequently occurs. Twelve CFR 192.470(d) provides that a savings association must maintain the liquidation sub-account for each account holder as long as the account holder maintains an account with the same social security number.

Twelve CFR 192.485 provides that if a savings association converts to Federal stock form, it must include a specific provision regarding the maintenance of a liquidation account in its new charter.

Twelve CFR 192.500(a) provides that during the twelve months after its conversion, a savings association may implement a stock option plan (Option Plan), an employee stock ownership plan or other tax-qualified employee stock benefit plan (collectively, ESOP), and a management recognition plan (MRP), provided that the savings association meets a set of requirements, including disclosure requirements and percentage limitations, and vesting restrictions.

Twelve CFR 192.505 sets forth the rules governing restrictions on trading. Twelve CFR 192.505(b) provides that the savings association must include a notice of an applicable restriction on each certificate of stock that a director or officer purchases during the conversion or receives in connection with a stock dividend, stock split, or otherwise with respect to such restricted shares.

Twelve CFR 192.515 details the information that must be filed with the Federal banking agency prior to the repurchase of shares. Twelve CFR 192.515(a) provides that in order to repurchase stock in the first year following conversion, a savings association generally must file a written notice with the appropriate OCC licensing office if Federally-chartered and with the appropriate FDIC region if State-chartered. The savings association must provide the following information: (1) the proposed repurchase program; (2) the effect of the repurchases on regulatory capital; and (3) the purpose of the repurchases and, if applicable, an explanation of the extraordinary circumstances necessitating the repurchases. Twelve CFR 192.515(b) provides that a Federal savings association must file its notice with the appropriate OCC licensing office, and a State savings association must file its notice with the appropriate regional director of the FDIC, at least 10 calendar days before the savings association begins its repurchase program. Twelve CFR 192.515(c) provides that a savings association may not repurchase its shares if the appropriate Federal banking agency objects to the repurchase program.

Twelve CFR 192.525 sets forth the restrictions on the acquisition of shares after conversion. Twelve CFR 192.525(c)(5) provides that an acquiror does not have to file a separate application to obtain the appropriate Federal banking agency's approval under 12 CFR 192.525(a) if the acquiror files an application under 12 CFR 5.50 that specifically addresses the criteria listed under 12 CFR 192.525(d) and the savings association does not oppose the proposed acquisition. Twelve CFR 192.525(d) provides conditions under which the appropriate Federal banking agency may deny an application to acquire shares under this section.

Twelve CFR 192.530 sets forth other post-conversion requirements. Twelve CFR 192.530(a) provides that after a savings association converts, it must promptly register its shares under the Securities Exchange Act of 1934 (15 U.S.C. 78a–78jj, as amended). The savings association may not deregister the shares for three years. Twelve CFR 192.530(c) provides that a savings association must also use its best efforts to list its shares on a national or regional securities exchange or on the National Association of Securities Dealers Automated Quotation system. Finally, 12 CFR 192.530(d) requires the savings association to file all post-conversion reports required by the appropriate Federal banking agency.

Twelve CFR 192.550(a) provides that a savings association may contribute some of its conversion shares or proceeds to a charitable organization if: (a) its plan of conversion provides for the proposed contribution; (b) the savings association's members approve the proposed contribution; and (c) the IRS has approved, or approves within two years after formation, the charitable organization as a tax-exempt organization under the Internal Revenue Code.

Twelve CFR 192.565 provides that the charter of a charitable organization's charter (or trust agreement) and the gift instrument itself must provide that: (a) the charitable organization's primary purpose is to serve and make grants in the savings association's local community; (b) as long as the charitable organization controls shares, it must vote those shares in the same ratio as all other shares voted on each proposal considered by the savings association's shareholders; (c) for at least five years after its organization, one seat on the charitable organization's board of directors (or board of trustees) is reserved for an independent director (or trustee) from the savings association's local community who is not affiliated with the savings association and is experienced with local community charitable organizations and grant making; and (d) for at least five years after its organization, one seat on the charitable organization's board of directors (or board of trustees) is reserved for a director from the savings association's board of directors, or the board of directors of an acquiror or resulting institution in the event of a merger or acquisition of the savings institution.

Twelve CFR 192.575 sets forth several other requirements for charitable organizations. Twelve CFR 192.575(a) provides that the charitable organization's charter (or trust agreement) and the gift instrument for the contribution must provide that: (1) the appropriate Federal banking agency may examine the charitable organization at the charitable organization's expense; (2) the organization must comply with all supervisory directives that the appropriate Federal banking agency imposes; (3) the organization must operate according to written policies adopted by its board of directors (or board of trustees), including a conflict of interest policy; (4) the organization must not engage in self-dealing; and (5) the organization must comply with all laws necessary to maintain its tax-exempt status under the Internal Revenue Code. Twelve CFR 192.575(b) provides that the savings association must include a

specific legend in the stock certificates of shares that the savings association contributes to the charitable organization or that the charitable organization otherwise acquires. Twelve CFR 192.575(d) provides that after the savings association completes its stock offering, the savings association must submit copies of the following documents to the appropriate OCC licensing office if it is a Federal savings association or with the appropriate FDIC region if it is a State savings association: (1) the charitable organization's charter and bylaws (or trust agreement); (2) the charitable organization's operating plan (within six months after the savings association's stock offering); (3) the charitable organization's conflict of interest policy; and (4) the gift instrument for the contributions of either stock or cash to the charitable organization.

Twelve CFR 192.650 provides that a majority of the board of directors of the savings association must adopt a plan of voluntary supervisory conversion. The savings association must include in its plan of voluntary supervisory conversion: (a) the savings association's name and address; (b) a description of the proposed voluntary supervisory conversion transaction that also describes plans for any liquidation account; and (c) certified copies of all resolutions relating to the conversion adopted by the board of directors of the savings association.

Twelve CFR 192.660 provides that a savings association must include all of the following information and documents in a voluntary supervisory conversion application to the appropriate OCC licensing office if it is a Federal savings association and to the appropriate FDIC region if it is a State savings association under this subpart: (a) information establishing eligibility; (b) a plan of conversion that complies with § 192.650; (c) a business plan that complies with § 192.105, when required by the (appropriate Federal banking agency); (d) financial data, including financial statements and call reports, to support the transaction; (e) proposed documents for the conversion (charter, bylaws, stock certificate, securities disclosure materials); (f) any agreements between the savings association and proposed purchasers and all existing and proposed employment contracts; (g) all related filings and applications, including filings required under the securities offering rules of 12 CFR parts 16 and 192, Change in Bank Control Act submissions, subordinated debt applications, applications for permission to organize a stock association and for approval of a merger, applications for FDIC insurance of accounts); and (h) other information, including a statement describing post-conversion roles for officers, directors, and affiliates and waiver requests.

Estimated Burden

Estimated Frequency of Response: On occasion.

Estimated Number of Respondents: 1.

Estimated Total Annual Responses: 1.

Estimated Total Annual Burden: 512 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.

Eden Gray,

Assistant Director, Office of the Comptroller of the Currency.

[FR Doc. 2026–16532 Filed 8–12–26; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0500]

Agency Information Collection Activity: Mandatory Verification of Dependents

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed revision of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Comments must be received on or before October 13, 2026.

ADDRESSES: Comments must be submitted through *www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT:

Program-Specific information: Kendra Mccleave, 202–461–9568, *kendra.mccleave@va.gov*.

VA PRA information: Dorothy Glasgow, 202–461–1084, *VAPRA@va.gov*.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Mandatory Verification of Dependents (VA Form 21–0538).

OMB Control Number: 2900–0500. *https://www.reginfo.gov/public/do/PRASearch* (Once at this link, you can enter the OMB Control Number to find the historical versions of this Information Collection).

Type of Review: Revision of a currently approved collection.

Abstract: VA Form 21–0538 is used to request verification of the status of dependents for whom additional compensation is being paid to veterans. Without this information, determination of entitlement would not be continued. This is a revision due to the burden increase since the previous approval resulting from the estimated number of receivables averaged over the past year.

Affected Public: Individuals or Households.

Estimated Annual Burden: 23,033 hours.

Estimated Average Burden per Respondent: 10 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 138,197 per year.

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. 2026–16500 Filed 8–12–26; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0110]

Agency Information Collection Activity: Application for Assumption Approval and/or Release From Personal Liability to the Government on a Home Loan

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Comments must be received on or before October 13, 2026.

ADDRESSES: Comments must be submitted through *www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT:

Program-Specific information: Kendra McCleave, 202 461–9760, *Kendra.McCleave@va.gov*.

VA PRA information: Dorothy Glasgow, 202–461–1084, *VAPRA@va.gov*.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Application for Assumption Approval and/or Release from Personal Liability to the Government on a Home Loan.

OMB Control Number: 2900–0110. *https://www.reginfo.gov/public/do/PRASearch* (Once at this link, you can enter the OMB Control Number to find the historical versions of this Information Collection).

Type of Review: Revision of a Currently Approved Collection.

Abstract: VA Form 26–6381, Application for Assumption Approval and/or Release from Personal Liability to the Government on a Home Loan is completed by Veterans who are selling their homes by assumption rather than requiring purchasers to obtain their own financing to pay off the loan. The data furnished on the form is essential to determinations for assumption approval, release of liability, and substitution of entitlement in accordance with 38 U.S.C. 3713(a) and 3714 and 3702(b)(2). The respondent count increased from 1,000 to 5,000, which also increased the annual burden hours from 167 hours to 835 hours. This was due to the increasing number of assumptions due to the availability of assumable low-interest rate loans in the currently high-interest rate environment.

Affected Public: Individuals and households.

Estimated Annual Burden: 835 hours.

Estimated Average Burden per Respondent: 10 minutes.

Frequency of Response: One-time.

Estimated Number of Respondents: 5,000.

Authority: 44 U.S.C. 3501 *et seq.*

Shunda Willis,

Alternate, VA PRA Clearance Officer, Office of Information Technology/Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2026–16501 Filed 8–12–26; 8:45 am]

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FEDERAL REGISTER

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Part II

Department of Health and Human Services

Centers for Medicare & Medicaid Services

42 Parts 441 and 457

Medicaid Program; Prohibition on Federal Medicaid and Children's Health Insurance Program Funding for Sex-Rejecting Procedures Furnished to Children; Final Rule

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Parts 441 and 457

[CMS–2451–F]

RIN 0938–AV73

Medicaid Program; Prohibition on Federal Medicaid and Children's Health Insurance Program Funding for Sex-Rejecting Procedures Furnished to Children

AGENCY: Centers for Medicare & Medicaid Services (CMS), Department of Health and Human Services (HHS).

ACTION: Final rule.

SUMMARY: This final rule requires that a State Medicaid plan must provide that the Medicaid agency will not make payment under the plan for sex-rejecting procedures for children under 18, and prohibits the use of Federal Medicaid dollars to fund sex-rejecting procedures for individuals under the age of 18. In addition, this final rule requires that a separate State Children's Health Insurance Program (CHIP) plan must provide that the CHIP agency will not make payment under the plan for sex-rejecting procedures for children under 19, and prohibits the use of Federal CHIP dollars to fund sex-rejecting procedures for individuals under the age of 19. For Medicaid and CHIP beneficiaries who are actively receiving cross-sex hormone therapy, State Medicaid and CHIP agencies may continue to claim Federal Financial Participation for those hormone therapy medications for a period of up to 6 months from the effective date of this final rule.

DATES: These regulations are effective on October 13, 2026.

FOR FURTHER INFORMATION CONTACT: *MedicaidSRPInquiries@cms.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background [1]

Title XIX of the Social Security Act (the Act) authorizes Federal grants to the States for Medicaid programs to provide medical assistance to persons with limited income and resources and title XXI of the Act authorizes Federal grants to States to provide child health assistance to targeted low-income children under age 19 through a separate CHIP, a Medicaid-expansion program, or a combination of the two. Separate CHIPs are programs under which a State receives Federal funding from its title XXI allotment to provide child health assistance through coverage that meets the requirements of section 2103 of the Act and 42 CFR 457.402. For the purposes of this final rule, the term CHIP is used to refer to separate CHIPs. Medicaid and CHIP programs are administered primarily by the States, subject to Federal oversight and approval. Each State establishes its own Medicaid and CHIP eligibility standards, benefits packages, and payment rates in accordance with (and subject to) Federal statutory and regulatory requirements. If States comply with requirements in the Federal Medicaid and CHIP statutes and regulations (such as reflected in the provisions of their Federally-approved State plans), the Federal Government will match their expenditures with Federal funds. Each State Medicaid program and CHIP must be described and administered in accordance with a Federally approved State plan. This comprehensive document describes the nature and scope of the States' Medicaid program and CHIP and provides assurances that they will be administered in conformity with applicable Federal requirements.

Under title XIX, the Federal Government makes matching payments to States for medical assistance expenditures according to the formula described in sections 1903 and 1905(b) of the Act. Section 1903 of the Act requires that the Secretary of Health and Human Services (the Secretary) (except as otherwise provided) pay to each State which has a plan approved under title XIX of the Act, for each quarter, an amount equal to the Federal medical assistance percentage (FMAP) of the total amount expended by the State during such quarter as medical assistance under the State plan. Section 1905(b) of the Act defines the FMAP. Under title XXI, the Federal Government makes matching payments to States for child health assistance at the enhanced FMAP established under section 2105 of the Act. For CHIP, section 2105 requires the Secretary to pay each State with an approved plan under title XXI of the Act, for each quarter, an amount equal to the enhanced FMAP of expenditures in the quarter, paid from that State's individual allotment, calculated pursuant to instructions set out at section 2104 of the Act. The enhanced FMAP, as defined at section 2105(b), for a State for a fiscal year, is equal to the FMAP (as defined in the first sentence of section 1905(b)) for the State increased by a number of percentage points equal to 30 percent of the number of percentage points by which (1) such FMAP for the State is less than (2) 100 percent; but in no case shall the enhanced FMAP for a State exceed 85 percent. These matching payments, however, are only available to the extent that a state plan for medical assistance (under Medicaid) or a CHIP meets the applicable federal requirements imposed on State plans that are set forth in section 1902 of the Act (Medicaid) and section 2102 of the Act (CHIP).

As relevant to this final rule, among the statutory requirements applicable to Medicaid State plans, section 1902(a)(19) of the Act [2] requires that a State plan for medical assistance provide such safeguards as may be necessary to assure that care and services under the plan will be provided in a manner consistent with the best interests of the recipients. Furthermore, under section 1902(a)(30)(A) of the Act,[3] the State plan must provide such methods and procedures relating to payment for care and services as may be necessary to assure that payments are consistent with quality of care. Among the statutory requirements for CHIP State plans, under section 2101(a) of the Act, funds are provided to States to provide health care services to uninsured, low-income children in an effective and efficient manner that is

[1] This document contains links to non-U.S. Government websites. We are providing these links because they contain additional information relevant to the topics discussed in this document or that otherwise may be useful to the reader. We cannot attest to the accuracy of information provided on the cited third-party websites or any other linked third-party site. We are providing these links for reference only; linking to a non-U.S. Government website does not constitute an endorsement by CMS, HHS, or any of their employees of the sponsors or the information and/or any products presented on the website. Also, please be aware that the privacy protections generally provided by U.S. Government websites do not apply to third-party sites.

[2] Section 1902(a)(19) of the Act states that a State plan for medical assistance must ''provide such safeguards as may be necessary to assure that eligibility for care and services under the plan will be determined, and such care and services will be provided, in a manner consistent with simplicity of administration and the best interests of the recipients.''

[3] Section 1902(a)(30)(A) of the Act states that a State plan for medical assistance must ''provide such methods and procedures relating to the utilization of, and the payment for, care and services available under the plan (including but not limited to utilization review plans as provided for in section 1903(i)(4) of the Act) as may be necessary to safeguard against unnecessary utilization of such care and services and to assure that payments are consistent with efficiency, economy, and quality of care and are sufficient to enlist enough providers so that care and services are available under the plan at least to the extent that such care and services are available to the general population in the geographic area.''

coordinated with other sources of health benefits coverage for children.

Section 1102 of the Act requires the Secretary to make and publish such rules and regulations, not inconsistent with the Act, as may be necessary for the efficient administration of the functions with which the Secretary is charged under the Act. For the Medicaid Program, these Secretarial functions would include oversight of Medicaid State programs for consistency with the requirements of sections 1902(a)(19) and 1902(a)(30)(A) of the Act. In CHIP, these Secretarial functions would include oversight of CHIP under section 2101(a), which calls for effective and efficient administration of CHIP and coordination with other health care programs, including Medicaid, and under section 2107(e) of the Act, carrying out the functions required by the Medicaid provisions that apply to title XXI in the same manner as they apply under title XIX.

As discussed later in this final rule, we proposed to implement sections 1902(a)(19) and 1902(a)(30)(A) of the Act by adding a new subpart N to 42 CFR part 441 to prohibit the use of Federal Medicaid dollars to fund sex-rejecting procedures, as defined in this final rule, for individuals under the age of 18. In addition, we proposed to implement section 2103 of the Act by revising subpart D of part 457 of the Act to prohibit the use of Federal CHIP dollars to fund sex-rejecting procedures, as defined in this final rule, for individuals under the age of 19. These final changes will not prevent States from providing coverage for sex-rejecting procedures with State-only funds outside of the Federally-matched Medicaid program or CHIP, nor does it prevent the use of other non-Federal funding, including private insurance.

The regulatory provisions under this rule are effective on the specified effective date and will not be implemented, made effective, or enforced in contravention of any court orders. For example, on January 28, 2025, President Trump issued Executive Order (E.O.) 14187, Protecting Children from Chemical and Surgical Mutilation. Section 5(a) of that order directs the Secretary to take all appropriate actions consistent with applicable law to end what the order refers to as the chemical and surgical mutilation of children, including regulatory and sub-regulatory actions for specific programs, including Medicaid. The Centers for Medicare & Medicaid Services (CMS) is aware that the U.S. District Court for the Western District of Washington has issued a preliminary injunction that enjoins defendant agencies from enforcing or implementing section 4 of E.O. 14187 within the plaintiff States, as well as sections 3(e) or 3(g) of E.O. 14168, Defending Women From Gender Ideology Extremism and Restoring Biological Truth to the Federal Government (E.O. 14168), to condition or withhold Federal funding based on the fact that a health care entity or health professional provides ''gender-affirming care'' within the plaintiff States. *Washington* v. *Trump,* 768 F. Supp. 3d 1239, 1282 (W.D. Wash. 2025). In addition, the U.S. District Court for the District of Maryland has issued a preliminary injunction that enjoins the Federal defendants in that case from conditioning, withholding, or terminating Federal funding under section 3(g) of E.O. 14168 and section 4 of E.O. 14187, based on the fact that a healthcare entity or health professional provides ''gender-affirming care'' to a patient under the age of 19 and required that written notice of this order be given to the aforementioned groups that Defendants may not take any steps to implement, give effect to, or reinstate under a different name the directives in section 3(g) of E.O. 14168 or section 4 of E.O. 14187 that condition or withhold Federal funding based on the fact that a healthcare entity or health professional provides ''gender-affirming medical care'' to a patient under the age of 19. *PFLAG, Inc.* v. *Trump,* 769 F. Supp. 3d 405, 455 (D. Md. 2025). We note that this final rule does not conflict with these preliminary injunctions because, among other things, it is based on independent legal authority and section 5(a) of E.O. 14187 and not the enjoined sections of the EOs.

In addition, on December 18, 2025, the Secretary issued a Declaration of the Secretary of the Department of Health and Human Services RE: Safety, Effectiveness and Professional Standards of Care for Sex-Rejecting Procedures on Children and Adolescents (Kennedy Declaration) in which the Secretary declared that ''[s]ex-rejecting procedures for children and adolescents are neither safe nor effective as a treatment modality for gender dysphoria, gender incongruence, or other related disorders in [children], and therefore, fail to meet professional recognized standards of health care.'' CMS is aware that the U.S. District Court for the District of Oregon determined that the Secretary lacked statutory authority to issue the Kennedy Declaration and permanently enjoined HHS from ''enforcing, implementing, giving intent to, or relying, in whole or in part, on the Kennedy Declaration or any materially similar policy which supersedes or purports to supersede the professionally recognized standards of care for gender-affirming care that exist in the Plaintiff States—against any providers in the Plaintiff States'' in the case. *Oregon* v. *Kennedy,* 6:25–cv–2409–MTK (D. Or.), ECF No. 94 (April 18, 2026). As discussed in our pending motion to modify the judgment in that case, id. ECF No. 96, the Kennedy Declaration's pronouncement pertained to standard-of-care exclusions under 42 U.S.C. 1320a–7(b)(6)(B) and the implementing regulations at 42 CFR 1001.2 and 1001.701. Those provisions establish an administrative framework to exclude providers from Federal health care programs for providing services that fail to meet professionally recognized standards of health care. We believe that the judgment in that case only intended to address exclusion of providers from Federal health care programs within the context of the Kennedy Declaration. This final rule is not implicated by this permanent injunction because this rule concerns Federal Medicaid and CHIP payment for certain services to avoid the possibility of children receiving irreversible or potentially irreversible procedures. This final rule does not rely on the Kennedy Declaration, in whole or part, and this final rule does not ''supersede[ ] or purport[ ] to supersede the professionally recognized standards of care for [sex-rejecting procedures].'' This final rule neither excludes providers from Federal health care programs, nor does it subject providers to exclusion for providing sex-rejecting procedures. As discussed in more detail below, this final rule does not prohibit providers from delivering sex-rejecting procedures nor does it require providers to communicate certain advice or information to patients.

A. The Rise of Sex-Rejecting Procedures for Treatment of Gender Dysphoria in Children

Over the past decade, increasing numbers of children and adolescents have been diagnosed with gender dysphoria. In light of this trend, in November 2025, the Office of Population Affairs (OPA) within the Department of Health and Human Services undertook a review of evidence and best practices regarding medical treatment for gender dysphoria (hereinafter ''the HHS Review''). OPA advances ''adolescent health and wellbeing by supporting high-quality clinical services, evidence-based and innovative programs, rigorous research and evaluation and the engagement of communities and partners to inform

policy.'' [4] This review sought to provide the most accurate and current information available regarding the evidence base for the treatment of gender dysphoria, the state of the relevant medical field in the United States, and relevant ethical considerations.[5] This HHS Review was intended to serve as an objective umbrella review of the current status of the literature; [6] although similar reviews had been undertaken in other countries, HHS wanted to conduct a survey relevant within the United States, while being informed by research conducted in other countries. As discussed below, for example, the most influential international effort to date has been the United Kingdom's Cass Review—a 4-year independent evaluation of pediatric gender medicine that was published in April 2024. In many respects, the Cass Review identified many of the same issues and concerns that are highlighted in the HHS Review.

In developing this rule, we relied on the research identified in the HHS Review, the Cass Review, and multiple other research initiatives on the current state of medicine in this field. As the agency charged with administering the Medicaid and CHIP programs, which together provide comprehensive health insurance coverage to 35.5 million children in the United States, CMS has a responsibility to ensure that our State partners are complying with their obligations under the program, including sections 1902(a)(19), 1902(a)(30)(A), 2101(a) and 2102(a)(7)(A) of the Act. The HHS Review and the Cass Review, as well as other research initiatives cited in this rule, helped to inform us of the current state of medicine to assist us in developing standards for our State partners.

In the United Kingdom, the recorded prevalence of gender dysphoria/incongruence increased substantially in children and young people between 2011 and 2021, particularly in recorded females. ''Levels of anxiety, depression and self-harm were high, indicating an urgent need for better prevention and treatment of mental health difficulties in these patients'' with gender dysphoria.[7]

Similar research in Germany showed increasing rates in the diagnosis of gender incongruence.[8] Additionally, research in England explained that ''[r]ecent increases in incidence of gender dysphoria/incongruence have a range of potential explanations, including social factors . . .; increasing rates of emotional distress and poor mental health in this age group, particularly for females; and changes in supply and delivery of healthcare.'' [9] The number of children receiving medical interventions for gender dysphoria rose significantly following the publication of the ''Dutch Protocol'' in an article in the *European Journal of Endocrinology in* 2006.[10]

Over the past decade, increasing numbers of children have received diagnoses of gender dysphoria and received sex-rejecting procedures as recommended by the World Professional Association for Transgender Health (WPATH) and the Endocrine Society (ES).[11] [12] The WPATH Standards of Care for the Health of Transgender and Gender Diverse People, Version 8 (SOC–8) noted that the creation of a chapter on adolescents was due in part to the ''exponential growth in adolescent referral rates.'' [13] Surveys measuring ''transgender'' identity find prevalence of 1.2 percent among adolescents and ''gender diverse'' identities as high as 8.4 percent.[14] WPATH also noted that female adolescents were seeking such procedures at twice to seven times the rate of males.[15]

Included in SOC–8 is the recommendation that care providers ''undertake a comprehensive biopsychosocial assessment of adolescents'' who seek medical transition [16] and ''involve relevant disciplines, including mental health and medical professionals,'' as well as parents, ''unless their involvement is determined to be harmful.'' [17]

In recent years, ''the U.S.—characterized by its decentralized and privatized healthcare system—saw the emergence of many new specialty gender clinics, along with a proliferation of independently practicing clinicians. According to a recent conservative estimate, as of March 2023 there were 271 clinics offering [pediatric medical transition] in the U.S., though 70 were inactive due to legislative restrictions.'' [18]

An approach for gender dysphoria treatment, referred to in this final rule as sex-rejecting procedures,[19] can involve the use of puberty-suppressing drugs to prevent the onset of puberty; cross-sex hormones to spur the secondary sex characteristics of the opposite sex; and surgeries including mastectomy and (in rare cases) vaginoplasty. ''Over the past decade . . . [t]housands of American children and adolescents have received these interventions.'' [20]

A study published in 2023 estimated that between 2016 and 2020, nearly 3,700 children between the ages of 12 and 18 diagnosed with gender dysphoria underwent surgical

[4] See United States Department of Health and Human Services, Office of Population Affairs, available at *https://opa.hhs.gov/about/mission* (describing OPA Mission).

[5] Department of Health and Human Services, ''Treatment for Pediatric Gender Dysphoria Review of Evidence and Best Practices,'' (November 19, 2025): 10–11, *https://opa.hhs.gov/sites/default/files/2025-11/gender-dysphoria-report.pdf* [hereinafter ''HHS Review''].

[6] An ''umbrella review'' has been defined as a high-level research synthesis that evaluates and compiles findings from multiple sources on a shared topic. Umbrella reviews are among the highest levels of evidence currently available in medicine. See Paolo Fusar-Poli and Joaquim Radua, ''Ten simple rules for conducting umbrella reviews,'' *Evidence-Based Mental Health* 21, no. 3 (2018): 95–100, *doi:10.1136/ebmental-2018-300014.*

[7] Stuart William Jarvis et al., ''Epidemiology of gender dysphoria and gender incongruence in children and young people attending primary care practices in England: retrospective cohort study,'' *Archives of Disease in Childhood* 110 (2025): 612, *doi:10.1136/archdischild-2024-327992.*

[8] Christian J. Bachmann et al., ''Gender identity disorders among young people in Germany: Prevalence and trends, 2013–2022. An analysis of nationwide routine insurance data,'' *Deutsches Ärzteblatt International* 121 (2024): 370–371, *doi:10.3238/arztebl.m2024.0098.* ''Gender incongruence'' as defined by ICD–11 is ''characterized by a marked and persistent incongruence between an individual's experienced gender and the assigned sex.'' See ''International Classification of Diseases 11th Revision (ICD–11),'' World Health Organization, accessed September 9, 2025, *https://icd.who.int/en/.*

[9] Jarvis et al., ''Epidemiology of gender dysphoria,'' 619.

[10] HHS Review, 59. See Henriette A. Delemarre-van de Waal and Peggy T. Cohen-Kettenis, ''Clinical management of gender identity disorder in adolescents: A protocol on psychological and pediatric endocrinology aspects,'' *European Journal of Endocrinology* 155, Supp 1 (2006): S131–S137, *https://doi.org/10.1530/eje.1.02231.*

[11] E. Coleman et al., ''Standards of Care for the Health of Transgender and Gender Diverse People, Version 8,'' *International Journal of Transgender Health* 23, Supp 1 (2022): S1–S258, *https://doi.org/10.1080/26895269.2022.2100644.*

[12] Wylie C. Hembree et al., ''Endocrine Treatment of Gender-Dysphoric/Gender-Incongruent Persons: An Endocrine Society Clinical Practice Guideline,'' *The Journal of Clinical Endocrinology & Metabolism* 102, no. 11 (2017): 3869–3903, *https://doi.org/10.1210/jc.2017-01658.*

[13] E. Coleman et al., ''Standards of Care,'' S43.

[14] E. Coleman et al., ''Standards of Care,'' S25, S43.

[15] E. Coleman et al., ''Standards of Care,'' S43.

[16] Medical transition refers to the provision of hormonal or surgical interventions, as adapted from the HHS Review, 29.

[17] Jennifer Block, ''US transgender health guidelines leave age of treatment initiation open to clinical judgment,'' *BMJ* 378 (2022), *https://doi.org/10.1136/bmj.o2303.* See also E. Coleman et al., ''Standards of Care,'' S50, S56, S58.

[18] HHS Review, 57–58. See Luca Borah et al., ''State restrictions and geographic access to gender-affirming care for transgender youth,'' *JAMA* 330, no. 4 (2023): 375–378, *doi:10.1001/jama.2023.11299.*

[19] In this final rule, we have sought to use the term ''sex-rejecting procedures'' to refer to the set of procedures encompassed in the definition for that term.

[20] HHS Review, 9.

procedures, including over 3,200 children who had breast or chest surgery, and over 400 children who had genital surgery.[21] Another analysis found that between 2017 and 2021, more than 120,000 children ages 6 to 17 were diagnosed with gender dysphoria and, of that group, more than 4,700 started taking puberty blockers and more than 14,000 started hormonal therapy.[22] However, as discussed later in this final rule, current medical evidence does not support a favorable risk/benefit profile for the use of chemical or surgical procedures in children to treat gender dysphoria.

B. Medical Evidence Regarding Sex-Rejecting Procedures for Children

The existing guidelines to support the care of children and adolescents experiencing gender dysphoria around the world vary in their methodological rigor and quality.

As mentioned above, on May 1, 2025, the HHS released the HHS Review, which is a comprehensive review of the evidence and best practices for promoting the health of children and adolescents diagnosed with gender dysphoria.[23] On November 19, 2025, HHS published a final version of the HHS review following conclusion of the peer review process.[24] Specifically, the HHS Review conducted an overview of systematic reviews—also known as an ''umbrella review''—to evaluate the evidence regarding the benefits and harms of hormonal and surgical interventions for children and adolescents diagnosed with gender dysphoria. Existing systematic reviews of evidence, including several that have informed health authorities in Europe, were assessed for methodological quality.

The HHS Review, informed by an evidence-based medicine approach, indicated serious concerns about outcomes associated with certain medical interventions, such as puberty blockers, cross-sex hormones, and surgeries, that attempt to transition children and adolescents away from their sex.[25] The HHS Review includes a methodologically rigorous assessment of evidence underpinning the use of surgical or endocrine interventions, including puberty blockers and cross-sex hormones, while also drawing on international practice evaluations such as the United Kingdom's Cass Review, described in more detail below. The HHS Review documents serious concerns regarding the lack of reliable evidence of benefits, describes the plausible risks of significant harms for this model of care that have mounted in recent years, and points to psychotherapy (talk therapy) as one noninvasive alternative. The HHS Review makes clear that ''[t]he evidence for benefit of pediatric medical transition is very uncertain, while the evidence for harm is less uncertain.'' [26] The HHS Review cites widely accepted principles of medical ethics to conclude that when ''medical interventions pose unnecessary, disproportionate risks of harm, healthcare providers should refuse to offer them even when they are preferred, requested, or demanded by patients.'' [27]

Further, the HHS Review highlights evidence pointing to significant risks associated with the use of puberty blockers, cross-sex hormones, and surgeries, including potentially irreversible harms such as infertility, and finds extremely weak evidence of benefit. Significantly, the HHS Review finds that the evidence base does not support conclusions about the effectiveness of medical and surgical interventions in improving mental health or reducing gender dysphoria symptoms, stating that ''[a]nalysis of the biological plausibility of harms is necessary, and suggests that some short- and long-term harms are likely (in some cases expected) sequalae of treatment.'' [28] Likewise, the data considered in the HHS Review indicate that the risk/benefit profile of medical and surgical interventions for children and adolescents diagnosed with gender dysphoria is unfavorable. While the HHS Review itself does not make clinical, policy, or legislative recommendations, it provides critical insights that should inform policymakers as they make decisions to promote health and safety, especially for vulnerable populations such as children.

Although the HHS Review acknowledges that systematic reviews offer limited evidence regarding the harms of sex-rejecting procedures in children, it also provides plausible explanations for why evidence of harms may not have been sought, detected or reported. This may be due to several factors: the relatively recent adoption of hormonal and surgical treatment approaches, shortcomings in existing studies in consistently monitoring and reporting adverse effects, and publication bias. Even in the absence of evidence from large-scale population studies, the HHS Review noted, based on what is known about human physiology and the effects and mechanisms of the pharmacological agents used, there are known and plausible risks of significant harms from puberty blockers, cross-sex hormones, and surgeries. These include ''infertility/sterility, sexual dysfunction, impaired bone density accrual, adverse cognitive impacts, cardiovascular disease and metabolic disorders, psychiatric disorders, surgical complications, and regret.'' [29]

The HHS Review documents the weak evidence and growing international retreat from the use of puberty blockers, cross-sex hormones, and surgeries to treat gender dysphoria in children [30] and the ''risk of significant harms.'' [31] The HHS Review explains that ''many treatments (for example, surgery, hormone therapy) can lead to relatively common and potentially serious long-term adverse effects.'' [32]

We were aware that approximately 17 State Medicaid programs cover one or more forms of sex-rejecting procedures for children, citing guidelines from several major U.S. medical professional associations (American Medical Association, the American Academy of Pediatrics, and the American Psychological Association) who have issued prior statements deeming sex-rejecting procedures, which they refer to as ''gender-affirming care,'' safe and effective.[33] [34] [35] [36] We note, on the

[21] Jason D. Wright et al., ''National Estimates of Gender-Affirming Surgery in the US,'' *Jama Network Open* 6, no. 8 (2023), *doi:10.1001/jamanetworkopen.2023.30348.*

[22] Robin Respaut and Chad Terhune, ''Putting numbers on the rise in children seeking gender care,'' *Reuters,* October 6, 2022, *https://www.reuters.com/investigates/special-report/usa-transyouth-data/.*

[23] ''HHS Releases Comprehensive Review of Medical Interventions for Children and Adolescents with Gender Dysphoria,'' U.S. Department of Health and Human Services, released May 1, 2025, *https://www.hhs.gov/press-room/gender-dysphoria-report-release.html.*

[24] HHS Review, 1. ''HHS Releases Peer-Reviewed Report Discrediting Pediatric Sex-Rejecting Procedures,'' U.S. Department of Health and Human Services, released November 19, 2025, *https://www.hhs.gov/press-room/hhs-releases-peer-reviewed-report-discrediting-pediatric-sex-rejecting-procedures.html.*

[25] See ''Information Quality Guidelines,'' Office of the Assistant Secretary for Planning and Evaluation (ASPE), accessed August 11, 2025, *https://aspe.hhs.gov/topics/data/information-quality-guidelines;* ''HHS Information Quality Peer Review,'' ASPE, accessed August 11, 2025, *https://aspe.hhs.gov/hhs-information-quality-peer-review.*

[26] HHS Review, 15, 95–96.

[27] HHS Review, 15.

[28] HHS Review, 134.

[29] HHS Review, 14, 117–123, 125–133.

[30] HHS Review, 63–65.

[31] HHS Review, 10, 117–123, 125–133.

[32] HHS Review, 230.

[33] Stacy Weiner, ''States are banning gender-affirming care for minors. What does that mean for patients and providers?,'' *AAMCNews,* February 20, 2024, *https://www.aamc.org/news/states-are-*

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contrary, that in early 2026, the American Society of Plastic Surgeons (ASPS) formally updated its position [37] to recommend against ''gender-related surgeries'' for children. These medical society endorsements were cited to support adoption of sex-rejecting procedures by clinicians across the U.S. The HHS Review explains why such guidelines, including SOC-8, are not trustworthy according to accepted standards for evaluating the quality of guidelines. As the HHS Review documents in detail, the creation of SOC-8 marked a ''clear departure from the principles of unbiased, evidence-driven clinical guideline development.'' [38] In the context of developing its recommendations, WPATH suppressed systematic reviews of evidence, failed to manage conflicts of interest, and relied on legal and political considerations rather than clinical ones.[39] A recent systematic review of international guideline quality concluded that ''[h]ealthcare professionals should consider the lack of quality and independence of available guidance when utilizing this [WPATH and Endocrine Society international guidelines] for practice.'' [40]

1. European Approaches for the Treatment of Pediatric Gender Dysphoria

The HHS Review's current findings are aligned with conclusions reached by multiple European countries. Sweden, Finland, and the United Kingdom conducted independent systematic reviews of evidence commissioned by their public health authorities. ''All three concluded that the risks of medicalization [41] may outweigh the benefits for children and adolescents with gender dysphoria at the population level, and subsequently sharply restricted access to medical gender transition interventions for minors.'' [42] These three countries now recommend exploratory psychotherapy as the first line of treatment. Sweden and Finland reserve hormonal interventions only for exceptional cases, recognizing their experimental status.[43] [44] [45]

In particular, the most influential effort to date has been the United Kingdom's Cass Review—a 4-year independent evaluation of pediatric gender medicine that was published in April 2024.[46] The findings of the Cass Review led to the closure of the United Kingdom's Gender Identity Development Service (GIDS), which had been given a rating of ''inadequate'' by the Care Quality Commission in 2021. The Cass Review recommended a restructuring of the care delivery model—away from the centralized ''gender clinic'' model of care toward a more holistic framework centering on psychosocial support, to be delivered through regional hubs. The Cass Review's findings also led the United Kingdom to ban the use of puberty blockers outside of clinical trials, and to significantly restrict cross-sex hormones. In the United Kingdom, children have never received gender dysphoria-related surgery through the National Health Service (NHS). Additionally, on March 9, 2026, the NHS England proposed no longer recommending cross sex hormones to be available as a routine commissioning option through the NHS Children and Young People's Gender Service.[47] They cited the reasons for this proposal include the ''. . . limited evidence about safety, risks, benefits and outcomes.'' [48]

In 2022, Sweden's National Board of Health and Welfare (NBHW) reviewed and updated its guidelines for children under the age of 18. Sweden's NBHW determined that the risks of puberty suppressing treatment with GnRH-analogues (injectable drugs that prevent the ovaries and testicles from producing sex hormones) and gender-affirming hormonal treatment likely outweigh the possible benefits.[49] Specifically,

banning-gender-affirming-care-minors-what-does-mean-patients-and-providers.

[34] ''APA adopts groundbreaking policy supporting transgender, gender diverse, nonbinary individuals,'' American Psychological Association, released February 28, 2024, *https://www.apa.org/news/press/releases/2024/02/policy-supporting-transgender-nonbinary.*

[35] Alyson Sulaski Wyckoff, ''AAP continues to support care of transgender youths as more states push restrictions,'' *AAP News,* January 6, 2022, *https://publications.aap.org/aapnews/news/19021/AAP-continues-to-support-care-of-transgender.*

[36] ''Criminalizing Gender Affirmative Care with Minors,'' American Psychological Association, accessed September 2, 2025, *https://www.apa.org/topics/lgbtq/gender-affirmative-care.*

[37] ''Position Statement on Gender Surgery for Children and Adolescents,'' American Society of Plastic Surgeons, issued February 3, 2026, *https://www.plasticsurgery.org/documents/health-policy/positions/2026-gender-surgery-children-adolescents.pdf.*

[38] HHS Review, 181.

[39] HHS Review, 182.

[40] Jo Taylor et al., ''Clinical guidelines for children and adolescents experiencing gender dysphoria or incongruence: a systematic review of guideline quality (part 1),'' *Archives of Disease in Childhood* 109, Supp. 2 (2024): s65–s72, *doi:10.1136/archdischild-2023-326499.*

[41] The authors of the study did not otherwise supply a specific definition for the term ''medicalization,'' but it generally means ''the act of considering something to be a medical problem, or representing it as a medical problem.'' Cambridge Dictionary, accessed August 8, 2025, *https://dictionary.cambridge.org/us/dictionary/english/medicalization.*

[42] HHS Review, 255. See Jonas F. Ludvigsson et al., ''A systematic review of hormone treatment for children with gender dysphoria and recommendations for research,'' *Acta Paediatrica* 112, no. 11 (2023): 2279–2292, *https://doi.org/10.1111/apa.16791;* National Institute for Health and Care Excellence (NICE), ''Evidence Review: Gender Affirming Hormones for Children and Adolescents with Gender Dysphoria,'' (2020), *https://cass.independent-review.uk/wp-content/uploads/2022/09/20220726_Evidence-review_Gender-affirming-hormones_For-upload_Final.pdf;* National Institute for Health and Care Excellence (NICE), ''Evidence Review: Gonadotrophin Releasing Hormone Analogues for Children and Adolescents with Gender Dysphoria,'' (2020), *https://cass.independent-review.uk/wp-content/uploads/2022/09/20220726_Evidence-review_GnRH-analogues_For-upload_Final.pdf;* I. Pasternack et al., ''Lääketieteelliset menetelmät sukupuolivariaatioihin liittyvän dysforian hoidossa: Systemaattinen katsaus [Medical approaches to treating gender dysphoria: A systematic review],'' *Summary Oy* (2019); Jo Taylor et al., ''Interventions to suppress puberty in adolescents experiencing gender dysphoria or incongruence: A systematic review,'' *Archives of Disease in Childhood* 109, Supp 2 (2024): s33–s47, *doi:10.1136/archdischild-2023-326669;* Jo Taylor et al., ''Masculinising and feminising hormone interventions for adolescents experiencing gender dysphoria or incongruence: A systematic review,'' *Archives of Disease in Childhood* 109, Supp 2 (2024): s48–s56, *doi:10.1136/archdischild-2023-326670.*

[43] ''Children and young people's gender services: implementing the Cass Review recommendations,'' NHS England, last updated August 29, 2024, *https://www.england.nhs.uk/long-read/children-and-young-peoples-gender-services-implementing-the-cass-review-recommendations/.*

[44] ''Care of children and adolescents with gender dysphoria-summary of national guidelines,'' The Swedish National Board of Health and Welfare (Socialstyrelsen), December 2022, *https://www.socialstyrelsen.se/globalassets/sharepoint-dokument/artikelkatalog/kunskapsstod/2023-1-8330.pdf.*

[45] ''One Year Since Finland Broke with WPATH 'Standards of Care','' Society for Evidence Based Gender Medicine, July 2, 2021, *https://segm.org/Finland_deviates_from_WPATH_prioritizing_psychotherapy_no_surgery_for_minors.*

[46] Hilary Cass, ''Independent review of gender identity services for children and young people: Final report,'' (2024), *https://cass.independent-review.uk/home/publications/final-report/* [hereinafter ''Cass Review''].

[47] ''Clinical policy: Prescribing of masculinising and feminising hormones for children and adolescents who have gender incongruence or dysphoria—public consultation guide,'' NHS England, published March 9, 2026, *https://www.england.nhs.uk/long-read/clinical-policy-prescribing-of-masculinising-and-feminising-hormones-for-children-and-adolescents-who-have-gender-incongruence-or-dysphoria-public-consultation-guide/.*

[48] ''Clinical policy: Prescribing of masculinising and feminising hormones for children and adolescents who have gender incongruence or dysphoria—public consultation guide,'' NHS England, published March 9, 2026, *https://www.england.nhs.uk/long-read/clinical-policy-prescribing-of-masculinising-and-feminising-hormones-for-children-and-adolescents-who-have-gender-incongruence-or-dysphoria-public-consultation-guide/.*

[49] ''Care of children and adolescents with gender dysphoria-summary of national guidelines,'' The Swedish National Board of Health and Welfare (Socialstyrelsen), December 2022, *https://www.socialstyrelsen.se/globalassets/sharepoint-dokument/artikelkatalog/kunskapsstod/2023-1-*

Sweden's NBHW outlined that the first line of treatment should be mental health support and exploratory psychological care. Hormonal interventions can be a last resort measure for some youth. Sweden has made the decision to no longer offer sex-rejecting procedures to children outside of research settings, and restricted eligibility to the early childhood-onset of gender dysphoria.

In 2020, Finland's Council for Choices in Health Care, a monitoring agency for the country's public health services, issued guidelines that called for psychosocial support as the first line treatment, hormone therapy on a case-by-case basis after careful consideration, and no surgical treatment for children. Finland has restricted eligibility for hormone therapy to children with early childhood-onset of gender dysphoria and no mental health comorbidities.[50]

In Denmark, more than 1,300 children with gender incongruence were ''referred to the national service between 2016 and 2022 with increasing referral numbers over time,'' of which females constituted 70 percent.[51] The increase in the number of referrals for these procedures and reports of regret or reversal of hormone-induced changes to the body led Denmark to take an approach that focuses on assessment and psychosocial support for children, and postpones decisions on hormone therapy, including puberty blockers and cross-sex hormones, in circumstances ''when gender incongruence has been brief,'' such as ''when there are concerns about the stability of the experienced gender identity.'' [52]

In Norway, the Norwegian Commission for the Investigation of Health Care Services (UKOM), an independent State-owned agency, made recommendations in 2023 on the treatment offered to children and young people with gender incongruence.[53] The recommendations consisted of: defining puberty blockers and surgical treatment for children as experimental, revising national guidelines based on a systematic knowledge summary, and consideration for a national registry to improve quality and reduce variation in patient treatment. Norway's public health authority has signaled an intention to respond to UKOM's concerns by considering whether the current treatment guidelines need to be adjusted.[54]

Other countries which have restricted various approaches to treatment for children (or have contemplated restrictions) include: New Zealand,[55] Italy,[56] Brazil,[57] and Australia.[58]

In sum, there has been growing international concern about the use of hormonal and surgical interventions for pediatric gender dysphoria.

2. Medical Professional Societies Supporting Sex-Rejecting Procedures

Some professional organizations [59] (including the American Medical Association (AMA),[60] the American Academy of Pediatrics (AAP),[61] and the American Psychological Association [62] [63]) have issued statements supporting access to sex-rejecting procedures, including for children. The most influential sources of clinical guidance for treating pediatric gender dysphoria in the U.S. are the WPATH and the ES clinical practice guidelines and the AAP guidance document.[64] We reviewed each of these documents and agree with the conclusions of a recent systematic review of international guideline quality by researchers at the University of York (the York appraisal) that found all three documents to be of very low quality and concluded that the recommendations they contained should not be implemented.[65]

As the HHS Review noted regarding the role of medical organizations in the treatment of pediatric gender medicine:

> U.S. medical associations played a key role in creating a perception that there is professional consensus in support of pediatric medical transition [PMT]. This apparent consensus, however, is driven primarily by a small number of specialized committees, influenced by WPATH. It is not clear that the official views of these associations are shared by the wider medical community, or even by most of their members. There is evidence that some medical and mental health associations have suppressed dissent and stifled debate about this issue among their members.[66]

The ES issued clinical practice guidelines in 2017 entitled ''Endocrine Treatment of Gender-Dysphoric/Gender-Incongruent Persons.'' [67] As the HHS Review noted:

> In WPATH and ES guidelines, the principal goal of CSH [cross sex hormone] administration is to induce physical characteristics typical of the opposite sex. When hormone levels rise beyond the typical reference range for a person's sex, they are considered supraphysiologic. ES guidelines suggest that the sex an individual identifies as—as opposed to their biological sex—should determine the target reference range for hormonal concentrations. Critics have noted that perceived identity does not alter

8330.pdf. See also the Swedish National Board of Health and Welfare (Socialstyrelsen), ''Care of children and young people with gender Dysphoria—national knowledge support with recommendations for the profession and decision makers,'' (2022), *https://www.socialstyrelsen.se/globalassets/sharepoint-dokument/artikelkatalog/kunskapsstod/2022-12-8302.pdf.*

[50] Council for Choices in Healthcare in Finland, ''Summary of a recommendation by COHERE Finland,'' June 16, 2020, *https://palveluvalikoima.fi/documents/1237350/22895008/Summary_minors_en+(1).pdf/fa2054c5-8c35-8492-59d6-b3de1c00de49/Summary_minors_en+(1).pdf?t=1631773838474.*

[51] Nanna Ravnborg et al., ''Gender Incongruence in Danish Youth (GenDa): A Protocol for a Retrospective Cohort Study of Danish Children and Adolescents Referred to a National Gender Identity Service,'' *Journal of Clinical Medicine* 13 (2024), *https://doi.org/10.3390/jcm13226658.*

[52] Ravnborg et al., ''Gender Incongruence in Danish Youth (GenDa).''

[53] Norwegian Healthcare Investigation Board (Ukom), ''Pasientsikkerhet for barn og unge med kjønnsinkongruens [Patient safety for children and adolescents with gender incongruence],'' March 2023, *https://ukom.no/rapporter/pasientsikkerhet-for-barn-og-unge-med-kjonnsinkongruens/sammendrag.*

[54] Jennifer Block, ''Norway's guidance on paediatric gender treatment is unsafe, says review,'' *BMJ* 380 (2023), *doi:10.1136/bmj.p697.*

[55] Eva Corlett, ''New Zealand bans puberty blockers for young transgender people,'' *The Guardian,* November 19, 2025, *https://www.theguardian.com/world/2025/nov/19/new-zealand-bans-new-prescriptions-of-puberty-blockers-for-young-transgender-people.*

[56] Alvise Armellini, ''Italy moves to tighten controls on gender-affirming medical care for minors,'' *Reuters,* August 5, 2025, *https://www.reuters.com/business/healthcare-pharmaceuticals/italy-moves-tighten-controls-gender-affirming-medical-care-minors-2025-08-05/.*

[57] ''Brazil prohibits hormone therapy for transgender minors,'' *Buenos Aires Times,* April 16, 2025, *https://www.batimes.com.ar/news/latin-america/brazil-prohibits-hormone-therapy-for-transgender-minors.phtml.*

[58] Australian Associated Press, ''Queensland halts prescription of puberty blockers and hormones for children with gender dysphoria,'' *The Guardian,* January 28, 2025, *https://www.theguardian.com/australia-news/2025/jan/28/queensland-halts-prescription-of-puberty-blockers-and-hormones-for-children-with-gender-dysphoria.*

[59] ''Medical Organization Statements,'' Advocates For Trans Equality's Trans Health Project, accessed November 20, 2025, *https://transhealthproject.org/resources/medical-organization-statements/.*

[60] ''Clarification of Evidence-Based Gender-Affirming Care H–185.927,'' American Medical Association, last modified 2024, *https://policysearch.ama-assn.org/policyfinder/detail/%22Clarification%20of%20Evidence-Based%20Gender-Affirming%20Care%22?uri=%2FAMADoc%2FHOD-185.927.xml.*

[61] Alyson Sulaski Wyckoff, ''AAP continues to support care of transgender youths as more states push restrictions,'' *AAP News,* January 6, 2022, *https://publications.aap.org/aapnews/news/19021/AAP-continues-to-support-care-of-transgender.*

[62] ''APA adopts groundbreaking policy supporting transgender, gender diverse, nonbinary individuals,'' American Psychological Association, released February 28, 2024, *https://www.apa.org/news/press/releases/2024/02/policy-supporting-transgender-nonbinary.*

[63] ''Criminalizing Gender Affirmative Care with Minors,'' American Psychological Association, accessed September 2, 2025, *https://www.apa.org/topics/lgbtq/gender-affirmative-care.*

[64] HHS Review, 146.

[65] HHS Review, 141.

[66] HHS Review, 15.

[67] Wylie C. Hembree et al., ''Endocrine Treatment of Gender-Dysphoric/Gender-Incongruent Persons: An Endocrine Society Clinical Practice Guideline,'' *The Journal of Clinical Endocrinology & Metabolism* 102, no. 11 (2017): 3869–3903, *https://doi.org/10.1210/jc.2017-01658.*

physiological processes and that such a belief can result in inappropriate and potentially dangerous hormone dosing.[68]

The HHS Review states:

The ES 2017 guideline, which used the GRADE [Grading of Recommendations Assessment, Development and Evaluation] framework, has been criticized for making strong recommendations for hormonal interventions in the setting of a weak evidence base. Notably, none of the systematic reviews that supported the ES guidelines were based on outcomes for children or adolescents. The ES recommendation to initiate puberty blockade using gonadotropin-releasing hormone agonists was derived by putting a higher value on achieving a ''satisfactory physical appearance'' while putting the lowest value on avoiding physical harms. The ES recommendation for the initiation of cross-sex hormones no earlier than age 16 was justified by placing a higher value on adolescent's purported ability to meaningfully consent to cross-sex hormones (CSH) and placing a lower value on avoiding harm from potentially prolonged pubertal suppression.[69]

As explained in Chapter 9 of HHS Review, the guidelines issued by WPATH ''have been rated among the lowest in quality and have not been recommended for implementation by systematic reviews (SRs) of guidelines.'' [70] As the HHS Review points out: ''Despite their lack of trustworthiness, for more than a decade WPATH guidelines have served as the foundation of the healthcare infrastructure for gender dysphoric (GD) youth in the United States. The WPATH Standards of Care guidelines are embedded in nearly all aspects of healthcare including clinical education, delivery of care, and reimbursement decisions by private and public insurers.'' [71] In 2022, WPATH issued the SOC–8 guidelines.[72] These guidelines relaxed eligibility criteria for children to access sex-rejecting procedures, and ultimately recommend that adolescents wishing to undergo sex-rejecting procedures receive them. Besides the problems identified in systematic reviews of international guidelines, as the HHS Review states, ''[i]n the process of developing SOC–8, WPATH suppressed systematic reviews its leaders believed would undermine its favored treatment approach. SOC–8 developers also violated conflict of interest management requirements and eliminated nearly all recommended age minimums for medical and surgical interventions in response to political pressures.'' [73]

The HHS Review goes on to explain: ''The recommendations are couched in cautious-sounding language, stating that GD should be 'sustained over time,' particularly before administering CSH. However, no clear standard is set; the only guidance offered is the vague and clinically meaningless phrase 'several years, leaving critical decisions open to broad and subjective interpretation.' '' [74]

Regarding the WPATH guidelines, the HHS review states:

On the surface, WPATH SOC–8 might appear to recommend a cautious approach toward assessment. Mental health providers are to conduct a ''comprehensive biopsychosocial assessment'' prior to initiating medical interventions in order ''to understand the adolescent's strengths, vulnerabilities, diagnostic profile, and unique needs to individualize their care.'' At the same time, however, WPATH recommends that clinicians use the International Classification of Diseases (ICD–11) diagnosis of ''Gender Incongruence of Adolescence and Adulthood,'' which, unlike the DSM–5 diagnosis of ''Gender Dysphoria,'' requires only ''marked and persistent incongruence between an individual's experienced gender and the assigned sex.'' Because SOC–8 defines transgender in a similar way (''people whose gender identities and/or gender expressions are not what is typically expected for the sex to which they were assigned at birth'') and provides no meaningful distinction between this meaning of transgender and gender non-conformity, SOC–8 effectively recognizes transgender identification as a medical condition justifying medical interventions.[75]

The HHS Review also states: ''Although WPATH's guidelines do not necessarily discourage mental healthcare, they likewise do not require it as a precondition for PMT [pediatric medical transition]. Some guideline authors opposed even minimal requirements for mental health support, arguing that such provisions were analogous to ''conversion therapy.'' [76] SOC–8's only formal recommendation is for a ''comprehensive biopsychosocial assessment,'' although WPATH emphasizes that its guideline is ''flexible,'' thereby leaving room for considerable variation in clinical practice.'' [77]

While AMA and the AAP have not issued their own treatment guidelines, they support the ES and WPATH guidelines, as discussed previously in this final rule. AAP issued a policy statement in 2018 supporting the use of puberty blockers, cross-sex hormones, and surgeries for children.[78] In support of sex-rejecting surgeries, AAP stated that while ''current protocols typically reserve surgical interventions for adults, they are occasionally pursued during adolescence on a case-by-case basis, considering the necessity and benefit to the adolescent's overall health and often including multidisciplinary input from medical, mental health, and surgical providers as well as from the adolescent and family.'' In 2023, the AAP reaffirmed its policy statement, but also stated that it was conducting its own review of the evidence and developing expanded guidance—which still have not been released as of July 2026.[79] Regarding the AAP policy statement, the HHS Review states:

The AAP 2018 policy statement is not technically a CPG [clinical practice guideline] but has been widely cited in the U.S. as influential in establishing how pediatricians respond to children and adolescents with GD. Because the document offers extensive clinical recommendations regarding every step of PMT—from social transition to PBs [puberty blockers], CSH, and surgery—the York team assessed the trustworthiness of the AAP guidance using the same criteria they applied to CPGs. Using the AGREE II criteria, the AAP policy statement received the second-lowest average score among all international guidelines: 2 out of 7. As noted in Chapter 2, the AAP's policy statement's use of ''gender diverse'' casts a very wide net regarding which patients the organization considers eligible for medical intervention. The statement has been heavily criticized in peer-reviewed articles, which have pointed out that it is rife with referencing errors and inaccurate citations. Despite persistent advocacy among its members, who have petitioned the organization to release updated, evidence-based guidance for treating pediatric GD, the organization chose to reaffirm their policy statement in 2023.[80]

In addition to other issues, we solicited comment identifying any published peer-reviewed findings that measure the effects of restrictions similar to those in the proposed rule on insurers, providers, and patients in international settings as well as the U.S.

[68] HHS Review, 124.

[69] HHS Review, 147.

[70] HHS Review, 157.

[71] HHS Review, 157.

[72] E. Coleman et al., ''Standards of Care.''

[73] HHS Review, 14.

[74] HHS Review, 165.

[75] HHS Review, 194–195.

[76] ''Conversion therapy''—sometimes called ''reparative therapy''—originally referred to efforts to change the sexual orientation of gay and lesbian people. See HHS Review, 261.

[77] HHS Review, 196.

[78] Jason Rafferty, AAP Committee on Psychosocial Aspects of Child and Family Health, AAP Committee on Adolescence, AAP Section on Lesbian, Gay, Bisexual, and Transgender Health and Wellness, ''Ensuring Comprehensive Care and Support for Transgender and Gender Diverse Children and Adolescents,'' *Pediatrics* 142, no. 4 (2018), *doi.org/10.1542/peds.2018–2162.*

[79] Alyson Sulaski Wyckoff, ''AAP reaffirms gender-affirming care policy, authorizes systematic review of evidence to guide update,'' *AAP News,* August 4, 2023, *https://publications.aap.org/aapnews/news/25340/AAP-reaffirms-gender-affirming-care-policy.*

[80] HHS Review, 148–149.

In response, we received numerous comments about the conclusions reached by a study commissioned by the Utah State legislature to inform future legislative restrictions on sex-rejecting procedures for children. This study (known as the Utah Review) was conducted by the University of Utah College of Pharmacy Drug Regimen Review Center and publicly released in 2025.[81] However, the HHS review noted a variety of issues such that the Utah study ''lacks a methodologically valid evidence appraisal''.[82] The Utah Review's review of primary studies did not properly define the research question, conduct a comprehensive literature search, or critically appraise all included studies. Most critically, it failed to perform two key aspects of a systematic review, a formal evidence synthesis and an assessment of evidence certainty, and therefore does not qualify as a systematic evidence review. It concluded, without sound methodological basis, that ''the consensus of the evidence supports that the treatments are effective.'' [83]

We also received several comments regarding the conclusions reached by a study published in the New England Journal of Medicine in 2023 titled ''Psychosocial functioning in transgender youth after 2 years of hormones.'' [84] The HHS review found that ''[t]he study's observational, uncontrolled methodology does not justify the authors' use of explicitly casual language when reporting their results (CSH [cross sex hormone therapy] 'improved appearance congruence and psychosocial functioning')'' [85] and cited a lack of a parallel control group as the study's biggest limitation. The HHS review concluded that:

> Although a recent systematic review was able to capture issues like study attrition in its risk of bias assessment for Chen et al., such reviews are unable to capture serious concerns that may be more related to research ethics than to methodology (for example, the altering of hypotheses between the protocol and the published article raises the possibility of ''HARKing'' [hypothesizing after the results are known]). Peer-reviewed critiques addressing the issues with Chen et al. were eventually published in NEJM, but not until nearly a year after the article first appeared.[86]

C. United States' State Bans of and Coverage of Sex-Rejecting Procedures

State lawmakers have adopted varying policy positions reflecting the emerging evidence regarding sex-rejecting procedures administered to youth. There are 27 States and one Territory that have enacted laws restricting sex-rejecting procedures.[87] These include Alabama, Arkansas, Arizona, Florida, Georgia, Iowa, Idaho, Indiana, Kansas, Kentucky, Louisiana, Missouri, Mississippi, Montana, North Carolina, New Hampshire, North Dakota, Nebraska, Ohio, Oklahoma, Puerto Rico, South Carolina, South Dakota, Tennessee, Texas, Utah, West Virginia, and Wyoming. Some of these States have had ongoing litigation proceedings resulting in the State laws being partially or fully enjoined by a court.[88]

There are a mix of age ranges for these bans. Of the 27 States and one Territory with enacted laws/policies (in effect or not), 25 States prohibited some sex-rejecting procedures to young people under the age of 18, two States prohibited them for those under the age of 19, and Puerto Rico prohibited them for those under the age of 21.

Of the 27 States and one Territory with enacted laws/policies (in effect or not), 25 States and one Territory prohibited *both* the prescribing of at least one type of sex-rejecting medication *and* surgeries.[89] No State bans only medications without also banning surgeries. However, all the States and the Territory with restrictions provide exceptions to the law/policies. The most common exceptions include procedures to treat:

- A medically verifiable disorder of sexual development. This allows treatment for children who are born with medical conditions that affect their sexual development. These are rare conditions where a child's reproductive or sexual anatomy does not develop in typical ways due to genetic, hormonal, or other medical factors that can be medically verified.
- Any infection, injury, disease, or disorder that has been caused or exacerbated by the performance of sex-rejecting procedures.
- A physical disorder, physical injury, or physical illness that would otherwise place the child in danger of death or impairment of bodily function.

We noted that 12 States provide tapering off periods for patients who started puberty blockers or hormones before enactment of the State restriction, with some specifying specific dates (for example, in South Carolina services could not go beyond January 31, 2025) and others specifying a period of time from the time of enactment (ranging between 6 months and 1 year). Ten States have grandfather clauses primarily allowing children who were already receiving treatment to continue receiving it indefinitely. However, we noted that many of these States do not provide such exceptions or grandfather clauses for purposes of prohibitions on State funding, including for State funding under the Medicaid program and CHIP, for sex-rejecting procedures.

Conversely, 14 States and the District of Columbia have shield laws that cover some or all sex-rejecting procedures, and three States have Executive Orders (State EOs) also covering these procedures. These States are Arizona,[90] California, Colorado, Connecticut, Delaware, Illinois, Maine, Maryland, Massachusetts, Minnesota, New Jersey, New Mexico, New York, Oregon, Rhode Island, Vermont, and Washington. Shield laws and State EOs often describe various types of sex-rejecting procedures broadly, including medications and surgeries, and include these under broader definitions of covered health care activities. These laws and State EOs generally attempt to shield providers and recipients (of all ages) against laws in other States that restrict these services. They also often shield providers from adverse action by medical malpractice insurers and licensure boards and allow for their addresses to remain confidential. One State, Maine, has a shield law specific

[81] University of Utah College of Pharmacy, Drug Regimen Review Center, ''Gender-Affirming Medical Treatments for Pediatric Patients with Gender Dysphoria,'' (August 6, 2024), *https://le.utah.gov/AgencyRP/reportingDetail.jsp?rid=636.*

[82] HHS Review, 83.

[83] HHS Review, 96–97.

[84] Diane Chen et al., ''Psychosocial Functioning in Transgender Youth after 2 Years of Hormones,'' *New England Journal of Medicine* 388 (2023), *https://www.nejm.org/doi/full/10.1056/NEJMoa2206297.*

[85] HHS Review, 107.

[86] HHS Review, 109.

[87] See ''Policy Tracker: Youth Access to Gender Affirming Care and State Policy Restrictions,'' KFF, last updated May 19, 2026, *https://www.kff.org/other/dashboard/gender-affirming-care-policy-tracker;* ''Equality Maps: Bans on Best Practice Medical Care for Transgender Youth,'' Movement Advancement Project, accessed May 19, 2026, *https://www.lgbtmap.org/equality-maps/healthcare/youth_medical_care_bans.*

[88] On May 13, 2025, the Missoula County District Court issued an order permanently enjoining Montana's law (SB 99), which law restricted access to sex-rejecting procedures for minors. *Cross* v. *State of Montana,* No. DV–23–541 (Mont. Dist. Ct. May 13, 2025).

[89] Arizona currently does not prohibit sex-rejecting procedures using medications. Nebraska currently restricts, but does not fully ban, access to sex-rejecting procedures using medications, so it was not included in this count.

[90] Arizona banned pediatric sex-rejecting surgeries in 2022. However, in 2023 the governor issued an executive order which removes the exclusion of coverage for sex-rejecting surgery under the state's healthcare plan for state employees and prohibits investigative assistance to impose criminal or civil liability or professional sanctions on persons or entities for providing, assisting, seeking, or obtaining ''gender affirming care.''

to children that allows minors 16 and over to receive hormone therapy when the guardian has refused sex-rejecting procedures. Four States explicitly provide child abuse and child custody protections for parents who allowed their children to undergo sex-rejecting procedures. Four States have requirements for sex-rejecting procedures to be covered under health plans. Arizona requires coverage for State employee health plans. Illinois, Oregon, and Vermont require some level of coverage of sex-rejecting procedures by all health insurance providers. Vermont includes an exception for services that do not comply with Federal law.

Some States may experience negative financial impacts as a result of having built their Medicaid programs and CHIPs, including policies and operations, on the understanding that CMS will make Federal Medicaid and CHIP payments to States for services that this final rule will define as sex-rejecting procedures. We believe protecting children enrolled in Medicaid and CHIP from the potential harms of sex-rejecting procedures, including possible long-term and irreversible harms, outweighs the possible financial costs some States may experience if they choose to begin to pay with State funds the full cost of sex-rejecting procedures for children enrolled in Medicaid and CHIP.

Providers in these States may be concerned that this final regulation will interfere with the physician-patient relationship. This final regulation will only prohibit Federal Medicaid and CHIP payment for certain services and does not require providers to communicate certain advice or information to patients, or cease care. Federal Medicaid and CHIP payments will still be available for other treatments, such as psychotherapy, for gender dysphoria. We believe a prohibition on Federal Medicaid and CHIP payments for sex-rejecting procedures is needed to reduce the possibility of children receiving irreversible or risky pharmaceutical or surgical interventions, particularly in circumstances where the child may be of an age to not have the capacity to understand the irreversible or long-term risks of these procedures or have the capacity to continue to communicate with providers their preferences regarding treatment after treatment has already begun.

Certain medical providers may also be relying on continued Federal funding for sex-rejecting procedures. These providers may face financial harm by the loss of the revenue from the limitations on Federal payment for these procedures; however, these providers have other avenues to continue to receive compensation for providing medical interventions. Providers that continue to provide sex-rejecting procedures on children may receive payment from sources other than Medicaid or CHIP. Providers may also receive payment for these services when providing these procedures for the exempted purposes as outlined in this final rule. Lastly, providers may be paid through Medicaid and CHIP for providing other types of care for individuals diagnosed with gender dysphoria, such as psychotherapy.

We also recognize that Medicaid and CHIP beneficiaries and their families will be impacted by this final rule. Families of these beneficiaries may look to obtain other health insurance, privately pay for these services, or seek State-sponsored funding. Medicaid beneficiaries under age 18 and CHIP beneficiaries under age 19 who are unable to find alternative means to pay for these services may either have to rely on other methods of treatment such as psychotherapy or mental health counseling or elect to not receive these services because of the rule.

This final rule will help to protect these children from the risks of adverse effects of sex-rejecting procedures. CMS carefully considered the scope of its limitation on Federal Medicaid and CHIP payments and permits coverage of other procedures, such as psychotherapy, which do not carry the same concerns of pharmaceutical or surgical interventions included in the definition of sex-rejecting procedures. Moreover, CMS does not believe Federal Medicaid and CHIP payment for these sex-rejecting procedures is consistent with quality of care given the state of the research into the effectiveness of these procedures for the purposes included in our definition of this term, namely as treatments for gender dysphoria. In light of the HHS Review, CMS continues to believe State reliance on certain medical organizations and the SOC–8 to justify covering sex-rejecting procedures is misplaced.

Recently, the U.S. Supreme Court in *United States* v. *Skrmetti,* 605 U.S. 495 (2025), upheld Tennessee's law restricting certain surgical and chemical interventions for children diagnosed with gender dysphoria (and similar conditions), referred to as Senate Bill 1 or ''SB1'' in litigation challenging that law under the Equal Protection Clause of the U.S. Constitution. SB1 prohibits a healthcare provider from performing medical procedures, including surgery, and prescribing puberty blockers, for a child for the purpose of enabling the child to identify with a purported identity inconsistent with the child's sex. At the same time, SB1 allows healthcare providers to perform medical procedures for children if the procedure is to treat a child's congenital defect, precocious puberty, disease, or physical injury. On June 18, 2025, the Court found that SB1's prohibition of certain medical procedures for children diagnosed with gender dysphoria incorporates classifications based on age and medical use—not the child's sex. Because the classifications turned on age and medical use rather than sex, the Court held that SB1 was not subject to heightened scrutiny under the Equal Protection Clause of the Fourteenth Amendment and went on to find the law satisfied rational basis review. As discussed in more detail later in this final rule, like the law at issue in *Skrmetti,* this final rule will not discriminate on the basis of sex. This rule is not based on an invidious discriminatory purpose, and it is not motivated by animus toward any group; rather, it is focused on preventing Federal payment for procedures that involve risks of significant and potentially irreversible harms, without sufficient evidence of benefit. The final rule is animated by significant child safety concerns when sex-rejecting procedures are used for certain medical uses—that is to align a child's physical appearance or body with an asserted identity that differs from the child's sex.

D. Psychotherapy as the First Line Treatment for Children Diagnosed With Gender Dysphoria

Since 2010, there has been a significant increase in mental health conditions among teens and young adults.[91] Current research has not revealed a simple explanation for this rise in the need for youth mental health services. The etiology of gender dysphoria remains understudied.[92] However, patients presenting to pediatric gender medicine clinics have a high rate of comorbid mental health conditions.[93]

When we issued the proposed rule, we believed interested parties supporting the use of sex-rejecting procedures to treat gender dysphoria in children would state that prohibiting Federal Medicaid and CHIP funding for sex-rejecting procedures would ultimately limit children's ability to

[91] Patrick McGorry et al., ''The Lancet Psychiatry Commission on youth mental health,'' Lancet Psychiatry 11, no. 9 (September 2024): 731–774, *doi:10.1016/S2215–0366(24)00163–9.*

[92] HHS Review, 257.

[93] HHS Review, 68.

access such procedures and that this could exacerbate these comorbidities and lead to adverse mental health outcomes and increase suicide risks. As noted previously, the Cass Review emphasized the lack of robust evidence regarding the effectiveness of interventions such as puberty blockers and cross-sex hormones to treat gender dysphoria and incongruence in children and adolescents.[94] Taylor et al. recently conducted a review of 23 international, national, and regional clinical guidelines that contained recommendations about the management of children/adolescents experiencing gender dysphoria. They found that the majority of these guidelines were developed without an independent or evidence-based approach and raised questions about the credibility of available guidance.[95] As Sweden's national health authority has recommended, ''[p]sychosocial support that helps adolescents deal with natal puberty without medication needs to be the first option when choosing care measures.'' [96]

While evidence on the benefits of medical and surgical interventions to improve mental health or reduce symptoms of gender dysphoria is lacking, psychotherapy has been proven to be an effective intervention for many of the neurodevelopmental disorders and mental health conditions that are highly prevalent in children and adolescents, including those frequently co-occurring in patients diagnosed with gender dysphoria.[97] Psychotherapy and mental health counseling are non-invasive interventions that will remain available to youth under Medicaid's mandatory Early and Periodic Screening, Diagnostic and Treatment (EPSDT) provisions in section 1905(r) of the Act. EPSDT requires the provision of screening, vision, dental, and hearing services, and such other necessary health care, diagnostic services, treatment, and other measures described in section 1905(a) of the Act to correct or ameliorate defects and physical and mental illness and conditions discovered by the screening services, whether or not such services are covered under the State plan. Nevertheless, these services are subject to the overarching requirements of section 1902(a)(19) and 1902(a)(30)(A) of the Act that States ensure that these services be provided in a manner consistent with the best interests of patients and payments be consistent with quality of care. Most children enrolled in Medicaid are entitled to coverage of robust and comprehensive psychotherapy services under EPSDT. We note that, under a State's EPSDT program, States may only include tentative limits on services and must take into account the individual needs of the child. Thus, EPSDT is key to ensuring that children receive appropriate mental health screenings and treatments. Furthermore, we developed numerous resources to provide information regarding services and good practices for children and youth with mental health conditions.[98] While EPSDT is not a required CHIP benefit for States that have separate CHIPs, many States with such programs have opted to provide EPSDT services that mirror the Medicaid standards set out at section 1905(r) of the Act to children enrolled in CHIP. In addition, section 2103(c)(7) of the Act requires States to provide mental health services in CHIP that are applied in the same manner as required under section 2726(a) of the Public Health Service Act (42 U.S.C. 300gg-26(a)) for group health plans under such section.

E. States' Duty To Ensure Medicaid and CHIP Services for Children Meet Statutory Standards

Under section 1902(a)(19) of the Act, State Medicaid agencies are required to ensure that Medicaid-covered services are provided in a manner consistent with the best interests of beneficiaries; as relevant to this final rule, children under age 18. Additionally, States are required, under section 1902(a)(30)(A) of the Act, to ensure that Medicaid payments for Medicaid covered services are consistent, in relevant part, with quality of care. Under section 2101(a) of the Act, CHIP programs are required to provide health care services to uninsured, low-income children in an effective and efficient manner that is coordinated with other sources of health benefits coverage for children, including State Medicaid programs. The research described previously in this final rule indicates that sex-rejecting procedures lack the necessary outcomes data on evidence of long-term effectiveness for State Medicaid programs and CHIPs to determine that payment for such procedures is, for Medicaid purposes, consistent with quality of care or the best interests of beneficiaries or, for CHIP purposes, consistent with the effective and efficient standard under section 2101(a) of the Act.

On April 11, 2025, we issued a letter to State Medicaid Directors to ensure Medicaid agencies were aware of growing utilization of certain interventions offered to children to treat gender dysphoria, and to remind States of their statutory responsibilities to ensure that Medicaid payments are consistent with quality of care and that covered services are provided in a manner consistent with the best interests of recipients.[99] In the letter, we also stated that due to the underdeveloped body of evidence, the use of sex-rejecting procedures to treat gender dysphoria lacks reliable evidence of long-term benefits for children and are now known to cause long-term and irreparable harm for some children.[100] A second letter, issued on May 28, 2025, was sent to a number of hospitals to address significant issues concerning quality standards and specific procedures affecting children diagnosed with gender dysphoria. The letter requested hospitals to provide information on their policies and procedures related to the adequacy of informed consent protocols for children diagnosed with gender dysphoria, including how children are deemed capable of making these potentially life changing decisions and when parental consent is required; changes to clinical practice guidelines and protocols that the institution plans to enact in light of the recent comprehensive review and guidance released by the Department; medical evidence and any adverse events related to these procedures, particularly children who later looked to detransition; and complete financial data for all pediatric sex-rejecting procedures performed at the institution and paid, in whole or in part, by the Federal Government.[101]

As outlined previously in this final rule, we take very seriously the absence of rigorous scientific data demonstrating the effectiveness of sex-rejecting procedures and the considerable evidence regarding the risks. Given the potential risks and lack of clear benefits

[94] Cass, ''Cass Review.''

[95] Jo Taylor et al., ''Clinical guidelines for children and adolescents experiencing gender dysphoria or incongruence: a systematic review of guideline quality (part 1),'' *Archives of Disease in Childhood* 109, Supp. 2 (2024): s65–s72, *doi:10.1136/archdischild-2023-326499.*

[96] HHS Review, 256.

[97] HHS Review, 257–260.

[98] ''Children and Youth,'' Medicaid, accessed June 12, 2025, *https://www.medicaid.gov/medicaid/benefits/behavioral-health-services/children-and-youth.*

[99] Centers for Medicare and Medicaid Services, ''Puberty blockers, cross-sex hormones, and surgery related to gender dysphoria,'' April 11, 2025, *https://www.cms.gov/files/document/letter-stm.pdf.*

[100] Centers for Medicare and Medicaid Services, ''Puberty blockers.''

[101] Department of Health & Human Services, Centers for Medicare and Medicaid Services, ''Urgent Review of Quality Standards and Gender Transition Procedures,'' May 28, 2025, *www.cms.gov/files/document/hospital-oversight-letter-generic.pdf.*

associated with sex-rejecting procedures, we believe that covering these procedures with Federal Medicaid or CHIP funding would be, for Medicaid beneficiaries, inconsistent with their best interests and with quality of care; and, for CHIP beneficiaries, inconsistent with the provision of health care services to uninsured, low-income children in an effective and efficient manner that is coordinated with other sources of health benefits coverage.

We do note that, after careful analysis of comments received and the concerns raised regarding sex-rejecting procedures on children, we are finalizing the allowance of FFP for a limited tapering period for a discrete category of affected beneficiaries. Specifically, for current Medicaid and CHIP beneficiaries who are receiving cross-sex hormone therapy as part of sex-rejecting procedures as of the effective date of this final rule, State Medicaid and CHIP Agencies may continue to claim FFP for those cross-sex hormone therapy medications for a tapering period of up to 6 months from the effective date of this final rule. This tapering period is intended to provide beneficiaries and their treating providers a reasonable opportunity to phase off these medications in a manner that allows for clinical discretion, if desired. This has been added to regulation text.

Importantly, the 6-month tapering period is not intended to serve as a clinical guideline. Treating providers may find a shorter timeline for tapering off cross-sex hormones to be medically appropriate.

The administration of puberty blockers is not eligible for this tapering provision, because upon stopping puberty blockers, pubertal manifestations generally reappear within months.[102] Puberty blockers have been primarily studied in children affected by precocious puberty. When these medications are discontinued, the process of puberty tends to return to its normal course within a relatively short period. Research indicates that after ceasing puberty blocker therapy, females generally resume puberty within 6 to 18 months. This timeline reflects a typical pattern observed in clinical studies, suggesting that the hormonal development and physical changes characteristic of puberty restart within this timeframe.[103] For males, the resumption of puberty following the discontinuation of puberty blockers usually occurs within a year. This period marks the typical return to the progression of puberty consistent with clinical findings.[104]

Several important limitations apply to this tapering provision. First, it applies only to children enrolled in Medicaid or CHIP who are receiving cross-sex hormone therapy as part of sex-rejecting procedures as of the effective date of this final rule. It does not apply to children who initiate cross-sex hormone therapy after the effective date, and FFP will not be available for any new initiations of these medications for children for sex-rejecting procedures following the effective date. Second, this tapering period applies only to cross-sex hormone therapy medications; it does not extend FFP for surgical sex-rejecting procedures or puberty blocking medications. FFP for such procedures (puberty blockers and surgeries) in Medicaid and CHIP will cease as of the effective date of the final rule. We also note that Federal Medicaid and CHIP funding remains available for mental health counseling and psychotherapy for individuals with gender dysphoria, and State Medicaid and CHIP agencies are encouraged to ensure that beneficiaries transitioning from cross-sex hormone therapy have access to these services throughout and after the tapering off period.

We have considered whether a longer transition period, such as the 12 months recommended by some commenters, would be appropriate. We conclude that a 6-month period strikes the appropriate balance between providing a reasonable period for individuals to consider discontinuing cross-sex hormones and avoiding unnecessarily prolonging the availability of Federal funding for procedures that raise the child safety concerns animating this rule. This timeframe is consistent with approaches taken by several States that have enacted restrictions on sex-rejecting procedures and is sufficient to allow a beneficiary to work with their treating provider to safely taper off of cross-sex hormones. A longer period would be inconsistent with our determination, grounded in the HHS Review and the broader body of evidence discussed in this final rule, that the risk/benefit profile of sex-rejecting procedures for children does not support continued Federal funding, and would unreasonably extend the period during which Federal funds are used to support procedures that we have concluded are not in the best interests of beneficiaries and not consistent with quality of care or with the provision of health care services to uninsured, low-income children in an effective and efficient manner that is coordinated with other sources of health benefits coverage for children.

In the following section, we describe how this final rule will intersect with existing statutory and regulatory provisions.

1. Intersection With Federal Cross-Cutting Nondiscrimination Laws

This final rule is consistent with crosscutting Federal nondiscrimination laws, such as Section 1557 of the Patient Protection and Affordable Care Act (Affordable Care Act),[105] Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975.

Section 1557 of the Affordable Care Act prohibits discrimination on the basis of race, color, national origin, sex, age, or disability in certain health programs or activities, any part of which is receiving Federal financial assistance. A Federal court has considered whether the prohibition on sex discrimination found in section 1557 of the Affordable Care Act includes discrimination on the basis of gender identity. On October 22, 2025, in *State of Tennessee* v. *Kennedy,* 807 F. Supp. 3d 613, 629–30 (S.D. Miss. 2025), the district court found that ''HHS exceeded its statutory authority when (1) it interpreted Title IX, as incorporated into Section 1557, to prohibit discrimination on the basis of gender identity, and (2) when it implemented Section 1557 regulations concerning gender identity and 'gender affirming care.''' Accordingly, the Court vacated the following regulations to the extent that they expand Title IX's definition of sex discrimination to include gender-identity discrimination: 42 CFR 438.3(d)(4), 438.206(c)(2), 440.262, 460.98(b)(3), and 460.112(a), and 45 CFR 92.101(a)(2)(iv), 92.206(b)(1)–(4), 92.207(b)(3) through (5), 92.8(b)(1), 92.10(a)(1)(i), and

[102] Jean-Claude Carel, M.D. and Juliane Léger, M.D., ''Precocious puberty,'' *N Engl J Med* 358, no. 22 (2008): 2366–77, *https://www.nejm.org/doi/full/10.1056/NEJMcp0800459.*

[103] Vickie Wu et al., ''Clinical findings influencing time to menarche post gonadotropin-releasing hormone agonist therapy in central precocious puberty,'' *Annals of Pediatric Endocrinology & Metabolism* 26 (2021): 185–191, *https://doi.org/10.6065/apem.2040220.110.*

[104] Marisa M. Fisher et al., ''Resumption of puberty in girls and boys following removal of the histrelin implant,'' *The Journal of Pediatrics* 164 (2014): 912–916.e1, *doi:10.1016/j.jpeds.2013.12.009.*

[105] The Patient Protection and Affordable Care Act (Pub. L. 111–148, 124 Stat. 119) was enacted on March 23, 2010. The Healthcare and Education Reconciliation Act of 2010 (Pub. L. 111–152, 124 Stat. 1049), which amended and revised several provisions of the Patient Protection and Affordable Care Act, was enacted on March 30, 2010. In this rulemaking, the two statutes are referred to collectively as the ''Patient Protection and Affordable Care Act,'' ''Affordable Care Act,'' or ''ACA''.

92.208.[106] HHS subsequently issued a public notice that it cannot and will not investigate or enforce compliance with the vacated gender-identity provisions of section 1557.[107]

In addition, HHS has taken the position, based on the U.S. Supreme Court's holding in *Skrmetti,* that ''regulating medical procedures on the basis of diagnosis does not automatically amount to discrimination on the basis of sex.'' [108] Consistent with that position, as well as the analysis previously set forth in this final rule and expounded upon below, it HHS's view is that this final rule will not discriminate on the basis of sex. As discussed above, in 2023, Tennessee enacted a State law,[109] SB1, which, in relevant part, prohibits a healthcare provider from performing certain medical procedures, including surgery, and from prescribing puberty blockers, for a child for the purpose of enabling the child to identify with a purported identity inconsistent with the child's sex.[110] SB1 does not prohibit healthcare providers from providing those procedures if done to treat a child's congenital defect, precocious puberty, disease, or physical injury. In *Skrmetti,* the U.S. Supreme Court analyzed SB1 under the Equal Protection Clause of the Fourteenth Amendment and held that SB1 did not turn on sex-based classifications and therefore did not warrant heightened scrutiny. In other words, the law did not discriminate on the basis of a protected class. In reaching this conclusion, the Court noted that ''the law does not prohibit conduct for one sex that it permits for another.'' [111]

Similarly, this final rule will apply uniformly to all children enrolled in Medicaid under age 18 and enrolled in CHIP under age 19 regardless of the child's sex. This final rule will treat all children the same and will prohibit a State Medicaid or CHIP agency from covering, as part of its Federally funded Medicaid program and CHIP, the procedures that the final rule defines as sex-rejecting procedures. At the same time, this final rule will permit State Medicaid and CHIP agencies to continue to cover procedures when the child has a medically verifiable disorder of sexual development, needs the procedure for a purpose other than attempting to align the child's physical appearance or body with an asserted identity that differs from the child's sex, or has complications, including any infection, injury, disease, or disorder that has been caused by or exacerbated by the performance of sex-rejecting procedures. In addition, the rule will continue to provide Federal matching funds for mental health treatment for gender dysphoria, and it does not prohibit States from providing coverage of sex-rejecting procedures using State-only funds.

Further, this final rule is neither arbitrary nor based on an invidious discriminatory purpose. Rather, based on the review of current research and the reasoning for similar conclusions reached and actions taken by multiple European countries discussed previously in this final rule, we continue to believe that Medicaid and CHIP payment of sex-rejecting procedures is not in the best interests of beneficiaries under section 1902(a)(19) of the Act and not consistent with quality of care under section 1902(a)(30)(A) of the Act, the effective and efficient standard under section 2101(a) of the Act, and not appropriate for inclusion in the State's assurance of quality and appropriateness of care under its plan as required under 2102(a)(7)(A) of the Act. We proposed to prohibit Federal funding for these procedures in Medicaid and CHIP. That proposal was based on careful consideration of the facts as described in detail in section I.B. of this final rule and on our determination that the risks of sex-rejecting procedures for children outweigh the benefits based on available evidence. We continue to support Medicaid and CHIP payment for services for children that research shows may be helpful for treating gender dysphoria in children that do not include the risks of harm associated with sex-rejecting procedures, including psychotherapy, for example. Further, while State laws may differ, State Medicaid agencies are not currently specifically prohibited under Federal law from covering sex-rejecting procedures for Medicaid beneficiaries who are 18 years of age and older or for CHIP beneficiaries who are 19 years of age or older, as applicable.

We note that HHS has separately proposed to amend its Section 504 regulations to clarify that gender dysphoria not resulting from physical impairments does not constitute a covered disability.[112] Regardless of the resolution of that separate rulemaking, this Medicaid and CHIP rule does not categorically exclude care for individuals with gender dysphoria; it limits FFP for specific pharmaceutical and surgical interventions for a specific population while preserving FFP for mental health services, psychotherapy, and other care. A targeted limitation on a specific set of treatments does not constitute discrimination on the basis of disability.

Finally, this final rule is consistent with the Age Discrimination Act of 1975 and section 1557, which prohibits discrimination on the basis of age, among other bases.[113] The Age Discrimination Act prohibits discrimination based on age in programs receiving Federal financial assistance but explicitly excepts an otherwise prohibited action if it ''reasonably takes into account age as a factor necessary to the normal operation or the achievement of any statutory objective of [a] program or activity.'' 42 U.S.C. 6103(b)(1)(A). Indeed, each version of HHS's regulations implementing Section 1557 (2016, 2020, and 2024 versions) acknowledge the permissibility of certain age-related

[106] As part of a 2024 rulemaking implementing section 1557 of the Affordable Care Act, HHS amended 42 CFR 440.262, 438.3(d) and 438.206(c)(2) to specifically include discrimination based on ''gender identity'' as a form of ''sex discrimination,'' and amended 42 CFR 457.495 to cross-reference amended 440.262. The amendments to sections 438.3(d) and 438.206(c)(2) also apply to CHIP managed care through cross references in sections 457.1201(d) and 457.1230(a) that predated the section 1557 rulemaking. These amendments to the Medicaid and CHIP rules were based on sections 1902(a)(4), 1902(a)(19), and 2101(a) of the Act. See Nondiscrimination in Health Programs and Activities, 89 FR 37522 (May 6, 2024). In *Tennessee* v. *Kennedy,* 807 F. Supp. 3d 613, 629–630 (S.D. Miss. 2025), the court vacated 42 CFR 440.262, 438.3(d)(4), and 438.206(c)(2) (among others) ''to the extent that they expand Title IX's definition of sex discrimination to include gender identity discrimination'' and granted the plaintiffs a declaratory judgment that HHS had ''exceeded its statutory authority when (1) it interpreted Title IX, as incorporated into Section 1557, to prohibit discrimination on the basis of gender identity, and (2) when it implemented Section 1557 regulations concerning gender identity and 'gender affirming care.' '' See also *Texas* v. *Becerra,* No. 6:24–CV–211–JDK (E.D. Tex. Aug. 30, 2024), (entering a nationwide stay of certain regulations of the final rule, including 42 CFR 440.262, 438.3(d)(4), and 438.206(c)(2)). Given *Skrmetti's* holding, we believe that the outcome of this litigation will not affect the final rule. As a result, CMS does not further discuss 42 CFR 440.262, 438.3, and 438.206 in this final rule.

[107] Notice of Vacatur Regarding Certain Provisions of the 2024 Nondiscrimination in Health Programs and Activities Final Rule, 91 FR 32887 (June 2, 2026) (affecting 45 CFR pts 80, 84, 92, 147, 155 and 156).

[108] Brief for the United States As Amicus Curiae In Support Of Appellant/Cross-Appellee, *L.B.* v. *Premera Blue Cross,* Nos. 25–5803, 25–6143 (9th Cir., filed July 13, 2026).

[109] Tenn. Code Ann. § 68–33–101 *et seq.*

[110] As defined by SB1, ''minor'' means an individual under eighteen (18) years of age. Tenn. Code Ann. § 68–33–102.

[111] *United States* v. *Skrmetti,* 605 U.S. 495, 514–15 (2025).

[112] Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance, 90 FR 59478 (December 19, 2025).

[113] 42 U.S.C. 18116 (incorporating the grounds prohibited by, and the enforcement mechanisms provided under, 42 U.S.C. 6101 *et seq.*)

distinctions.[114] The age distinctions in this rule—limiting FFP for sex-rejecting procedures with respect to children under the applicable age thresholds—are necessary to achieve the statutory objective of protecting Medicaid and CHIP beneficiaries from the risks of irreversible interventions during childhood. These distinctions therefore do not violate the Age Discrimination Act or section 1557's prohibition of discrimination on the basis of age, to the extent that statute applies in this context.

2. Intersection With Laws Restricting Unreasonable Barriers to Care (Section 1554 of the Patient Protection and Affordable Care Act)

Section 1554 of the Affordable Care Act generally restricts HHS from issuing regulations that hinder access to medical care. In relevant part, section 1554 prohibits rules that create unreasonable barriers to the ability of individuals to obtain appropriate medical care, impede timely access to health care services, violate the ethical standards of health care professionals, or limit the availability of medical treatment throughout the course of a patient's care.[115] The court in *California* v. *Azar,* 950 F.3d 1067, 1094 (9th Cir. 2020) (*en banc*), explained that section ''1554 is meant to prevent direct government interference with health care, not to affect . . . funding decisions.'' This holding affirms that the Affordable Care Act's prohibition on creating unreasonable barriers to care is best understood as restricting the Federal Government from affirmatively and unreasonably blocking access to appropriate medical services—not as requiring the Federal Government to fund every type of medical procedure.

This final rule comports with section 1554. As discussed above, the HHS Review surveyed multiple studies and sources of guidance assessing the risk profile of sex-rejecting procedures; that Review found that certain of these procedures, when performed on children, lack sufficient evidentiary support to conclude that the risks of sex-rejecting procedures for children outweigh the benefits based on available evidence. Given this evidentiary record, the final rule prohibits FFP for sex-rejecting procedures for children. However, the final rule does not place any substantive barrier on individuals' ability to access sex-rejecting procedures with non-Federal funding or on doctors' ability to carry out the same activities with non-Federal funds, if permitted by State law. Moreover, while the limited tapering provision in this rule imposes a 6-month Federal funding limit for certain eligible beneficiaries, those beneficiaries may continue to receive sex-rejecting procedures beyond 6 months with non-Federal funding. Further, this rule does not purport to regulate ethical standards that apply to health care professionals.

Section 1554 of the Affordable Care Act does not prohibit the Federal Government from withholding Federal funding for procedures for which there is insufficient evidence that the risk profile of the procedures meets the statutory requirements for payment (namely that they meet the best interests, quality of care, and effective and efficient standards in sections 1902(a)(19), 1902(a)(30)(A), and 2101(a) of the Act). *See California* v. *Azar,* 950 F.3d at 1093 (rejecting section 1554 argument and holding that the Government's funding restrictions on certain activities in the Title X context did not ''interfere with appropriate medical care''); *see also Fam. Plan. Ass'n of Maine* v. *U.S. Dep't of Health & Hum. Servs.,* 466 F. Supp. 3d 259, 270–71 (D. Me. 2020) (*Family Planning Association*) (rejecting section 1554 challenge to an HHS funding limitation, noting that this provision ''does not prevent [HHS] from administering its own health services grant program''). Similar to the funding prohibitions that the courts in *California* v. *Azar* and *Family Planning Association* found were not impermissible under section 1554, this rule establishes no obstacle to the continued availability of relevant services beyond the withdrawal of Federal funding that patients remain free to replace through means other than with Federal funding and outside of the Federal Medicaid program and CHIP. Because the rule does not restrict providers' conduct or patients' ability to access care, this rule falls outside the scope of section 1554's prohibitions.

3. Intersection With Sufficiency of Amount, Duration, and Scope (§ 440.230)

This final rule will also be consistent with section 1902(a)(10)(B) and (C)(ii) of the Act and implementing regulations at 42 CFR 440.230, which provides that a Medicaid State plan must specify the amount, duration, and scope of covered services. CMS has long afforded State Medicaid agencies considerable flexibility under 42 CFR 440.230 to establish the amount, duration, and scope of covered Medicaid services under their State plans, and to develop State-specific medical necessity criteria and utilization control procedures for covered services. State-specific limits on amount, duration, and scope are frequently applied based on an assessment of a beneficiary's specific circumstances, rather than being blanket limitations. In addition to specifying the amount, duration, and scope of covered services, historically, States have determined whether, and how, to cover services and CMS has made Federal Medicaid payments to States if the services otherwise complied with Federal law and regulation. Within CHIP, under 42 CFR 457.402(x), States have the ability to pay for additional services if recognized by State law (subject to state licensing and practice supervision requirements).

However, this flexibility under 42 CFR 440.230 is not absolute. *&*),Regulations at 42 CFR 440.230 require State Medicaid agencies to comply with certain guidelines when determining the amount, duration, and scope of covered services. While States may not arbitrarily deny or reduce the amount, duration, or scope of a required service, they may place limits on services based on criteria related to medical necessity, per 42 CFR 440.230(c) and (d). While medical necessity is not reviewed under a state plan amendment submission, States must detail their proposed coverage of services (such as service definitions, provider types, provider qualifications and limitations) in a State plan amendment and submit the State plan amendment to CMS for approval. We review the State plan amendment to ensure that States meet these guidelines. For example, under 42 CFR 440.230(b), State Medicaid agencies must ensure that any covered service is sufficient in amount, duration, and scope to reasonably achieve its purpose. If a state limits the amount, duration, or scope of a service without exception for medical necessity, the State must explain to us the reasoning and evidence to support the limitation prior to CMS approving the State's submission. The flexibility in CHIP under 42 CFR 457.402(x) is also not absolute. CHIP regulations at 42 CFR 457.60 also require States to submit a State plan amendment when a State is adding or deleting specific categories of benefits under the State plan.

For this final rule, we considered the risk/benefit profile of sex-rejecting procedures for the purposes included in our definition and the alternative

[114] See 89 FR 37522, 37604–37605 (May 6, 2024); 85 FR 37160, 37177 (June 19, 2020); 81 FR 31375, 31408 (May 18, 2016).

[115] Section 1554(3) to (5) also prohibits rules that interfere with communication regarding a full range of treatment options between patients and providers, limit providers' ability to fully inform patients, or violate principles of informed consent. Because this Rule imposes no limits on communications between health care providers and patients, the limits in these provisions do not apply.

treatments available, before determining that a national response prohibiting Federal Medicaid funding for sex-rejecting procedures for children under age 18 enrolled in Medicaid and under age 19 enrolled in CHIP is warranted. This prohibition applies even when a provider determines that a sex-rejecting procedure is medically necessary for treatment of gender dysphoria.

Lastly, this final rule is consistent with § 440.230(c), which prohibits State Medicaid agencies from arbitrarily denying or reducing the amount, duration, or scope of a covered service to an otherwise eligible beneficiary solely because of the diagnosis, type of illness, or condition. This final rule reflects the agency's efforts to address significant concerns about the risk/benefit profile of sex-rejecting procedures for the uses included in our definition of that term, due to the safety concerns, risks of irreversible harm, long-term health outcomes, and unestablished effectiveness associated with those uses, as explained previously. Our definition of sex-rejecting procedures will exclude from the definition certain uses of these procedures for which the risk/benefit profile creates less significant concerns. Additionally, other treatments, such as mental health treatment, will remain Federally funded for children diagnosed with gender dysphoria.

As discussed previously in this final rule, we considered the concerns of States, providers, and beneficiaries who have relied on CMS making Federal Medicaid and CHIP payment for these services. Notwithstanding the potential financial burden to States, providers, and individuals, and the psychological and physical impact on beneficiaries who wish to receive these services, a nationwide prohibition on Federal Medicaid and CHIP payments for these services for children is warranted based upon the findings of the HHS Review, which revealed a lack of evidentiary support, such that continued Federal payments for the relevant procedures would not be consistent with the statutory standards in sections 1902(a)(19), 1902(a)(30)(A), and 2101(a) of the Act. We believe that the concerns of States, providers and beneficiaries described previously in this final rule are outweighed by the potential harm of sex-rejecting procedures for children, including potential long-term harm, especially when the possible benefits of these services are unproven and the procedures are potentially irreversible. More data is needed on how the procedures that the final rule defines as sex-rejecting procedures in children under age 18 in Medicaid and under age 19 in CHIP affect the long-term health of such individuals, including any impact on fertility, and whether these procedures result in, or increase the risk of, sexual dysfunction, impaired bone density, adverse cognitive impacts and other health deviations, as mentioned previously.

4. Intersection With Early and Periodic Screening, Diagnostic and Treatment (EPSDT)

This final rule is also consistent with States' obligations under the EPSDT requirement. Under EPSDT, States must cover medically necessary services described in section 1905(a) of the Act for most Medicaid eligible children under the age of 21, even if those services are not otherwise available under the State plan. Children eligible for EPSDT generally include beneficiaries under the age of 21 enrolled: in Medicaid through a categorically needy group; in Medicaid through a medically needy group in a State that has elected to include EPSDT in the medically needy benefit package; in a Medicaid-expansion CHIP program; or in a separate CHIP program that has elected to cover EPSDT. This includes beneficiaries with an institutional level of care who are eligible for Medicaid by virtue of their enrollment in a home and community-based services (HCBS) waiver under section 1915(c) of the Act. EPSDT is not available to beneficiaries without satisfactory immigration status who are eligible only for treatment of an emergency medical condition and other groups of individuals under age 21 who are eligible only for limited services as part of their Medicaid eligibility, such as, for example, family planning services.

Under this final rule, sex-rejecting procedures for the uses included in our definition will no longer be Federally funded as Medicaid-covered services for individuals under the age of 18 or as CHIP-covered services for individuals under the age of 19, because, as determined in the HHS Review, such services lack medical necessity and may pose a risk of harm to children, including long-term irreversible harm, and may result in adverse outcomes on their health including infertility/sterility, sexual dysfunction, impaired bone density accrual, adverse cognitive impacts, cardiovascular disease and metabolic disorders, and psychiatric disorders. Notwithstanding the broad mandate of coverage under the EPSDT benefit, States still are required to ensure that any service covered under EPSDT meets medical necessity criteria. *See Garrido* v. *Dudek,* 731 F.3d 1152, 1161 (11th Cir. 2013) (concluding that, even though services may be otherwise covered under the EPSDT benefit, a State Medicaid plan still has authority ''to make individual medical necessity determinations, in accordance with governing law and regulations''). Under this regulation, States would be required to make medical necessity determinations in the context of the EPSDT benefit consistently with its terms. Subject to very limited exceptions, sex-rejecting procedures as defined in this regulation lack a sufficient evidentiary basis to support individualized medical necessity determinations.

In our EPSDT guidance,[116] [117] we discussed how States should approach their determination of whether a service is medically necessary. In this guidance, we emphasized that States (or their delegated entity) must take into account the particular needs of the child. We explained that States should consider the child's long-term needs, not just what is required to address the immediate situation. Accordingly, while sex-rejecting procedures have been covered by some State Medicaid programs to address gender dysphoria to alleviate its symptoms, these procedures can involve use of puberty suppressing drugs to prevent the onset of puberty and cross-sex hormones to spur the development of the secondary opposite sex characteristics. For children under 18 (or under 19 in CHIP) who have undergone the suppression of puberty, these procedures may pose a significant risk of harm, including possible long-term harm to a child's health, including the risk of infertility and bone density loss, as discussed previously.

As discussed previously in this final rule, some State Medicaid programs and CHIPs have relied upon clinical guidelines that have failed to meet the principles of unbiased, evidence-driven clinical guideline development. As a result of this reliance, State Medicaid programs and CHIPs have developed coverage criteria which may not have considered the full effects of all aspects of a child's needs (including long-term needs) as required under EPSDT and as required under other provisions governing Medicaid and CHIP,

[116] CMS, ''Early and Periodic Screening, Diagnostic, and Treatment (EPSDT) Guide for States: Coverage in the Medicaid Benefit for Children,'' May 2026, *https://www.medicaid.gov/medicaid/benefits/downloads/epsdt-coverage-guide.pdf.*

[117] CMS, State Health Official Letter #24–005, ''Best Practices for Adhering to Early and Periodic Screening, Diagnostic, and Treatment (EPSDT) Requirements,'' September 26, 2024, *https://www.medicaid.gov/federal-policy-guidance/downloads/sho24005.pdf.*

including sections 1902(a)(19), 1902(a)(30)(A), and 2101(a) of the Act.

F. Prohibition on Federal Funding in a Separate CHIP

Title XXI of the Act allows States to implement CHIP as a separate CHIP, a Medicaid-expansion program, or a combination of the two. Title XXI-funded Medicaid expansion programs generally follow Medicaid rules. This section relates to separate CHIPs.

States with separate CHIPs receive Federal funding from the title XXI allotment to provide child health assistance through obtaining coverage that meets the requirements of section 2103 of the Act and regulations at § 457.402. Section 2101(a) of the Act calls for the provision of CHIP in a manner that is effective and efficient and coordinated with other sources of health benefits coverage for children. Section 2110(a)(24) of the Act allows States to cover any additional services that are recognized by State law, and section 2110(a)(28) of the Act allows the coverage of additional services specified by HHS, if not otherwise excluded by the CHIP statute. Nothing in section 2103(c) of the Act prevents a State child health plan from covering benefits outside the categories of services described in section 2103(c)(1) and (2) of the Act. Nevertheless, sections 2103(c)(3), 2110(a)(24) and (a)(28) all must be read in the context of section 2102(a)(7)(A) of the Act, which requires that CHIP plans must describe the methods that it will use ''to assure the quality and appropriateness of care.'' CMS has concluded that it is in the best interest of beneficiaries under age 19 enrolled in CHIP to no longer permit Federal funding when utilized for purposes of sex-rejecting procedures because such services may result in adverse outcomes including infertility/sterility, sexual dysfunction, impaired bone density accrual, diverse cognitive, cardiovascular disease and metabolic disorders, and psychiatric disorders. Therefore, CMS has concluded it is most efficient and effective, and in the best interests of beneficiaries, for CHIP to align and coordinate with the Medicaid program. A State child health plan would therefore not meet the requirements of section 2102(a)(7)(A) of the Act if it provided payment for these procedures because it would not be possible for the State to assure the quality and appropriateness of care under its plan if it provided payment for these services.

Section 2103 of the Act and § 457.410 allow States to choose any of the following four types of health benefits coverage for separate CHIPs: (1) Benchmark coverage in accordance with § 457.420; (2) Benchmark-equivalent coverage in accordance with § 457.430; (3) Existing comprehensive State-based coverage in accordance with § 457.440; and (4) Secretary-approved coverage in accordance with § 457.450. Regardless of the type of health coverage selected by a State, States are required to provide all services identified at § 457.410(b) to children enrolled in CHIP. In addition to these services, States have the flexibility to cover additional services at § 457.402, which lists the services included in ''child health assistance.'' In addition to the specified services, § 457.402(x) permits states to select additional services and treatments that it will cover, tracking the statutory language of section 2110(a)(24) of the Act. The majority of separate CHIP States have elected Secretary-approved coverage. Under Secretary-approved coverage at § 457.450, the Secretary currently has the discretion to determine whether the coverage provided by a State is appropriate coverage for the population of targeted low-income children covered under the program. Recently, there have also been changes to allowable procedures under the benchmark coverage options for CHIP under § 457.420 as described later in this final rule.

On June 20, 2025, we issued the ''Patient Protection and Affordable Care Act; Marketplace Integrity and Affordability,'' final rule (90 FR 27074) (referred to hereafter as the ''2025 Marketplace final rule''), which prohibits issuers of non-grandfathered individual and small group market health insurance coverage—that is, issuers of coverage subject to the essential health benefit (EHB) requirements—from providing coverage for ''specified sex-trait modification procedures'' as an EHB beginning with Plan Year 2026. This prohibition was proposed and finalized because section 1302(b)(2)(A) of the Affordable Care Act requires that the scope of the EHB be equal to the scope of benefits provided under a typical employer plan, and coverage of such procedures is not typically included in employer-sponsored plans.[118] In addition, on January 31, 2025, the U.S. Office of Personnel Management issued letter 2025–01A, which prohibited coverage of certain surgeries and hormone treatments for covered individuals under age 19 in Federal Employees Health Benefits (FEHB) and Postal Service Health Benefits (PSHB) Programs. That letter was amended by letter 2015–01B, issued on August 15, 2025, which eliminated the age limit and advised that for Plan Year 2026, chemical and surgical modification of an individual's sex traits through medical interventions (to include ''gender transition'' services) will no longer be covered under the FEHB or PSHB Programs. Specifically, it excludes hormone treatments that pertain to chemical and surgical modification of an individual's sex traits (including as part of ''gender transition'' services) and clarifies that carriers should not exclude coverage for entire classes of pharmaceuticals. For example, ''GnRH agonists may be prescribed during [in vitro fertilization], for reduction of endometriosis or fibroids, and for cancer treatment or prostate cancer/tumor growth prevention.'' [119]

As previously noted, section 2101(a) of the Act provides funds to States to enable them to initiate and expand the provision of child health assistance to uninsured, low-income children in an effective and efficient manner that is coordinated with other sources of health benefits coverage for children. As outlined previously in this final rule, while the prohibitions on FFP are not identical, they will effectively result in prohibition of payment of sex-rejecting procedures in both the FEHB Program and as an EHB beginning with Plan Year 2026. Therefore, consistently with these programs, we proposed to add a new section § 457.476 to prohibit Federal financial participation for sex-rejecting procedures under CHIP, to align CHIP with Medicaid, the FEHB Program, and EHBs. Although title XXI of the Act does not apply EHB rules under a separate CHIP, the services which must be covered under title XXI also are EHBs. We noted that similar to Medicaid, this proposed change in CHIP will not prohibit Federal payment for procedures undertaken to treat a child with a medically verifiable disorder of sexual development; for purposes other than attempting to align a child's physical appearance or body with an

[118] 2025 Marketplace Final Rule, 90 FR 27152 (June 25, 2025). While portions of the 2025 Marketplace Final Rule have been challenged, the prohibition on issuers of non-grandfathered individual and small group market health insurance coverage from providing coverage for ''specified sex-trait modifications'' as an EHB took effect beginning with Plan Year 2026.

[119] U.S. Office of Personnel Management (OPM) FEHB Program Carrier Letter, Letter Number 2025–01A, ''Addendum to Call Letter for Plan Year 2026,'' January 31, 2025, *https://www.opm.gov/healthcare-insurance/carriers/fehb/2025/2025-1a.pdf.* Amended by OPM FEHB Programs Carrier Letter, Letter Number 2025–01B, ''Subject: Chemical and Surgical Sex-Trait Modification Services for Plan Year 2026 Proposals,'' August 15, 2025, *https://www.opm.gov/healthcare-insurance/carriers/fehb/2025/2025-01b.pdf.*

asserted identity that differs from the child's sex; or to treat complications, including any infection, injury, disease, or disorder that has been caused by or exacerbated by the performance of sex-rejecting procedures.

We take very seriously the weak evidence base supporting the safety or effectiveness of sex-rejecting procedures in children, and the plausible evidence of the risks of harm, for the purposes included in our definition. Based on these factors, we proposed to prohibit Federal CHIP funds for sex-rejecting procedures for the purposes included in our definition. It is also important to reiterate that these regulatory changes will not prohibit the use of Federal CHIP dollars for mental health treatments for conditions such as gender dysphoria.

G. Severability

We intend that if any provision in this final rule is held to be invalid or unenforceable by its terms, or as applied to any person or circumstance, or stayed pending further agency action, it shall be severable from this final rule and not affect the remainder thereof or the application of the provision to other persons not similarly situated or to other, dissimilar circumstances. This notice proposes provisions that are meant to and would operate independently of each other, even if each serves the same general purpose or policy goal. Where a provision is necessarily dependent on another, the context generally makes that clear (such as by a cross-reference).

II. Analysis of and Responses to Public Comments

A. General Discussion

We published the proposed rule titled ''Prohibition on Federal Medicaid and Children's Health Insurance Program Funding for Sex-Rejecting Procedures Furnished to Children'' in the December 19, 2025, **Federal Register** (90 FR 59441). We received approximately 11,000 timely pieces of correspondence from individuals and organizations, including, but not limited to, individuals, elected officials, State government agencies, medical associations, and advocacy groups. We received supportive comments (less than 10 percent) and a substantial amount of comments in opposition (more than 90 percent) to the proposed provisions. In this section, we summarize the comments received and our responses. Comments related to the paperwork burden and the impact analyses are addressed in the ''Collection of Information Requirements'' and ''Regulatory Impact Analysis'' sections of this final rule.

We also received a number of out-of-scope comments that are not addressed in this final rule. In addition, we received some out-of-scope comments which were applicable to the proposed rule titled ''Medicare and Medicaid Programs; Hospital Condition of Participation: Prohibiting Sex-Rejecting Procedures for Children'' (90 FR 59463) dated December 19, 2025 (Hospital COP). Such out-of-scope comments are also not addressed in this final rule.

Finally, we note that we are finalizing the rule as proposed with two modifications. First, we are finalizing a policy allowing FFP for the provision of cross-sex hormones for a limited tapering period not to exceed 6 months from the effective date of this final rule as discussed in more detail below. Second, we are replacing references to ''child'' in the definition of sex-rejecting procedure with ''individual'', as the definition applies regardless of age. It is the prohibition of FFP in Medicaid and CHIP that applies to populations specified elsewhere in regulation text. This is also discussed in more detail below.

Comment: Many commenters noted the proposed rule's lack of a grandfather clause or transition period for children and adolescents currently receiving sex-rejecting procedures funded through Medicaid and CHIP. Many commenters stated that the absence of a grandfather clause or a transition or tapering period would result in abrupt termination of treatment for children and adolescents currently receiving such care, causing medical and psychological harm to these patients. These commenters believed that CMS should provide continuity of care for children and adolescents already receiving treatment through waivers or transition periods. Several commenters also believed that CMS did not adequately explain why the proposed rule did not include such a grandfather clause or transition period or address the effects on children and adolescents when such care is denied or withdrawn. In addition, several commenters stated that abrupt discontinuation of treatment would be cruel, unethical, and/or contrary to standards of care and medical science. Further, several commenters noted that some States that have passed legislation to ban or restrict sex-rejecting procedures have enacted provisions that allow waivers or tapering periods for patients already receiving treatment on the effective date of the ban or restriction, noting that even those States that chose to restrict the provision of sex-rejecting procedures to gender-dysphoric youth that identify as transgender recognized that an immediate cessation of treatment could have adverse mental and physical health impacts. A commenter stated that the agency's stated rationale for rejecting a grandfather clause—that it chose ''fewer exceptions than are allowed in these States to maximize health and safety''—demonstrated inconsistency with medical evidence, and that the agency cannot claim it is maximizing patient health and safety by forcing the discontinuation of treatment that multiple major medical organizations have determined to be safe and effective. This commenter stated that the agency's conclusion was unsupported by the evidence in the record and reflected an arbitrary exercise of agency discretion. Another commenter stated that while there are no studies that directly examine the impact of sudden and forced discontinuation of treatment in gender-dysphoric youth, the existing literature on the harms of delayed and denied care suggest that the effects would be devastating and life-threatening. This commenter further stated that while a tapering off period would not eliminate all the harm the rule will inflict on low-income gender-dysphoric youth should the rule be finalized, it could mitigate such harm. A commenter that recommended a grandfather clause for patients already receiving sex-rejecting procedures specifically recommend a transition period of 12 months.

Response: We appreciate the thoughtful comments received on this issue and have carefully considered the concerns raised. As discussed throughout the proposed rule and this final rule, we are committed to protecting the health and safety of Medicaid and CHIP beneficiaries, including ensuring that changes to payment are implemented in a manner that minimizes disruption to patient care wherever consistent with the purposes of this rule.

After careful consideration of the comments, we are finalizing a policy allowing FFP for a limited tapering period for a discrete category of affected beneficiaries. Specifically, for current Medicaid and CHIP beneficiaries who are receiving cross-sex hormone therapy as part of sex-rejecting procedures as of the effective date of this final rule, State Medicaid and CHIP Agencies may continue to claim FFP for those cross-sex hormone therapy medications for a tapering period of up to 6 months from the effective date of this final rule. This tapering period is intended to provide beneficiaries and their treating providers a reasonable opportunity to

phase out these medications in a manner that allows for clinical discretion if desired. The 6-month tapering period is not intended to serve as a clinical guideline. Treating providers may find a shorter timeline for tapering off cross-sex hormones to be appropriate.[120] The administration of puberty blockers is not eligible for this tapering provision, because upon stopping puberty blockers, pubertal manifestations generally reappear within months [121] without adverse side effects.

Several important limitations apply to this tapering provision. First, it applies only to children enrolled in Medicaid and CHIP who are receiving cross-sex hormone therapy as part of sex-rejecting procedures as of the effective date of this final rule. It does not apply to children who initiate cross-sex hormone therapy after the rule's effective date, and FFP will not be available for any new initiations of these treatments for sex-rejecting procedures for children following the rule's effective date. Second, this tapering period applies only to cross-sex hormone therapy medications; it does not extend FFP for surgical sex-rejecting procedures or puberty-blocking medications. The provision of FFP for such procedures (surgeries and puberty blockers) in Medicaid and CHIP will cease as of the effective date of the final rule.

We also note that Federal Medicaid and CHIP funding remains available for mental health treatment for individuals with gender dysphoria, and State Medicaid and CHIP agencies are encouraged to ensure that beneficiaries transitioning from cross-sex hormone therapy have access to mental health services throughout and after the tapering off period.

We have considered whether a longer transition period, such as the 12 months recommended by some commenters, would be appropriate. When TRICARE excluded coverage of cross-sex hormone treatment for children under age 19, prescriptions for cross-sex hormones were permitted to facilitate reduced dosages for up to 6 to 12 weeks of tapering generally.[122] However, we conclude that a 6-month tapering period strikes the appropriate balance. This timeframe is consistent with approaches taken by several States [123] that have enacted restrictions on sex-rejecting procedures but provided a tapering period for individuals who were receiving sex-rejecting procedures when the restrictions took effect. Taking into account these examples from States, we find this timeframe is sufficient to allow a beneficiary to work with their treating provider to safely taper off of cross-sex hormones. A longer period would be inconsistent with our determination, grounded in the HHS Review and the broader body of evidence discussed in this final rule, that the risk/benefit profile of sex-rejecting procedures for children does not support continued Federal funding. A longer period would unreasonably extend the period during which Federal funds are used to support procedures that we have concluded are not in the best interests of beneficiaries and not consistent with quality of care or with the provision of health care services to uninsured, low-income children in an effective and efficient manner that is coordinated with other sources of health benefits coverage for children.

We do not believe that our decision not to include a broader grandfather clause for all sex-rejecting procedures constitutes an arbitrary exercise of agency discretion. The HHS Review, the international evidence, and the principles underlying sections 1902(a)(19), 1902(a)(30)(A), 2101(a) and 2102(a)(7)(A) of the Act all support CMS' determination that continued FFP for sex-rejecting procedures, even for those currently receiving them, is inconsistent with quality of care and the best interests of beneficiaries and the effective and efficient standard.

We recognize that the States that enacted legislation to ban or restrict sex-rejecting procedures have done so with different requirements. Some states provided a transition period longer than 6 months,[124] a tapering period for both puberty blockers and cross-sex hormone therapy,[125] or a grandfathering clause for certain sex-rejecting procedures.[126] These State legislative choices reflect State policy prerogatives and are not binding on CMS. They further demonstrate that there are various approaches to implement a ban on sex-rejecting procedures or the funding thereof. We believe the limited cross-sex hormone therapy tapering period that we are finalizing appropriately addresses the most acute continuity-of-care concerns commenters raised, without unduly prolonging Federal funding for procedures that CMS concludes are potentially harmful.

Comment: Several commenters recommended that CMS extend the implementation timeline for the proposed changes to allow more time for States, Medicaid agencies, CHIPs, and providers to implement the changes. These commenters stated that States, Medicaid and CHIP plans, and providers would face significant logistical challenges in implementing the proposed changes if they were to take effect immediately upon finalization of the proposed rule (or on October 1, 2026, which a few commenters believed was the intended effective date as discussed below). Given this, these commenters stated that States and Medicaid and CHIP plans required substantially more time to operationalize these changes, noting the need to draft and file State plan amendments (SPAs), revise plan contracts and benefit determinations, issue new guidance, develop new claims, billing, and other systems and procedures, educate providers and consumers, and reconcile conflicts with

[120] ''Policy Key: Gender Dysphoria,'' TriWest Healthcare Alliance, revised May 22, 2025, *https://tricare.triwest.com/globalassets/tricare/provider/TRICARE-West-Region-Gender-Dysphoria-PK.pdf.* See ''TRICARE Policy Manual,'' TRICARE, Chapter 7, Section 1.2, last updated June 11, 2025, *https://manuals.health.mil/pages/DisplayManualHtmlFile/2025-08-12/AsOf/tpt5/c7s1_2.html.*

[121] Jean-Claude Carel, M.D. and Juliane Léger, M.D., ''Precocious puberty,'' *N Engl J Med* 358, no. 22 (2008): 2366–77, *https://www.nejm.org/doi/full/10.1056/NEJMcp0800459.*

[122] ''Policy Key: Gender Dysphoria,'' TriWest Healthcare Alliance, revised May 22, 2025, *https://tricare.triwest.com/globalassets/tricare/provider/TRICARE-West-Region-Gender-Dysphoria-PK.pdf.* See ''TRICARE Policy Manual,'' TRICARE, Chapter 7, Section 1.2, last updated June 11, 2025, *https://manuals.health.mil/pages/DisplayManualHtmlFile/2025-08-12/AsOf/tpt5/c7s1_2.html.*

[123] See for example, Indiana implemented a 6-month tapering provision for gender transition hormone therapy (Ind. Code § 25–1–22–13), and Oklahoma included a 6-month tapering period in their state law prohibiting gender transition procedures (63 Okla. Stat § 2607.1).

[124] See for example, Louisiana included a yearlong tapering provision if the healthcare professional, among other requirements, provided documentation in the medical record that immediately terminating the child's use of the drug or hormone would cause harm to the child (La. Rev. Stat. § 40:1098.2). Tennessee permitted a healthcare provider to continue performing or administering a healthcare procedure for up to 9 months if the performance or administration of the medical procedure began prior to the effective date of the act (Tenn. Code Ann. § 68–33–103).

[125] See for example, South Carolina authorized a health care professional, who initiated a course of treatment prior to August 1, 2024 that included puberty-blocking drug or a cross-sex hormone to a person under the age of eighteen, to institute a period (not to extend past January 31, 2025) during which the person's use of the drug or hormone was systematically reduced (S.C. Code Ann. § 44–42–320).

[126] See for example, Nebraska which stated in its state law that the prohibition on gender-altering procedures does not apply to the continuation of treatment using puberty-blocking drugs, cross-sex hormones, or both when the course of treatment began before October 1, 2023 (Neb. Rev. Stat. § 71–7304). North Carolina permits a medical professional to continue a course of treatment for a minor that includes a surgical gender transition procedure, or the administration of puberty-blocking drugs or cross-sex hormones, if, among other requirements, the course of treatment commenced prior to August 1, 2023 (N.C. Gen. Stat. § 90–21.152).

state laws or policies. A commenter also stated that providers would have to reassign their cases to mental health care providers, which the commenter claimed would create a shift in demand and resources in the gender-dysphoric youth health care system. A few commenters who requested additional time for States, Medicaid and CHIP plans, and providers to implement the proposed changes recommended specific implementation timeframes. One of these commenters requested CMS to adopt an implementation timeframe of no less than 12 months following publication of the final rule, or alternatively align implementation with the start of the first State fiscal year occurring at least 12 months after the final rule's publication. The other commenter requested that any enforcement and cessation of reimbursement should be effective no sooner than January 1, 2027 or January 1, 2028, whichever allows at least an 8-month period following finalization of the rule. Finally, a commenter stated that CMS gave no indication in the proposed rule of how much time states, patients, and entities would have after the effective date to comply with the rule. This commenter stated that, given this, medical providers and their patients would not be able to appropriately plan whether and how to safely and ethically taper treatment.

Response: We have determined that this final rule is a major rule and thus, that the 60-day delay in the effective date required under the Congressional Review Act (5 U.S.C. 801(a)(3)) applies. Thus, consistent with the Congressional Review Act, the final rule will take effect 60 days following publication in the **Federal Register**. We believe this timeframe provides States with sufficient notice to begin implementing the required changes, including submitting SPAs, while also reflecting the urgency of the child safety concerns that underlie this rule.

We recognize that implementation will require operational steps on the part of States and managed care plans, including revisions to policy documents, provider communications, and claims processing systems. However, we do not believe the operational burden justifies a delay of the length suggested by some commenters. The administrative tasks associated with this rule, including filing a SPA reflecting the prohibition and updating policy documents, are well within the normal operational capacity of State Medicaid agencies.

Even prior to the issuance of the proposed rule, CMS issued a State Medicaid Directors letter in April of 2025 setting forth the agency's view on the intersection between payment for sex rejecting procedures and State obligations under sections 1902(a)(19) and (a)(30)(A) of the Act. A 60-day post-publication effective date, combined with the limited 6-month tapering period discussed in the response above for existing receipt of cross-sex hormone therapy, provides a reasonable runway for implementation while remaining consistent with the child safety purposes of this rule.

Comment: A commenter stated that the comment period should be extended another 15 to 30 days because the end time of the comment period was not clear. Specifically, the commenter stated that the proposed rule, under the **DATES** section, listed the comment period as ending at 5 p.m. (with no time zone listed), while the comment period on *regulations.gov* indicated that comments were not due until 11:59 p.m. EST. The commenter stated that the comment period should be extended another 15 to 30 days to allow for submission of comments by commenters who were dissuaded from doing so due to the 5 p.m. deadline set forth in the proposed rule. One other commenter recommended CMS extend the comment period for this rule by 90 days.

Response: We appreciate the commenter raising this concern. We have confirmed that the authoritative deadline for submission of comments was as stated in the **DATES** section of the proposed rule. Any discrepancy between the proposed rule and the *regulations.gov* display reflected a platform-level display issue and did not affect the official comment period. We are satisfied that the comment period provided the public with meaningful opportunity to comment on the proposed rule, as evidenced by the large volume and breadth of substantive comments both in support of and in opposition to the rule that we received. We do not believe an extension of the comment period is warranted or practicable at this stage of rulemaking, and we have reviewed and considered all comments received through the close of the comment period.

Comment: A few commenters indicated they believed the final rule would be effective October 1, 2026, based on the time period used for projections in the proposed rule's Regulatory Impact Analysis (RIA). A couple of these commenters stated that the proposed rule's RIA assumed that the provisions would become effective upon finalization and that the analysis projected this to be October 1, 2026. Another commenter stated that while the costs in the RIA were projected based on an October 1, 2026 effective date, it was not clear if this was the proposed rule's intended effective date. This commenter stated that if the effective date was to be October 1, 2026, this would not provide nearly enough time for CMS to consider and address all concerns raised by commenters, given the Office of Information and Regulatory Affairs' (OIRA's) 90-day review period for ''significant'' rules and the required 30-day delay in effective date following publication. This commenter stated that CMS had not explained why an October 1, 2026 effective date outweighed other effective date alternatives. This commenter also stated concern that, because so many individuals and entities would be impacted by the proposed rule's changes, the assumption in the RIA that October 1, 2026 might be the effective date was impractical and unreasonable.

Response: We appreciate commenters' attention to this issue. As discussed in the response to the previous comment, the effective date of this final rule is 60 days following publication in the **Federal Register**. The October 1, 2026 date used in the RIA was a planning assumption for purposes of projecting fiscal impacts and does not represent the legally operative effective date of the rule. We acknowledge that the proposed rule would have benefited from greater clarity on this point, and we have addressed it in this final rule. We also note that, consistent with applicable regulatory review requirements, this final rule was submitted to OIRA for review prior to publication, and the effective date reflected in this final rule accounts for the required 60-day delay in effective date required under the Congressional Review Act.

Comment: Among those commenters who supported the proposed rule, many did so because they view sex-rejecting procedures as inherently harmful and potentially dangerous, especially for children. Many commenters stated their belief that sex-rejecting procedures mutilate a person's body and are abusive, barbaric, destructive, inhumane, or evil. Many commenters supported the proposed rule because they believed children should not be subject to interventions that permanently alter their physiology. Many commenters noted that physicians who perform sex-rejecting procedures are violating their Hippocratic Oath to ''Do No Harm'', and similarly, many endorsed this regulation because they indicated that they wanted to protect children. Many commenters supported the proposed rule because they believed there is no scientific evidence demonstrating that sex-rejecting

procedures are beneficial for patients. They cited primary studies and systematic reviews that found either no benefit or evidence of harm associated with these interventions. Moreover, many commenters noted there is a general lack of credible research on sex-rejecting procedures, particularly regarding their potential long-term adverse outcomes. Many commenters supported the rule because they believed sex-rejecting procedures routinely resulted in serious negative health consequences, including infertility, sexual and pelvic floor dysfunction, impaired bone density, cardiovascular complications, negative effects on brain health, endocrine disorders, thromboembolism, hypertension, obesity, breast cancer, baldness, and incontinence. Many commenters noted that children undergoing sex-rejecting procedures could require routine medical intervention throughout their lives. Many commenters agreed with restricting sex-rejecting procedures because they believed they will not solve underlying mental health issues, including depression, suicidal ideation, and the ability to form healthy relationships. Several commenters supported the proposed rule because they viewed gender dysphoria as a mental health issue that required counseling or other psychological treatment rather than physiological intervention. Several commenters noted that sex-rejecting procedures were undesirable in part because patients might focus on such interventions without seeking mental health treatment. A few commenters stated that Federal funding should be used to expand access to mental health services for children with gender dysphoria. A few comments cited recent guidance from American medical associations that recommended against sex-rejecting procedures. A few commenters also noted that children may later regret the decision to undergo sex-rejecting procedures and could therefore experience trauma, depression, or consider suicide. A commenter shared that their child committed suicide after undergoing sex-rejecting procedures.

Response: CMS appreciates the comments received in support of the proposed rule, including from those who noted concern about the potential harms associated with sex-rejecting procedures for children. As detailed in Section I.B. of the preamble of this final rule, we have reviewed the current medical evidence and share these commenters' concerns about the risk/benefit profile of these procedures for children diagnosed with gender dysphoria.

The HHS Review, released in its final peer-reviewed form on November 19, 2025, found that the overall quality of evidence concerning the effects of sex-rejecting procedures on psychological outcomes, quality of life, and long-term health is very low, while identifying plausible risks of significant harms including infertility/sterility, sexual dysfunction, impaired bone density accrual, adverse cognitive impacts, cardiovascular disease and metabolic disorders, psychiatric disorders, surgical complications, and regret. These findings are consistent with the conclusions reached by multiple European countries that conducted independent systematic reviews of the evidence.

We note that the proposed rule and this final rule are not clinical practice guidelines and do not endorse or require any particular treatment modality. Mental health treatment and psychotherapy, which some commenters identified as appropriate alternatives, will continue to be Federally funded under both Medicaid (including under Medicaid's EPSDT provisions) and CHIP. We do not speculate or comment on the motivations of individual providers, and we presume that the vast majority of providers who have offered sex-rejecting procedures have done so in good faith reliance on existing clinical guidelines. These regulations are grounded in sections 1902(a)(19) and 1902(a)(30)(A) of the Act which require that Medicaid payments be consistent with quality of care and that Medicaid-covered care and services be provided in a manner consistent with the best interests of beneficiaries. They are also grounded in section 2101(a) of the Act, which calls for the provision of CHIP-covered services in a manner that is effective and efficient and coordinated with other sources of health benefits coverage for children.

Comment: Many commenters supported the proposed rule because they believed children cannot provide informed consent for sex-rejecting procedures. Several commenters stated that children lacked the maturity to make decisions regarding sex-rejecting procedures. Several commenters noted that children cannot understand the nature of sex-rejecting procedures or the consequences of pursuing sex-rejecting procedures. Several commenters stated that since children are not old enough to vote, drive, drink, etc., they are not old enough to receive sex-rejecting procedures. Several commenters supported the proposed rule because of their beliefs that children are still developing mentally, emotionally and physically. Several commenters indicated they believed that children require heightened protections or that it is the government's responsibility to protect children. A few commenters stated they believed children are impressionable, gullible, or otherwise easily influenced or coerced. A commenter indicated that children served by Medicaid and CHIP are especially vulnerable and ''the least able to'' navigate discussions regarding the outcomes of sex-rejecting procedures.

Response: We acknowledge the concerns raised by commenters regarding children's capacity to provide informed consent for sex-rejecting procedures. As discussed in the final rule's preamble, one reason we are proposing to prohibit FFP for sex-rejecting procedures for children under 18 in Medicaid (and under 19 in CHIP) is concern that children may not have the capacity to fully understand the irreversible or long-term risks of these procedures, or to continue communicating their preferences to providers once treatment has begun. We note that the final rule does not make a general finding that children are incapable of consent in all medical contexts. The rule is specifically directed at Federal funding for a category of procedures for which the current evidence does not support a favorable risk/benefit profile for the treatment of gender dysphoria in children, and for which the potential for irreversible harm is significant. The rule does not prevent States from covering these procedures with State-only funds, nor does it prevent providers from discussing all available treatment options with patients and their families.

Comment: Several commenters offered recommendations to strengthen the rule's implementation and defensibility, including clearer definitions, uniform national standards, phased timelines, and robust enforcement mechanisms. A small number of commenters also highlighted specific protections the rule should afford to religiously affiliated healthcare providers.

Response: We appreciate the commenters' recommendations. We have carefully considered these recommendations to strengthen the rule through definitions, uniform national standards, phased implementation, and enforcement mechanisms. However, because Medicaid and CHIP programs are administered primarily by the States and each State operates differently, we have determined that it is preferable to give States flexibility to develop these

operational details. We encourage States to develop implementation approaches that reflect their individual program structures and populations while ensuring compliance with the prohibition on FFP for sex-rejecting procedures for children. While we are not implementing a phased-in approach, as requested in some comments, we are finalizing the provision of FFP for a limited tapering period for cross-sex hormones, as discussed in more detail above in this final rule. We note that this rule does not affect existing protections for religiously affiliated healthcare providers that exist under various authorities but note those protections fall outside the scope of this rulemaking.

Comment: Most commenters were opposed to the proposed rule. Among the commenters who opposed the proposed rule, many did so because they believed it constituted a form of discrimination, bigotry, or prejudice. Many commenters stated they believed the proposed rule prioritized a particular political or ideological viewpoint over the welfare of Medicaid and CHIP beneficiaries. Many commenters anticipated that the rule would decrease confidence in and the reputation of both CMS and the U.S. government. Many commenters objected to the rule dedicating what they believed are outsized resources to restricting sex-rejecting procedures for a very small portion of the population, when more pressing issues exist. Many commenters suggested the proposed rule restricted funding for sex-rejecting procedures to enforce a prejudiced worldview that mischaracterized both those procedures and the people who need them. Many commenters indicated they believed that the rule embedded stigma and inequality into the regulatory framework, which could be used to justify future persecution of not only transgender-identifying individuals, but other groups of individuals. Many commenters characterized the rule's design as hostile or punitive in nature, describing it as an act of violence or erasure. Many commenters asserted concern that the rule would damage social cohesion, erode social networks, and unravel community attachments. Many commenters stated that the rule unjustly imposed distinct burdens on a population that is, or should be, explicitly protected from discrimination. Many commenters stated that the rule denied care to deserving Medicaid and CHIP beneficiaries, undermining equal access to care without sufficient justification. Many commenters predicted that the rule would entrench existing socioeconomic barriers to care rather than addressing them. Many commenters cited the proposed rule's exceptions to the prohibition on FFP for sex-rejecting procedures as evidence that the rule is unfair.

Response: We do not agree with commenters who characterize the proposed rule as discriminatory, biased, or ideologically motivated. This rule is based on significant child safety and quality-of-care concerns, and grounded in sections 1902(a)(19) and 1902(a)(30)(A) of the Act, which require that Medicaid-covered care be provided in a manner consistent with the best interests of beneficiaries and that payments be consistent with quality of care. In addition, it is grounded in section 2101(a) of the Act which calls for the provision of CHIP in a manner that is effective and efficient and coordinated with other sources of health benefits coverage for children.

As discussed in detail in the proposed rule and this final rule, the HHS Review shows that the evidence base underlying sex-rejecting procedures for children is characterized by very low certainty of benefits and plausible risks of significant harms, some of which may be irreversible, including infertility, bone density loss, cardiovascular and metabolic disorders, and adverse cognitive impacts. The U.S. is not unique in either recognizing the unfavorable risk profile for sex-rejecting procedures to treat gender dysphoria in children or taking action to limit the use of Federal funding for such procedures. As discussed in the section above titled, ''European approaches for the treatment of pediatric gender dysphoria,'' other developed, western nations, including the United Kingdom, Finland, Norway, and Sweden, have concluded that the evidence supporting pediatric sex-rejecting procedures is weak and have taken action to significantly curtail or prohibit access to sex-rejecting procedures for children.

This regulation does not prohibit States from covering sex-rejecting procedures using State-only funds outside of the Federally-matched Medicaid or CHIP program, nor does it prohibit Federal funding for mental health services, including psychotherapy and counseling, for children with gender dysphoria. The rule is not directed at individuals who identify as transgender as a class, but rather at specific pharmaceutical and surgical interventions used for particular purposes where the evidence does not support a favorable risk-benefit profile for pediatric populations.

We acknowledge that commenters expressed concerns that the proposed rule could adversely affect individuals who identify as transgender and their families, contribute to stigma, or reduce access to care. We also acknowledge the deeply personal nature of these issues and are committed to ensuring that children enrolled in Medicaid and CHIP have access to comprehensive, high-quality care, including robust mental health services. However, FFP in Medicaid must be consistent with the best interests of beneficiaries and with quality of care, and for CHIP beneficiaries, it must be consistent with the provision of health care services to uninsured, low-income children in an effective and efficient manner that is coordinated with other sources of health benefits coverage. The current evidentiary record does not support the conclusion that sex-rejecting procedures for children meet these standards, as described in the literature survey set out in the HHS Review.

Comment: Among those commenters who opposed the proposed rule, many believed that the evidence, reasoning, and conclusions drawn against sex-rejecting procedures in the proposed rule were biased, misrepresented, or otherwise lacking in rigor. Many commenters suggested that the strength of the evidence in favor of sex-rejecting procedures and associated treatment guidelines are at least as rigorous as evidence for treatments for other covered diseases, disorders, and conditions, and several commenters stated that sex-rejecting procedures are held to a high evidentiary standard that other types of care do not need to meet. A few commenters stated that randomized controlled trials for conditions such as gender dysphoria are often described as unethical because they are deceptive toward individuals who receive care—individuals who are not in the experimental group may leave the trial entirely. A commenter stated that there is positive research on the impact of psychotherapy, but it is impossible to isolate from the impact of hormonal medications that are often prescribed in tandem. The commenters suggested that many youth begin with psychotherapy as a first step, with the goal of receiving hormonal medication treatment (and removing the ''goal'' of hormonal medication treatment may decrease the efficacy of psychotherapy).

Response: We do not agree with commenters who characterize the evidentiary basis for this rule as biased or misrepresented. This rule relies on a comprehensive review of available evidence, including the HHS Review, which evaluated existing systematic

reviews using accepted methodological standards. That review found the overall quality of evidence concerning the effects of sex-rejecting procedures on psychological outcomes, quality of life, and long-term health to be very low, a finding consistent with evaluations conducted by public health authorities in the United Kingdom, Sweden, and Finland.

Some commenters submitted studies and opinions to support their position that sex-rejecting procedures are effective and appropriate for children with gender dysphoria. As noted in the proposed rule, the HHS Review found that the evidence base cited in the review does not support conclusions about the effectiveness of medical and surgical interventions in improving mental health or reducing gender dysphoria symptoms in pediatric populations, and that known and plausible risks of significant harms exist based on what is understood about human physiology and the pharmacological agents employed.

We also note that the methodological limitations commenters identify—such as the ethical challenges of conducting randomized controlled trials—are precisely among the reasons the evidence base is characterized as very low quality. Those limitations do not justify Federal funding for interventions where benefits are unproven and the potential for irreversible harm is significant. This regulation does not foreclose psychotherapy or other mental health supports, which remain covered under Medicaid's standard benefit design, EPSDT provisions and CHIP, and it does not prevent States from covering sex-rejecting procedures with State-only funds.

Comment: Among commenters who opposed the proposed rule, many believed that the rule was inconsistent with current scientific consensus, including most recent peer-reviewed studies and current evidence about children who identify as transgender and sex-rejecting procedures. Many commenters stated that the evidence for interventions like puberty blockers, mastectomies, and other medications or procedures was sufficient for other conditions, and these treatments have been used for non-sex-rejecting procedures with success; therefore, concerns about lack of evidence for these treatments for sex-rejecting procedures was not justified. Many commenters requested that CMS conduct further research on sex-rejecting procedures, and listen to the advice of medical professionals and people who identify as transgender. Several commenters indicated that this rule would make it more difficult to conduct research on the impacts of sex-rejecting procedures in children. Many commenters suggested that the rule was not written by qualified medical professionals with an understanding of the current research and was therefore politically motivated. Many commenters believed that some bodies of research pointed to improved overall health outcomes for children who identify as transgender who are able to access sex-rejecting procedures, including reduced suicidality, improved mental health, and low rates of regret. Several commenters pointed to research showing that individuals who identify as transgender regularly experience negative health outcomes due to discrimination in the medical care system, and suggested that this rule would add to that burden. A few commenters stated that uncertainty in long-term outcome evidence for providing sex-rejecting procedures to children did not justify withholding care, with a commenter citing the risks associated with denial of care and a commenter pointing to the high rate of ''off-label'' medication use in pediatric specialty care. Several commenters believed that limiting care for children who identify as transgender to ''gender exploratory therapy'' and similar mental health-only interventions was not appropriate or effective, as these are not evidence-based methods for treating gender dysphoria. Finally, a few commenters stated that this created a dangerous precedent for ignoring scientific evidence in medical care coverage decisions.

Response: We do not agree with commenters who stated that this rule is inconsistent with scientific consensus or established a dangerous precedent. As discussed in the proposed rule, the HHS Review, as well as systematic reviews conducted or commissioned by public health authorities in the United Kingdom, Sweden, Finland, and other countries, have each concluded that the evidence for benefits from puberty blockers, cross-sex hormones, and surgical interventions for children and adolescents with gender dysphoria is of very low quality, and that the risk of significant and potentially irreversible harms is real. These nations, acting independently of one another and of U.S. policy considerations, reached broadly consistent conclusions: that the current evidence does not support the broad use of medical and surgical interventions in pediatric populations when used as sex rejecting procedures, and that psychosocial support should be the first-line approach.

The HHS Review identifies a critical distinction between the use of sex-rejecting procedures for gender dysphoria and use of the same drugs or procedures for other medical conditions. Specifically, the review notes that puberty blockers were originally approved for the treatment of central precocious puberty—a condition characterized by the premature onset of puberty. In this context, puberty blockers are used to temporarily halt an abnormal developmental process. However, when puberty blockers are administered in the treatment of gender dysphoria, their use is considered off-label. The HHS Review emphasizes that clinical trials have not been conducted to assess the effects of using puberty blockers to stop normally timed puberty.[127] This is a significant concern, as the risk profile for this use is unknown from its application in cases of precocious puberty. In gender dysphoria treatment, puberty blockers are employed to suppress a normal and healthy developmental process, rather than to intervene in an abnormal one. Furthermore, the HHS Review raises additional concerns regarding the typical treatment sequence in pediatric gender medicine. It notes that puberty blockers are almost always followed by the administration of cross-sex hormones. This combination has not been subjected to any FDA-regulated clinical trials for any population.

We disagree with the assertion that this rule would hinder the ability to conduct research. The rule is specifically designed to prohibit Medicaid and CHIP from funding certain procedures due to the substantial risk of harm, as previously discussed. Importantly, it does not impose regulations on medical practice, alter clinical practice guidelines, or restrict ongoing or future research endeavors. In addition, we do not agree with the claim that the rule is politically motivated. Rather, it is based on the research and findings outlined in the HHS Review.

We disagree with the assertion that this rule would contribute to discriminatory practices within the medical care system. The intent and scope of the rule are focused specifically on protecting children from the risk of potential harm associated with certain procedures. It is important to clarify that this rule applies exclusively to pediatric populations and does not affect the use of these procedures in non-pediatric groups. Furthermore, the rule does not restrict clinicians, states, or organizations from discussing,

[127] HHS Review, 102.

providing, or funding these procedures when utilizing funding sources other than Medicaid and CHIP. As such, the rule is designed to address concerns for children's safety without impeding access or discussion for other populations and funding mechanisms.

We take seriously the requirements under the Act to ensure that Medicaid and CHIP payments be consistent with quality of care and that covered services be provided in a manner consistent with the best interests of beneficiaries and meet the effective and efficient standard.

Based on the current state of the evidence, we do not believe that providing FFP for sex-rejecting procedures for children meets those standards. We continue to support Federal coverage of mental health services, including psychotherapy, which evidence supports as an effective intervention for many conditions that commonly co-occur with gender dysphoria.

Comment: Among commenters who opposed the proposed rule, many did not support the proposed rule because they believed its approach to sex-rejecting care was inconsistent with the opinions of medical professionals, medical ethics, and guidelines of major medical and professional organizations such as the AMA and the AAP. Many commenters indicated that the WPATH Standards of Care are comprehensive and show sufficient evidence and safety recommendations, stating that they are referenced by other professional organizations and health insurance companies in deciding appropriate care. Many commenters believed that sex-rejecting procedures are medically necessary and included under the umbrella of ''medical care'' as treatment for conditions like gender dysphoria, which is recognized as a medical diagnosis in ICD–10 and DSM–V. Several commenters believed that this rule required that physicians ignore the treatment guidelines of their professional organizations to which they belong. Several commenters stated that relying on the opinion of a small group of experts in determining treatment guidelines is normal for the industry, and this should not be used by HHS as evidence of a lack of professional attention to developing guidelines. A few commenters suggested that HHS cited the increase in number of adolescents diagnosed with gender dysphoria without explaining how this justifies prohibiting coverage of associated treatments. These comments stated that if HHS was suggesting that children are being misdiagnosed, the proposed rule does not provide evidence to support that idea. A commenter stated that the approach proposed in this rule did not align with other countries' approaches, as it is less flexible and eliminates individual clinical decision making.

Response: We are aware that a number of professional organizations, including the AMA, the AAP, the ES, and the WPATH, have issued statements or guidelines supporting sex-rejecting procedures for children. We have carefully considered those guidelines and the evidence underlying them.

As discussed in the proposed rule, and as documented in detail by the HHS Review, the guidelines issued by WPATH, the ES, and the AAP have been evaluated by independent researchers using accepted guideline quality assessment tools and have received very low scores for methodological rigor, transparency, conflict-of-interest management, and evidence quality. In particular, the HHS Review found that WPATH's SOC–8 suppressed systematic reviews of evidence, eliminated recommended age minimums in response to political pressures rather than clinical evidence, and relied on legal and political considerations rather than clinical ones. A recent systematic review of international guideline quality published in *Archives of Disease in Childhood* [128] similarly concluded that these guidelines should not be implemented due to their low quality and lack of independence. In addition, the American Society of Plastic Surgeons (ASPS) issued a position statement in February 2026 recommending that surgeons delay gender-related breast/chest, genital, and facial surgery until a patient is at least 19 years old. The position statement also highlights this action being taken as a result of recent publications reporting very low/low certainty of evidence regarding mental health outcomes, along with emerging concerns about potential long-term harms and the irreversible nature of surgical interventions in a developmentally vulnerable population. ASPS concludes there is insufficient evidence demonstrating a favorable risk-benefit ratio for the pathway of gender-related endocrine and surgical interventions in children and adolescents.[129]

We respect the role of professional organizations in developing clinical guidance. However, Federal Medicaid and CHIP payment decisions must be grounded in our statutory obligations and the best available evidence and must ensure that covered services are in the best interests of beneficiaries and consistent with quality of care and meet the effective and efficient standard. Because this rule reaches a different conclusion from certain professional organization guidelines or is pursuing different actions from other countries does not mean it disregards evidence; it means we have evaluated the underlying evidence independently and found it insufficient to support Federal financial participation in State expenditures for sex-rejecting procedures for children under age 18 in Medicaid and under age 19 in CHIP.

Comment: Many commenters suggested the proposed rule overstated the prevalence, nature, and rate of regret for sex-rejecting procedures. Many commenters stated that only a small percentage of children receiving treatment for gender dysphoria engaged in any sort of chemical or surgical intervention. Many commenters suggested that surgical intervention was only used as a last resort for gender-dysphoric youth, when other means of treatment for gender dysphoria have proven ineffective and have been thoroughly exhausted. Many commenters suggested that therapy-based or non-invasive interventions, such as hormone replacement therapy, puberty blockers, psychological/counseling interventions, and social transitioning, were primarily used to treat gender dysphoria in children. Many commenters indicated that decisions to pursue sex-rejecting procedures were not made hastily. These commenters referenced rigorous evaluations with multiple steps, approvals and wait times, involving multiple specialty providers and families during the process. Many commenters stated they believed children with gender dysphoria were not being rushed into pursuing sex-rejecting procedures or coerced in any way. Many commenters pointed to research stating that rates of regret for individuals who utilize sex-rejecting procedures were less than those who undergo other types of procedures such as back or knee surgery. Many commenters stated that only a small number of individuals detransition after receiving sex-rejecting procedures.

[128] Jo Taylor et al., ''Clinical guidelines for children and adolescents experiencing gender dysphoria or incongruence: a systematic review of guideline quality (part 1),'' *Archives of Disease in Childhood* 109, Supp. 2 (2024): s65–s72, *doi:10.1136/archdischild-2023-326499.*

[129] ''Position Statement on Gender Surgery for Children and Adolescents,'' American Society of Plastic Surgeons, issued February 3, 2026, *https://www.plasticsurgery.org/documents/health-policy/positions/2026-gender-surgery-children-adolescents.pdf.*

Response: We appreciate commenters' observations regarding the frequency and circumstances under which sex-rejecting procedures are provided to children. The proposed rule did not characterize these procedures as universally provided in a hasty or coercive manner. Rather, the rule is grounded in the conclusion that the risk-benefit profile of these procedures for pediatric populations, whatever the clinical care processes surrounding them, does not support Federal financial participation under Medicaid and CHIP.

For regret rates, the proposed rule acknowledged that the existing literature is limited, which makes it difficult to draw reliable conclusions about long-term regret or detransition. The concern is not solely about regret, but about potentially irreversible physiological consequences, including effects on fertility, bone density, cardiovascular health, and sexual function that may not be apparent until years after treatment, and about which the current evidence base does not provide adequate assurance of safety.

We agree with commenters that mental health care, psychotherapy, and psychosocial support are critical components of care for children with gender dysphoria, and this rule does not limit Federal payment of those services.

Comment: Many commenters opposed the proposed rule on the grounds that restricting access to sex-rejecting procedures would cause significant harm to gender-dysphoric youth. Many commenters stated that sex-rejecting procedures were lifesaving and medically necessary, and that access to these procedures was associated with improved mental health outcomes, including reductions in depression, anxiety, suicidality, and self-harm. Many commenters believed the proposed rule would increase the risk of suicide and self-harm among gender-dysphoric youth and cited evidence they believed supports the mental health benefits of these procedures. Many commenters also stated that restricting access to sex-rejecting procedures would force children to undergo unwanted and permanent physical changes, resulting in a need for more extensive and costly medical interventions later in life. More broadly, many commenters stated concern that the proposed rule would harm gender-dysphoric youth's social stability, school and employment participation, peer and family relationships, and community interaction. Many commenters believed the proposed rule would exacerbate existing health inequities and create barriers to care, and that fear of losing access to sex-rejecting procedures could deter families from seeking other Medicaid- and CHIP-covered services, including mental health care. Several commenters expressed concern that some children might seek sex-rejecting procedures through unregulated or unsafe channels if access through Medicaid and CHIP was restricted. Several commenters also stated that limiting care to psychotherapy alone would be harmful, stating that conversion therapy is a discredited practice with no therapeutic benefit.

Response: We disagree with the points raised in these comments. This rule does not prohibit States from covering sex-rejecting procedures using State-only funds, nor does it restrict providers' clinical judgment in the practice of medicine. Based on the potential risk of harm to children, this rule requires the discontinuation of federally-funded Medicaid and CHIP payment for sex-rejecting procedures, while permitting a limited tapering period for children to safely phase off of cross-sex hormones, as we describe in more detail above. We encourage States and providers to manage any transitions in care thoughtfully and in accordance with sound clinical judgment. Sections 1902(a)(19) and 1902(a)(30)(A) of the Act require that Medicaid payments be consistent with quality of care and Medicaid-covered care and services be provided in a manner consistent with the best interests of beneficiaries. In addition, section 2101(a) of the Act calls for the provision of CHIP in a manner that is effective and efficient and coordinated with other sources of health benefits coverage for children.

Based on the current evidentiary record, we have concluded that Federal financial participation in sex-rejecting procedures for children does not meet those standards.

Additionally, we take seriously the mental and physical health challenges faced by children and adolescents with gender dysphoria, and we have carefully considered the research, clinical arguments, and personal accounts submitted by commenters describing the benefits of sex-rejecting procedures and the potential harms of a policy that may reduce access to them.

However, as discussed in the proposed rule, the HHS Review found that the overall quality of evidence regarding the effects of sex-rejecting procedures on psychological outcomes, quality of life, and long-term health in pediatric populations is very low. The studies most frequently cited in support of the mental health benefits of sex-rejecting procedures have significant methodological limitations, including the absence of control groups, short follow-up periods, high dropout rates, and publication bias. The claim that these procedures reliably reduce suicidality and improve mental health outcomes in children has not been established with reliable evidence. At the same time, known and plausible risks of significant and irreversible harm—including effects on fertility, bone density, cardiovascular health, and sexual function—are well documented. These conclusions are consistent with the findings of public health authorities in the United Kingdom, Sweden, and Finland, each of which conducted independent evidence reviews and subsequently restricted or restructured access to these procedures in pediatric populations.

For the concern that restricting sex-rejecting procedures will force children to undergo unwanted pubertal development requiring more extensive interventions in adulthood, we note that this argument rests on the premise that early medical intervention produces better long-term outcomes than watchful waiting with psychosocial support—which is precisely the evidentiary question the evidence base has not resolved. The HHS Review also documents that many children with gender dysphoria, absent medical intervention, may come to identify with their sex by adulthood.[130]

We emphasize that this rule does not restrict FFP for State expenditures on mental health care. Psychotherapy and other mental health services remain covered under Medicaid's standard benefit design, as well as the provisions of the statutory EPSDT requirements and, as evidence supports, are effective interventions for many of the conditions that commonly co-occur with gender dysphoria, including depression and anxiety. Sweden's national health authority has recommended psychosocial support as the first-line treatment for adolescents with gender dysphoria; Finland and the United Kingdom have adopted similar approaches. We disagree with the claim that providing psychotherapy to children with gender dysphoria should be characterized as conversion therapy. As the HHS Review noted, ''[c]haracterizing as 'conversion therapy' any approach focused on reducing a minor's distress about their body or social role is a problematic and potentially harmful rhetorical device.'' [131]

Comment: Many commenters opposed the proposed rule, stating that

[130] HHS Review, 71–72.

[131] HHS Review, 262.

restricting funding for sex-rejecting procedures would not produce cost savings and would instead drive higher long-term public expenditures and economic harm more broadly. Many commenters indicated that restricting FFP for sex-rejecting procedures furnished to children and youth would lead to more expensive crisis-level mental health care, including crisis stabilization services, emergency department visits, psychiatric hospitalizations, and self-harm related medical care, destabilizing and straining the healthcare system as a whole. A few commenters stated their belief that delaying sex-rejecting procedures for gender-dysphoric youth would lead to higher long-term healthcare costs when they become adults because they were not able to suppress puberty and therefore may require more invasive sex-rejecting procedures later to treat their gender dysphoria. Many commenters indicated that they believed the rule would severely limit access to sex-rejecting procedures for privately insured and self-pay youth, in addition to those covered by Medicaid and CHIP, as the number of providers offering these services would decrease and private insurers may choose to follow the Federal government's example and stop covering sex-rejecting procedures. Several commenters stated the belief that the proposed rule would lead to widespread economic harm, including reduced workforce participation by untreated gender-dysphoric youth due to poor mental health, and increased medical debt in individuals who were forced to pay out of pocket for sex-rejecting procedures. Several commenters suggested the proposed rule would produce negligible fiscal benefit. Several commenters stated that while the proposed rule would not prevent States from providing payment for sex-rejecting procedures with state-only funds, they believed this option was infeasible due to a lack of State funds and other recent actions taken by the Federal government. Several commenters indicated that they believed strained budgets and recent Medicaid cuts would prevent most States from being able to fund sex-rejecting procedures without FFP. Several commenters stated they believed that implementing the proposed rule would be wasteful, especially given the relatively trivial amount of money spent funding this care for gender-dysphoric youth. A few commenters stated that even if States could produce their own funding to provide sex-rejecting procedures, this care may still be unavailable due to the proposed Hospital conditions of participation (COP) rule that would bar Medicaid and Medicare certified hospitals from providing sex-rejecting procedures, if finalized. A few commenters suggested that they believed the proposed rule, particularly in conjunction with the proposed Hospital COP rule, functioned as a de facto nationwide ban on sex-rejecting procedures, including for individuals with private insurance or the ability to pay out of pocket. A few commenters indicated that they believed the proposed rule would lead to other higher social service expenditures, as untreated youth may require other services such as housing and the Supplemental Nutrition Assistance Program (SNAP). A few commenters stated that they believed the Federal government would face many lawsuits related to the proposed rule, and that this would constitute a waste of taxpayer money.

Response: We are not adopting this rule as a means of achieving budgetary savings. Rather, we are prioritizing child safety in this rule over the possible increases in other healthcare and social services costs. We acknowledge commenters' concerns that restricting FFP in sex-rejecting procedures may lead to increased downstream healthcare costs (and possible social services costs), including greater utilization of mental health crisis services. We have carefully considered these arguments, including statements that mental health deterioration following loss of access to sex-rejecting procedures could generate costs that exceed the projected savings from this rule.

The projected financial impact of this rule, as set forth in the RIA, estimates a reduction in total Medicaid and CHIP expenditures of approximately $235 million over 10 years. We considered commenters' assertions regarding potential increases in downstream health care costs and other costs but did not revise the RIA estimates because the comments generally did not provide data, studies, or analyses sufficient to enable CMS to quantify those impacts. We acknowledged uncertainty in projections regarding downstream costs and noted in the proposed rule that we have not estimated the full range of potential impacts on Federal expenditures related to changes in healthcare utilization. We remain committed to monitoring these effects and will consider them in any future rulemaking. Some commenters provided information regarding the overall cost of care for individuals who would have otherwise used these services, but those comments did not estimate the incremental health care costs attributable to the absence of the services affected by this rule and therefore did not demonstrate that health care costs would differ significantly (beyond the costs of these services).

Regarding concerns that this rule effectively functions as a nationwide ban when considered alongside the proposed Hospital COP rule, we emphasize that this rule does not impose a ban on pediatric sex-rejecting procedures. We also note that this final rule is separate from the proposed Hospital COP rule. This rule is grounded in legal authorities that are distinct from the authorities relied upon for the proposed Hospital COP rule, and each rule is subject to its own comment and review process. This final rule concerns only the availability of FFP under the Medicaid program and CHIP for the procedures described elsewhere in the rule. This Medicaid and CHIP rule would not prevent States from maintaining provider networks for sex-rejecting procedures funded with State-only dollars, nor would it affect coverage offered by private insurers. The concern that private insurers will follow our example is speculative.

Comment: Many commenters suggested they believed the proposed rule would target and disproportionately harm low-income children who identify as transgender by restricting Medicaid and CHIP funding for what they believed is medically necessary, evidence-based care. Many commenters stated that the proposed rule would enhance inequity by restricting Medicaid and CHIP coverage in ways that made access to sex-rejecting procedures dependent on family income. Many commenters believed that restricting FFP for sex-rejecting procedures would create a two-tiered system in which families with financial means would continue to access these procedures privately while low-income families who rely on Medicaid and CHIP would lose access altogether. Many commenters stated that the proposed rule would undermine the foundational purpose of Medicaid and CHIP to ensure equitable access to care and violated core ethical principles of medicine and social justice. Many commenters stated that Medicaid and CHIP serve millions of children, including a disproportionate share of gender-dysphoric youth, youth who are racial or ethnic minorities, youth in foster care, disabled youth, and rural families, making the perceived harm systemic and predictable. Many commenters stated the proposed rule

would harm vulnerable populations—many of whom already faced substantial and compounding barriers to care, including high costs, limited provider availability, long travel distances, and administrative and insurance obstacles—by creating further widespread fragmentation of or disruptions in care, treatment delays, or the perceived need to pursue unsafe alternatives. Many commenters believed the proposed rule would punish children and families for being poor or would constitute an attack on low-income families. Many commenters stated the proposed rule would force low-income families to choose between financial stability and their children's health. Several commenters suggested that denying coverage based on income would strip vulnerable children of dignity, fairness, and basic protections that they deserve.

Response: We understand and take seriously commenters' concerns that this rule may disproportionately affect low-income families who depend on Medicaid and CHIP and who lack the financial resources to access sex-rejecting procedures outside of the Medicaid program and CHIP. We also recognize commenters' concerns that this rule may result in differences in access to sex-rejecting procedures based on financial means and may have a greater impact on certain populations served by Medicaid and CHIP, including children from low-income families and other vulnerable populations. We have carefully considered these concerns in developing this final rule.

At the same time, the Act requires that Medicaid payments be consistent with quality of care and Medicaid-covered care and services be provided in a manner consistent with the best interests of beneficiaries. In addition, CHIP payments must be consistent with the effective and efficient standard. We do not believe that FFP for interventions with an unfavorable risk-benefit profile is consistent with the best interests of low-income beneficiaries. The fact that some families may be able to access these procedures outside of Medicaid or CHIP does not alter our assessment of whether Federal funding for these procedures is appropriate. Moreover, CMS does not have regulatory authority to address this issue outside of the programs it regulates.

We note that this rule preserves Federal payment for mental health services, psychotherapy, and other forms of support that have a better risk/benefit profile for children with gender dysphoria, and that States retain the authority to cover sex-rejecting procedures with State-only funds for Medicaid and CHIP beneficiaries.

Comment: Many commenters stated they believed the proposed rule would harm hospitals and providers. Many commenters stated the proposed rule would force providers to choose between following medical best practices and maintaining access to Federal funding. Several commenters stated that the proposed rule would introduce significant administrative burden and increase burnout and moral injury in providers, which could influence providers to move states or exit the Medicaid program. Commenters cited time spent fulfilling administrative requirements and away from patient care, fear of prosecution, and the stress of having to explain cessation of treatment to patients as factors they believed would lead to increased burnout. Commenters also believed increased administrative burden would also result in negative financial consequences for practices and clinicians. Several commenters stated that the proposed rule has already had a chilling effect, causing providers to preemptively cease providing sex-rejecting procedures even in cases where it remained legally permissible, as they feared financial repercussions. Several commenters indicated they believed this rule was a coercive funding restriction on providers. Several commenters stated that they believed the rule would be especially financially harmful to rural hospitals and clinics, as well as Federally Qualified Health Centers and other safety net providers, as these organizations already operated under financial strain and workforce shortages and they could not afford additional burden. Several commenters stated concern that the loss of Medicaid funding resulting from the proposed rule would lead to the closure of hospitals, health centers, and clinics that offered sex-rejecting procedures. A few commenters stated that the increased risk associated with practicing in fields associated with sex-rejecting procedures and decreased funding for research and education grants would lead fewer individuals to pursue training in those fields, which would drive long term workforce shortages and scarcity pricing.

Response: We recognize that providers who currently furnish sex-rejecting procedures to children enrolled in Medicaid and CHIP may face financial impacts as a result of this rule, and we acknowledge commenters' concerns about administrative burden, provider burnout, and the risk that some providers may exit the Medicaid program.

As noted in the proposed rule, this rule would not prohibit providers who wish to continue furnishing sex-rejecting procedures from doing so. Nor would it affect providers' ability from seeking payment from sources other than federally funded Medicaid and CHIP programs, including State-only funding, private insurance, self-pay, and other arrangements. The rule also would not affect providers' ability to receive Medicaid and CHIP payment for furnishing other covered services, including mental health care, to children with gender dysphoria. We note that this regulation does not have a direct effect on funding for research or education grants.

We have estimated in the RIA that the impact of this rule on revenues across affected healthcare industry segments is less than 1 percent of total revenues, and we do not believe this threshold meets the definition of significant economic impact under the Regulatory Flexibility Act. We acknowledge that the impact on individual providers who derive a substantial portion of their practice revenue from sex-rejecting procedures may be more significant.

Comment: Many commenters recommended that the proposed rule be withdrawn or not finalized. Several commenters indicated they opposed the proposed rule because they believed sex-rejecting procedures allowed gender-dysphoric youth to be their true selves and it would be cruel to deny them access to sex-rejecting procedures. Several commenters opposed the proposed rule because it violated their religious beliefs. Several commenters suggested that before finalizing any rule on this topic, CMS should consider alternatives such as funding more research on sex-rejecting procedures or encouraging States to fund more research on sex-rejecting procedures, working with medical professional organizations to develop evidence-based coverage guidelines that align with established clinical protocols, using existing utilization management tools to monitor sex-rejecting procedures, developing additional medical necessity exceptions for sex-rejecting procedures, holding listening sessions with families and States, or undertaking State-specific reviews of each State's state plan and payment for sex-rejecting procedures. Several commenters suggested that CMS engage with professional organizations, nurses, physicians, mental health providers and community advocates for transgender-identifying individuals to help develop regulations that supported high-quality patient-centered equitable care for all youth.

Response: We have carefully considered all comments submitted in response to the proposed rule, including the significant volume of comments expressing general opposition. We recognize that this is an issue about which many commenters hold deep and sincere convictions, and we appreciate the time and care that commenters invested in sharing their perspectives, personal experiences, and supporting evidence.

We now acknowledge that alternative actions could have been taken such as issuing sub-regulatory guidance in addition to the April, 2025 State Medicaid Directors letter suggesting States refrain from offering these services based on the evidence described in the HHS Review, issuing a regulation to require utilization management in advance of the provision of these services to ensure appropriate State oversight of these services, or simply allowing continued Federal matching for these services. We also recognize that other recommended actions are outside the scope of CMS regulatory authority such as the research framework offered by commenters. We concluded that a prohibition of Federal matching funds was warranted in the immediate term in light of the current evidence described in the HHS Review identifying significant risks associated with sex-rejecting procedures, including potentially irreversible harms, and the growing international retreat from the use of puberty blockers, cross-sex hormones, and surgeries to treat gender dysphoria in children.

For the reasons described throughout this preamble, we continue to believe that prohibiting FFP in sex-rejecting procedures furnished to children under Medicaid and CHIP is warranted under sections 1902(a)(19),1902(a)(30)(A), and 2101(a) of the Act. The current evidence does not establish that sex-rejecting procedures for children produce net clinical benefits that outweigh the known and plausible risks of significant and potentially irreversible harm.

We remain committed to ensuring that children with gender dysphoria have access to mental health services and psychosocial support through Medicaid and CHIP, and we remind States of the available authorities including State-only funding to ensure continuity of care for beneficiaries who are currently receiving sex-rejecting procedures. We will continue to monitor developments in the clinical evidence base and will consider whether future adjustments to this policy are warranted as that evidence evolves. Any such future adjustments will be developed through notice and comment rulemaking.

Comment: Many commenters stated concern that CMS had not properly accounted for the nuances of puberty blocking agents and other procedures, which were often used to treat conditions other than gender dysphoria. Commenters noted that these drugs and procedures were routinely used for a myriad of medical conditions, including but not limited to: gynecomastia, early periods, hormone disorders, cancer, PCOS, acne, menopause, hypogonadism, Turner Syndrome, endometriosis, hirsutism, and erectile dysfunction. A commenter believed that CMS failed to indicate how physical interventions to treat gender dysphoria were different from other physical interventions used to treat psychological conditions, such as electroconvulsive therapy and transcranial magnetic stimulation for treatment-resistant depression and major depressive disorder. Many commenters also perceived that the proposed rule would restrict access to medically necessary care for individuals specifically experiencing precocious puberty. Several commenters noted that CMS was employing a contradictory standard when considering puberty blockers and other procedures listed in the proposed regulation as dangerous when used for gender dysphoria but permitted as commonly used treatments for other pediatric conditions, including precocious puberty. A commenter recommended that CMS clarify that such restrictions did not apply to precocious puberty, and urged CMS to add language to the definition of sex-rejecting procedures to exclude treating precocious puberty. Several commenters stated legal and logistical concerns as well. Several commenters believed that the proposed rule would negatively affect medical professionals who would be required to navigate prescribing a medication or procedure for a permissible purpose that also may be used for an impermissible purpose as declared under the proposed rule. Commenters indicated that the proposed changes would create operational difficulties, confusion, and a decrease in the availability of these medications that are used to treat various other pediatric conditions. A commenter believed the rule lacked clarity regarding which medications may be used for treatments. Another commenter suggested that the intent and diagnosis framing was rarely how Medicaid drew national coverage lines and stated that the discussed drugs remained coverable for other indications under Section 1927 of the Act, indicating a purpose-based rather than drug property-based prohibition. Another commenter expressed that the proposed § 441.800 definition of ''sex-rejecting procedures'' failed to make a distinction between puberty blockers and surgery.

Response: We acknowledge commenters' concerns that the drugs and procedures that may be used as sex-rejecting procedures are also used to treat a wide range of other conditions unrelated to gender dysphoria. As discussed above, the definition of ''sex-rejecting procedure'' in this rule is purpose-based. A pharmaceutical or surgical intervention is a prohibited sex-rejecting procedure only when it is provided for the purpose of attempting to align a child's physical appearance or body with an asserted identity that differs from the child's sex. When provided for any other purpose, including treatment of precocious puberty, cancer, endometriosis, hypogonadism, or other medically recognized conditions, the same intervention is not a prohibited sex-rejecting procedure and remains eligible for Federal funding when otherwise covered. As discussed previously in the final rule, the HHS Review identifies a critical distinction between the use of sex-rejecting procedures for gender dysphoria and their application to other medical conditions. Specifically, the review notes that puberty blockers were originally approved for the treatment of central precocious puberty—a condition characterized by the premature onset of puberty. In this context, puberty blockers are used to temporarily halt an abnormal developmental process. However, when puberty blockers are administered in the treatment of gender dysphoria, their use is considered off-label. The HHS Review emphasizes that clinical trials have not been conducted to assess the effects of using puberty blockers to stop normally timed puberty.[132] In gender dysphoria treatment, puberty blockers are employed to suppress a normal and healthy developmental process, rather than to intervene in an abnormal one. Furthermore, the HHS Review raises additional concerns regarding the typical treatment sequence in pediatric gender medicine. It notes that puberty blockers are almost always followed by the administration of cross-sex hormones. This combination has not been subjected to any FDA-regulated clinical trials for any population. We also confirm, consistent with the proposed rule, that treatments such as

[132] HHS Review, 102.

hormone therapy for growth hormone deficiency, gonadotropin-releasing hormone analogues for precocious puberty, and other pharmaceutical or surgical interventions provided for purposes other than sex-rejecting purposes are not affected by this prohibition.

We recognize that the same drug or procedure may serve different purposes for different patients and that the purpose-based nature of this prohibition requires careful implementation. We are committed to working with States to develop practical approaches that minimize burden on providers and patients while ensuring compliance with this rule. In response to the commenter who specified that section 1927 required coverage for drugs for which the manufacturer has paid a rebate when those drugs are used for a covered indication, we confirm that, to the extent that a drug is prescribed for a purpose other than a sex-rejecting procedure, and the manufacturer has entered into a rebate agreement under section 1927 and complies with the program's requirements, including participation in the 340B Program, the drug remains eligible for Medicaid coverage and Federal financial participation.''

Comment: Many commenters opposed the proposed rule because they believed that it represented Federal overreach into private medical decisions that should be made by patients and their healthcare providers. These commenters suggested parents, guardians, or other family members should be included as shared decision-makers in the patient-clinician relationship. Many commenters believed that healthcare providers were uniquely qualified to determine what constituted appropriate, evidence-based medical care. Many commenters stated that by prohibiting Federal funding for care that may be medically necessary, the proposed rule would disincentivize that care and undermine providers' ability to exercise their clinical judgment and serve the best interests of their patients. Many commenters stated that decisions about sex-rejecting procedures were complex and must be assessed by medical experts on a case-by-case basis, rather than governed by a blanket rule or dictated by political ideologies. Many commenters also highlighted patients' and families' right to determine, in consultation with medical experts, which medical decisions would most improve their well-being. Many commenters believed that the proposed rule would erode foundational aspects of the patient-clinician relationship, such as trust, open communication, and shared decision-making. Many commenters stated that this rule would set a dangerous precedent for government overreach into medical decisions more broadly. A few commenters believed that by undermining the patient-clinician relationship, the proposed rule contradicted conservative values that sought to limit government interference in private decisions.

Response: We appreciate commenters' concern for the patient-clinician relationship and agree that it is foundational to quality healthcare. We do not agree, however, that this final rule constitutes impermissible interference with the practice of medicine. As an initial matter, this rule regulates a Federal funding program, not the practice of medicine itself. The rule does not direct providers regarding what advice to give patients, what services to recommend, or how to conduct clinical assessments. The rule does not prohibit providers from counseling patients about sex-rejecting procedures, recommending them where clinically appropriate in the provider's judgment, and administering them to patients without federally matched Medicaid or CHIP payment. Nothing in this rule alters the provider's professional and ethical obligations to patients or restricts the information that may be shared in a clinical encounter.

What this rule does establish is that Federal Medicaid and CHIP dollars may not be used to fund sex-rejecting procedures for children under the applicable age thresholds. The distinction between regulating medical practice and establishing conditions for FFP is legally and practically significant. Congress has long authorized conditions on the use of Federal program dollars, including conditions that affect which specific services may be paid for, without those conditions constituting regulation of the practice of medicine. The prohibition on FFP for services provided to adult beneficiaries in institutions for mental diseases is one longstanding example.[133] Similarly, FFP is not available for medical assistance provided to prisoners. The Hyde Amendment's [134] restrictions on certain abortion-related reimbursements is another. The prohibition on FFP for sterilization services furnished to individuals under age 21, established at § 441.253, is an example of a regulatory action taken that prohibits Federal funding for certain services to certain individuals.

CMS has also used its authority under section 1902(a)(30)(A) of the Act to deny excessive Medicaid funding proposed in a state plan amendment. For example, the United States Court of Appeals for the Ninth Circuit upheld CMS's denial of a State Plan Amendment involving inappropriate use of intergovernmental transfers (IGTs) based on § 1902(a)(30)(A) of the Act's efficiency, economy and quality of care language. *See Alaska Dep't of Health & Soc. Servs.* v. *CMS,* 424 F.3d. 931 (9th Cir. 2005) (upholding CMS disapproval of a State Plan Amendment involving an IGT that exceeded the applicable Upper Payment Limit). Additionally, states have utilized section 1902(a)(19) of the Act as a basis to deny coverage of an otherwise Medicaid-covered benefit because that denial was undertaken in the best interests of program recipients. In *Budnicki* v. *Beal,* 450 F. Supp. 546 (E.D. Pa. 1978), the court considered a decision by Pennsylvania's Medicaid agency to deny coverage for orthopedic shoes. Although the court invalidated the policy based on administrative and procedural grounds, it acknowledged that Pennsylvania had the authority to undertake the coverage limitation based on evidence of overutilization. There, the court held that ''any change [to a State's Medicaid program] not irrational or arbitrary and counterproductive to the medical well-being of all Medicaid recipients must be sustained . . . . [H]alting the orthopedic shoe program to conserve state [medical assistance] funds, in light of this overutilization, is a rational and reasonable approach.'' *Budnicki,* 450 F.Supp. at 557.

We acknowledge that some providers and patients will experience the limitation on FFP as a constraint on care they believe to be beneficial. We take those concerns seriously. However, the existence of clinical disagreement about the benefits of sex-rejecting procedures for children, which is substantial, as reflected in the actions of multiple European countries and in systematic reviews of the evidence underlying clinical practice guidelines, does not mean that CMS is obligated to fund such procedures through Federal programs. Sections 1902(a)(19) and 1902(a)(30)(A) of the Act require that Medicaid-covered services be provided in a manner consistent with the best interests of recipients and that Medicaid payments be consistent with quality of care. In addition, section 2101(a) of the Act calls for the provision of CHIP in a manner that is effective and efficient and coordinated with other sources of health

[133] Paragraph (B) following the last numbered paragraph of section 1905(a) of the Act.

[134] Section 507 of Division D of the Consolidated Appropriations Act, 2024, Public Law 118–47, 138 Stat. 460 (commonly known as the Hyde Amendment).

benefits coverage for children. This results in CMS needing to make determinations regarding which interventions ensure that these standards are met based on the available evidence. We have made such a determination here, and we believe it is well supported by the current state of science.

Comment: A few commenters stated that the proposed rule did not restrict private medical practice outside of Federal programs or regulate professional expression, but instead lawfully outlines conditions for FFP.

Response: This final rule establishes conditions for the availability of FFP under the Medicaid and CHIP programs. It does not restrict what providers may say to patients, what clinical judgments they may exercise, or what services they may provide outside the context of Medicaid and CHIP funding. We appreciate commenters' recognition of this important distinction.

Comment: Many commenters stated the rule violated children's right to bodily autonomy and removed individuals' ability to make decisions about their own bodies without government involvement. Several commenters stated concern that the proposed rule would deprive Americans of their freedom and violate human rights, with some stating that healthcare was a human right that should be accessible to all regardless of sexual identity. Many commenters also stated concern that the rule could establish a broad precedent for restricting other categories of healthcare from Federal funding, including for adults, or could affect access to medications used for sex-rejecting procedures that also treated other conditions. A few commenters suggested that the government's proper role should be to protect and care for children rather than restrict their access to services.

Response: We do not agree with characterization of this rule as impermissible government overreach or as a violation of bodily autonomy or human rights. This rule, as a prohibition of FFP for sex rejecting procedures, seeks only to protect children from the risk of potential harm associated with these procedures. This action is necessary under the Federal government's responsibility for ensuring that Federal funds are used for services that are in the best interests of beneficiaries and consistent with quality of care and meet the effective and efficient standard, as reflected in the statutory framework established by Congress in sections 1902(a)(19),1902(a)(30)(A), and 2101(a) of the Act. Medicaid and CHIP are cooperative Federal-State partnerships in which Federal conditions on the use of program funds are an inherent and legally required feature, not overreach.

We also note that bodily autonomy, while morally significant and reflected in various legal protections, is outside the scope of this rulemaking. Moreover, Federal healthcare programs have always involved determinations about which services will be covered with Federal dollars—the Hyde Amendment, the prohibition on Federal funding for sterilizations furnished to individuals under age 21, and the EHB framework's exclusion of certain services all reflect this principle. The rule does not affect individuals' and families' ability to seek funding for sex-rejecting procedures through other means, including State-funded programs in States that choose to cover these services with State-only dollars, private insurance, or out-of-pocket payment. This rule restricts none of those avenues, nor does it affect providers' ability to discuss all available treatment options with patients. Critically, this rule also preserves full Federal funding for mental health services, psychotherapy, and other less risky interventions for children with gender dysphoria.

Regarding the concern that this rule sets a broad precedent for restricting Federal funding for other healthcare, we do not agree. This rule is grounded in a specific, detailed evidentiary analysis of the risk/benefit profile of sex-rejecting procedures for children—a category distinguished by weak evidence of long-term benefit, significant potential for irreversible harm, and independent conclusions reached by multiple European health authorities following their own systematic reviews. The rule also includes explicit exceptions preserving FFP for the same pharmaceutical and surgical interventions when provided for other medically indicated purposes, such as treating precocious puberty, disorders of sexual development, injuries, or infections. Future determinations about other healthcare services would necessarily require their own specific evidentiary and legal analysis.

Finally, we note that this rule reflects a specific concern for the health of the children who are the subjects of these risky interventions. Many sex-rejecting procedures are potentially irreversible or may result in consequences for fertility, sexual function, and long-term health that could persist for a lifetime. This rule reflects a determination that Federal funds should not support such potentially irreversible interventions for children given the current state of the evidence.

Comment: Many commenters suggested the proposed rule exceeded CMS' statutory authority, with several indicating that CMS did not have authority to create nationwide restrictions on specific medical services or make service-specific coverage determinations for Medicaid and CHIP. Several commenters stated that Congressional action, rather than agency rulemaking, would be required to implement such a policy.

Response: We do not agree with these commenters. Our statutory authority rests on several complementary provisions of the Act. Section 1902(a)(19) of the Act requires that care and services under a State Medicaid plan be provided ''in a manner consistent with the best interests of the recipients.'' We do not read this provision narrowly as purely procedural. When evidence indicates that a category of services poses significant risks of irreversible harm with weak evidence of benefit, it is within CMS' authority to determine that covering those services would be inconsistent with States' obligation to ensure care is provided in beneficiaries' best interests. Section 1902(a)(30)(A) of the Act requires that payment methods assure consistency with ''quality of care,'' a provision that cannot be met where the evidence of benefit is weak and the risk of irreversible harm is significant. Here again, as noted previously, States also have an obligation to comply with section 1902(a)(30)(A).[135] For CHIP, section 2101(a) of the Act supports the restriction by requiring that child health assistance be provided ''in an effective and efficient manner,'' a standard that funding interventions with very low evidence of long-term efficacy and significant harm potential does not meet. We also note the relevance of our prior age-based restriction on FFP for sterilizations furnished to individuals under 21, which similarly established a purpose-based and age-based limitation on FFP for a specific category of services based on the protection of vulnerable individuals without a specific statutory directive to that effect. A lack of specific Congressional statutory directive does not deprive us of acting within our existing delegated authority.

[135] As the Massachusetts Supreme Judicial Court has noted, citing § 1902(a)(30)(A), ''there is no question that [the Massachusetts Medicaid agency] has the authority to deny reimbursement for services that are 'unnecessary'[.]'' *Mass. Eye & Ear Infirmary* v. *Comm'r of Med. Assistance,* 705 NE 2d 592 (Mass. 1999).

Comment: A commenter stated that Congress proposed statutory limits on FFP in H.R.1, but these provisions were ultimately not enacted; thus, FFP continued to be available for sex-rejecting procedures.

Response: Congressional failure to enact a proposed statutory restriction does not deprive the agency of its existing authority. Our authority here derives from sections 1902(a)(19), 1902(a)(30)(A), and section 2101(a) of the Act.

Comment: A few commenters supported the proposed rule, stating that CMS was exercising its statutory authority appropriately to ensure responsible use of Federal healthcare dollars.

Response: We agree with these commenters. As described in detail throughout the proposed rule, this rulemaking is based on CMS' authority under section 1902(a)(19) and 1902(a)(30)(A) of the Act for Medicaid, and section 2101(a) of the Act for CHIP, to establish conditions for the use of Federal program funds consistent with the best interests of beneficiaries and quality of care and that meet the effective and efficient standard.

Comment: Many commenters opposed the proposed rule because they believed it violated the rights of parents and family members of gender-dysphoric children and youth to make care decisions for them. Many commenters objected to the rule because they believed only parents can know, understand, and act on the needs of their children. Many commenters did not agree with the idea that CMS or elected officials have enough familiarity with the needs of their individual children to develop regulations or pass laws on sex-rejecting procedures. Many commenters opposed the proposed rule on the basis that parents should have full agency and control over the medical/psychological care that their children access. Many commenters perceived the proposed rule as implementing inappropriate barriers to potentially necessary care for their children. A few commenters stated that the proposed rule would force parents to make financial choices that put the best interests of the child at risk. A commenter objected to the proposed rule for religious reasons and stated the rule overrode the sacred responsibility parents have to care for their children.

Response: We recognize and respect the critical role that parents and guardians play in making healthcare decisions for their children, including children with gender dysphoria. Nothing in this rule regulates parents' legal authority to make healthcare decisions for their children nor does it restrict their ability to seek sex-rejecting procedures through means other than care that is federally matched in the Medicaid and CHIP programs.

This rule establishes conditions on the use of Federal funds, not on parental decision-making authority. Parents who wish to pursue sex-rejecting procedures for their children may do so in States that permit such care, through State-funded programs, through private insurance, or through out-of-pocket payment. The rule does not restrict parental rights; it establishes that Federal tax dollars may not be used to fund these specific interventions for children in the Medicaid and CHIP programs due to concerns over the risk/benefit profile of these procedures.

Comment: Many commenters opposed the proposed rule on federalism grounds, stating that it represented Federal overreach into the authority of state governments to govern healthcare policy and administer Medicaid and CHIP within the cooperative federalism framework. Several commenters stated that the rule coerced and penalized participating governments by conditioning FFP in a manner that could pressure them to alter existing policies around sex-rejecting procedures, and that it conflicted with existing laws that protected sex-rejecting procedures in certain jurisdictions. A few commenters stated that the rule set a precedent for future Federal restrictions on healthcare by substituting Federal judgment for local policymaking. Several commenters also indicated that Congress had established which Medicaid services are mandatory for States to provide and which are optional, and Congress would need to establish these funding limitations for them to be appropriately authorized.

Response: We do not agree with commenters who stated that this rule violates principles of federalism or exceeds our authority within the cooperative Federal-State structure of Medicaid and CHIP. The Medicaid and CHIP programs are cooperative Federal-State partnerships in which the Federal government provides substantial matching funds in exchange for participating governments' agreement to comply with Federal statutory and regulatory requirements. The Supreme Court has long recognized this structure and affirmed that participation in Medicaid is conditioned on compliance with Federal conditions established by Congress and the Secretary.[136] This rule is within that established framework.

This rule does not require participating governments to prohibit sex-rejecting procedures or to adopt any particular policy regarding such procedures outside the context of the Federally funded Medicaid or CHIP programs. It does not affect the authority or ability of participating governments to regulate the practice of medicine within their borders, to establish their own coverage requirements for private insurance, and to fund sex-rejecting procedures for Medicaid and CHIP beneficiaries using non-Federal dollars outside the Federally matched programs. The rule's effect is solely to establish that Federal Medicaid or CHIP funds may not be used to pay for these procedures for children after the effective date of this regulation. The existence of a local law requiring or protecting coverage does not override a Federal condition on the use of Federal funds.

We also do not agree with commenters who state that Congress has delegated to participating State governments the exclusive authority to determine which services are covered under Medicaid and CHIP, such that CMS may not establish Federal conditions on the use of Federal funds for specific services. Congress has not established an unlimited grant of authority to cover any service with Federal matching funds. Rather, Congress established a structure in which participating governments have significant flexibility within boundaries established by Federal law—including the requirements that covered services be provided in a manner consistent with the best interests of recipients (section 1902(a)(19) of the Act) and that payments be consistent with quality of care (section 1902(a)(30)(A) of the Act), requirements that the Secretary is authorized and obligated to enforce. The Secretary's authority to approve or disapprove State Medicaid plans under section 1902(b) of the Act and to enforce noncompliance with section 1902 of the Act under section 1904 of the Act establishes a Federal oversight role that is substantive in scope and not limited to procedural or administrative functions. Specific to CHIP, section 2101(a) of the Act establishes the purposes of the program, including providing child health assistance in a manner that is effective and efficient and coordinated with other sources of health benefits coverage for children.

[136] See *Pennhurst State Sch. & Hosp.* v. *Halderman,* 451 U.S. 1 (1981); *Nat'l Fed'n of Indep. Bus.* v. *Sebelius,* 567 U.S. 519 (2012).

Similar to Medicaid, section 2106 of the Act authorizes the Secretary to approve or disapprove CHIP plans and to enforce compliance with title XXI. Accordingly, the Secretary's oversight responsibilities under title XXI are not limited to procedural or administrative matters.

We acknowledge that this rule may create financial and operational challenges for jurisdictions that currently cover sex-rejecting procedures as part of their Federally-matched Medicaid and CHIP programs. We also acknowledge that commenters' federalism statements are based on both the Medicaid statute and on CMS' historical practice of giving participating States wide latitude to make coverage determinations and set the amount, scope, and duration limitations on coverage. However, Federal law also establishes boundaries—including under section 1902(a)(19) and (a)(30) of the Act—on States' flexibility that this rule is designed to enforce. The rule establishes a specific condition, grounded in a specific evidentiary record, that falls within the Secretary's authority under the Act. As the Supreme Court has stated, citing section 1902(a)(19) of the Act, ''The [Social Security] Act gives the States substantial discretion to choose the proper mix of amount, scope, and duration limitations on coverage, as long as care and services are provided in 'the best interests of the recipients.'" [137] Specific to CHIP, as previously noted, in section 2101(a) of the Act, Congress established a structure which calls for the provision of CHIP in a manner that is effective and efficient and coordinated with other sources of health benefits coverage for children.

Comment: A few commenters agreed the proposed rule preserved States' authority to cover sex-rejecting procedures using State-only funds. A few commenters supported the proposed rule because it balanced Federal oversight with State decision-making authority. A few commenters indicated the proposed rule was a lawful exercise of authority to restrict eligibility for Federal funds. A commenter stated the proposed rule appropriately limited Federal funding for risky and experimental sex-rejecting procedures.

Response: We appreciate the support of these commenters and agree that this rule represents a lawful exercise of our authority to establish conditions on the use of Federal Medicaid and CHIP dollars consistent with the statutory requirements relating to the best interests of beneficiaries and quality of care, as well as to meet the effective and efficient standard. As noted throughout this preamble and in the preamble of the proposed rule, States retain authority to fund sex-rejecting procedures using State-only dollars outside the Federally matched Medicaid and CHIP programs, and this rule is designed to protect the appropriate balance between Federal oversight and State flexibility.

Comment: Commenters raised a broad range of Constitutional objections to the proposed rule. Many commenters stated that the rule was unconstitutional on multiple grounds, including violations of the First Amendment (freedom of speech, expression, and religion), the Fifth Amendment (due process and equal protection at the Federal level), the Eighth Amendment (cruel and unusual punishment), the Tenth Amendment (scope of State powers) and the Fourteenth Amendment (equal protection and due process at the State level). Several commenters stated the rule violated the separation of powers by exercising authority over Federal spending that they believe belongs exclusively to Congress under the Spending Clause, and a few commenters contended that only Congress—not a Federal agency—may override existing legal protections. A few commenters stated concern that the proposed rule violated the Spending Clause of the Constitution, because the proposed rule surprised States with post acceptance or retroactive conditions on Medicaid funding after CMS approved their State Plan. Many commenters also stated that the rule infringed on the inalienable rights to life, liberty, and the pursuit of happiness reflected in the Declaration of Independence, and that it violated principles of privacy and bodily autonomy. Several commenters offered the general idea that the rule was unconstitutional and contrary to its founding principles.

Response: We do not agree with commenters who state that the rule is unconstitutional, and we address each Constitutional issue in turn.

First Amendment: This rule does not restrict what providers, patients, families, or advocates may say about sex-rejecting procedures, gender dysphoria, or any related topic. The rule does not regulate providers' speech, either in content or viewpoint, when they counsel patients, advocate for coverage, or express their professional views in any forum. It also does not apply to patients' and families' discussions of or requests for information about these procedures. The rule limits Federal funding, not expression. The First Amendment protects against government restrictions on private expression; it does not require the government to fund any particular activity.[138]

Fifth and Fourteenth Amendments: We do not agree that this rule violates the guarantee of equal protection under the Fifth or Fourteenth Amendment. As the Supreme Court held in *United States* v. *Skrmetti,* 605 U.S. 495 (2025), restrictions on sex-rejecting procedures for children based on age and medical use do not violate the Equal Protection Clause where they have a rational basis. Under the Court's reasoning, such laws do not turn on sex-based classifications because they ''do not prohibit conduct for one sex that [they] permit[ ] for the other[,]'' instead classifying based on age and medical use. The Court therefore applied rational basis review, and found the law satisfied that standard, noting Tennessee's finding of ongoing debate among medical experts regarding the risks and benefits associated with administering puberty blockers and hormones to treat gender dysphoria, and observing that the ''ban on such treatments responds directly to that uncertainty.'' *Id.* at 523. Like the law upheld in *Skrmetti,* this rule applies to all children under the applicable age thresholds regardless of sex: no child—whether male or female—may receive sex-rejecting procedures with Federal Medicaid or CHIP funding. The classification is based on the child's age and the medical purpose of the intervention, not on the child's sex. Under *Skrmetti,* the final rule does not warrant heightened scrutiny. The rule reflects the Federal government's legitimate interest in ensuring that Federal Medicaid and CHIP funds are used for services in the best interests of beneficiaries and consistent with quality of care and meet the effective and efficient standard, given the current state of evidence regarding the risk/benefit profile of sex-rejecting procedures for children, characterized by weak evidence of benefit and significant risks of irreversible harm.

We do not agree that the rule violates constitutional guarantees of due process. This rule is a legislative-type rulemaking that establishes prospective conditions for the use of Federal funds; it does not deprive individuals of a property or liberty interest in the individualized, adjudicatory sense that procedural due process protections address. We are aware of no legal authority supporting a substantive due process claim that the Constitution requires Federal programs to fund sex-rejecting procedures.

[137] *Alexander* v. *Choate,* 469 U.S. 287, 303 (1985).

[138] See *Rust* v. *Sullivan,* 500 U.S. 173 (1991).

Indeed, the *Skrmetti* decision applied to a law that explicitly prohibited health care providers from prescribing, administering or dispensing puberty suppressants or any hormones to any minor for the purpose of (1) enabling the minor to identify with, or live as, a purported identity inconsistent with the minor's biological sex, or (2) treating purported discomfort or distress from a discordance between the minor's biological sex and asserted identity, with limited exceptions, such as permitting these treatments for a congenital defect, precocious puberty, disease or physical injury. Our rule is far less restrictive, in fact, than the law upheld in *Skrmetti,* as it does not prohibit these procedures; rather, it prohibits the use of Federal Medicaid and CHIP matching funds to pay for these procedures. In this respect, the final rule is similar to the funding prohibition on abortion that the Supreme Court upheld in *Harris* v. *McRae,* 448 U.S. 297 (1980). There, the Supreme Court considered whether a Federal funding prohibition on abortion—then a Constitutionally-protected right—violated either the due process or equal protection guarantees of the Fifth and Fourteenth Amendments. The Court concluded that it did not. The Court noted that ''[a]lthough the liberty protected by the Due Process Clause affords protection against unwarranted government interference with freedom of choice in the context of certain personal decisions, it does not confer an entitlement to such funds as may be necessary to realize all the advantages of that freedom.'' 448 U.S. at 317–18. Moreover, the funding prohibition at issue in *McRae* did not violate the equal protection guarantee. As the Court noted, the equal protection guarantee is ''a right to be free from invidious discrimination in statutory classifications and other governmental activity . . . . This presumption of Constitutional validity however, disappears, if a statutory classification is predicated on criteria that are, in a constitutional sense 'suspect.' '' *Id.* at 322. And, like the law at issue in *Skrmetti,* the funding limit in this rule applies based on age and medical use, not on a constitutionally suspect classification.

Eighth Amendment: The Eighth Amendment's prohibition on cruel and unusual punishment is directed at criminal penalties and the conditions of criminal confinement; it has no application to a Federal agency's determination about the scope of coverage available under a voluntary health benefits program. The Medicaid and CHIP programs are not penal institutions, and the limitation on FFP established in this rule is a coverage condition, not a punishment.

Tenth Amendment: The Tenth Amendment reserves to the States powers not delegated to the Federal government by the Constitution. The regulation of medical practice is among the powers traditionally reserved to States. This rule does not preempt or supersede State regulation of medical practice. It does not proscribe or otherwise limit any medical procedure; it merely limits access to Federal funds for sex-rejecting procedures for children given that available evidence indicates these procedures involve risks of significant and potentially irreversible harms without sufficient evidence of long-term benefits that offset those risks. The rule does not affect States' authority to regulate the practice of medicine within their borders, to license providers, and to set standards of care. The fact that States must comply with Federal requirements to receive Federal Medicaid and CHIP matching funds is not a Tenth Amendment violation; it is a constitutionally permissible exercise of the Federal spending power under *South Dakota* v. *Dole,* 483 U.S. 203 (1987) and its progeny.

Although it is true that the Supreme Court invalidated the mandatory expansion of the Medicaid program enacted as part of the Affordable Care Act in *NFIB* v. *Sebelius,* 567 U.S. 519 (2012) partially on Tenth Amendment grounds, there, the Court invalidated the expansion based on the threat of withholding FFP in its entirety for states that failed to adopt the expansion. Here, by contrast, this rule will not deny all Medicaid funding to States that continue to provide sex-rejecting procedures; it will just prohibit Federal funds for such procedures. Accordingly, this rule does not violate the Tenth Amendment.

Life, Liberty, and the Pursuit of Happiness: We understand that commenters believe in the importance of these procedures to the wellbeing and sense of self of some youth who identify as transgender, and we take those views seriously. Indeed, promoting the safety of children, and their ability to flourish as free and happy human beings, compels us to undertake this rulemaking. To the extent these principles of the Declaration of Independence are invoked as a reflection of Constitutional values, we address the relevant due process and equal protection arguments above. To the extent they are invoked as a statement of moral values, we acknowledge that reasonable people hold deeply held views on this topic and have considered those perspectives carefully. Our determination is grounded in the current state of the evidence regarding the risk/benefit profile of sex-rejecting procedures for children.

Separation of Powers: We do not agree that this rule violates the separation of powers. We also take note of the argument that this rule implicates the Supreme Court's ''major questions'' doctrine, which requires clear Congressional authorization for agency actions of vast economic and political significance. We do not believe that doctrine applies here in the manner commenters suggest. This rule addresses FFP for sex-rejecting procedures for Medicaid and CHIP beneficiaries under the age of 18 and 19, respectively—a category of spending that the HHS Review estimates involves approximately $31 million in annual expenditures, representing a very small fraction of total Medicaid and CHIP spending. This is not a case of an agency claiming broad new powers in an area where Congress has not spoken; it is an agency applying its established oversight authority to a specific category of services based on a substantive evidentiary assessment.

Spending Clause: The Spending Clause prohibits conditions on Federal grants that States could not have anticipated when they chose to participate in the program. States have been administering their Medicaid programs and CHIP with awareness that CMS retains ongoing oversight authority under sections 1902(a)(19), 1902(a)(30)(A) for over 60 years, and 2101(a) of the Act for nearly thirty years to ensure Federal funds are spent appropriately. The application of that oversight authority to sex-rejecting procedures is a legitimate prospective condition on future Federal funding.

Comment: A few commenters indicated they believed this rule was consistent with the directive in the President's E.O. 14187 (''Protecting Children from Chemical and Surgical Mutilation'') and 14168 (''Defending Women From Gender Ideology Extremism and Restoring Biological Truth to the Federal Government'') to protect children by taking actions to end funding for sex-rejecting procedures for children.

Response: We agree that the rule is consistent with the directive in E.O. 14187 directing the Secretary to take all appropriate actions consistent with applicable law to end the use of Federal funding for sex-rejecting procedures for children. We emphasize, however, that

the rule is also independently grounded in statutory authority under sections 1902(a)(19), 1902(a)(30)(A), and section 2101(a) of the Act. This statutory grounding is important because the rule is legally authorized and substantively appropriate even in the absence of the E.O.s, and it does not rely on the enjoined sections of E.O.s 14187 or 14168. We appreciate commenters' support and their recognition that this rulemaking is part of a broader effort to protect children from the risks of sex-rejecting procedures.

Comment: A few commenters stated that the President's directives in E.O.s 14187 and 14168 to protect children by taking actions to end funding for sex-rejecting procedures for children was not sufficient justification for rulemaking. These commenters stated that the President does not have the authority to issue laws and that authority rests solely with the Congress. A commenter indicated that they believed while ''Presidential orders have the force and effect of laws when issued under a statutory mandate or delegation of authority from the Congress,'' the rule conflicted with the Congress' delegation of authority for the administration of the Medicaid and CHIP programs to the States.

Response: We agree with commenters who note that an E.O. alone does not constitute a source of substantive rulemaking authority sufficient to override statutory requirements or Congressional delegation. However, this final rule is grounded in independent statutory authority under sections 1902(a)(19), 1902(a)(30)(A), and 2101(a) of the Act, as well as section 5(a) of E.O. 14187. The E.O. directed the Secretary to take appropriate actions consistent with applicable law; this rulemaking represents CMS' determination, based on those statutory authorities and the current state of the evidence, that a prohibition on FFP for sex-rejecting procedures furnished to children is legally authorized and substantively appropriate.

Comment: Many commenters indicated that they believed the proposed rule was part of a larger campaign of animus towards individuals who identify as transgender stemming from the President's E.O.s and that those E.O.s were politically and ideologically motivated, not based on scientific evidence. Several commenters stated that the findings of the HHS Review and the proposed rule were ''preordained'' by the E.O.s. A few commenters stated concern about references in the proposed rule to E.O. 14187, which described sex-rejecting procedures as ''chemical and surgical mutilation.''

Response: We do not agree with commenters who characterize this rule as motivated by animus toward individuals who identify as transgender. While the commenters may disagree with the policy reflected in this rule, that policy is based on real concern about the safety of sex-rejecting procedures for children and the need to ensure that Federal funding is not used for those procedures, not on hostility to or bias against any group. This rule is grounded in a detailed evidentiary record including, but not limited to, the HHS Review, regarding the risk/benefit profile of sex-rejecting procedures for children, a record that is independent of the political process and that has been developed and relied upon by health authorities in multiple countries.

The HHS Review is an umbrella review of existing systematic reviews. Its findings—that the overall quality of evidence for the effectiveness of sex-rejecting procedures in improving psychological outcomes is very low, and that significant risks of harm including infertility, sexual dysfunction, impaired bone density, and adverse cognitive impacts are plausible—are not manufactured for political purposes. They reflect genuine and growing scientific concern about these interventions that has motivated independent action by Sweden's National Board of Health and Welfare, Finland's Council for Choices in Health Care, and the United Kingdom's National Health Service following its commissioning of the Cass Review. In addition, the ASPS issued a position statement in February 2026 recommending that surgeons delay gender-related breast/chest, genital, and facial surgery until a patient is at least 19 years old. The position statement also highlights that the action was taken as a result of recent publications reporting very low/low certainty of evidence regarding mental health outcomes, along with emerging concerns about potential long-term harms and the irreversible nature of surgical interventions in a developmentally vulnerable population. ASPS concludes there is insufficient evidence demonstrating a favorable risk-benefit ratio for the pathway of gender-related endocrine and surgical interventions in children and adolescents.[139]

[139] ''Position Statement on Gender Surgery for Children and Adolescents,'' American Society of Plastic Surgeons, issued February 3, 2026, *https://www.plasticsurgery.org/documents/health-policy/positions/2026-gender-surgery-children-adolescents.pdf.*

We acknowledge that some commenters dispute our interpretation of this evidence and believe that the benefits of sex-rejecting procedures are well established. We have considered those views carefully. While we acknowledge scientific disagreement, our reading of the evidence should not be misinterpreted as motivated by animus toward a class of individuals. CMS determined that the risk/benefit profile of these procedures does not support Federal funding and thus undertook this rulemaking based on sections 1902(a)(19), 1902(a)(30)(A), and 2101(a) of the Act to ensure that Medicaid services are provided in a manner consistent with the best interests of beneficiaries and that Medicaid payments are consistent with quality of care, and that CHIP payments meet the effective and efficient standard.

Comment: Several commenters indicated they believed the proposed rule attempted to circumvent or violated the injunctions in *Washington* v. *Trump,* 768 F. Supp. 3d 1239 (W.D. Wash. 2025) and *PFLAG, Inc.* v. *Trump,* 769 F. Supp. 3d 405 (D. Md. 2025). A few commenters stated that this rule, if finalized, would in effect be ''reinstat[ing] under a different name the directives in Section 3(g) of E.O. 14168 or Section 4 of E.O. 14187,'' in violation of the Court's instruction in *PFLAG, Inc.* v. *Trump.*

Response: We do not agree that the rule violates the preliminary injunctions issued in *Washington* v. *Trump* or *PFLAG, Inc.* v. *Trump.* Those preliminary injunctions enjoin defendant agencies from implementing section 4 of E.O. 14187 and sections 3(e) and 3(g) of E.O. 14168 to condition or withhold Federal funding based on the provision of gender-affirming care by healthcare entities or professionals.

This final rule is not based on section 4 of E.O. 14187 or sections 3(e) and 3(g) of E.O. 14168. It is based on section 5(a) of E.O. 14187 and independent statutory authority under sections 1902(a)(19), 1902(a)(30)(A), and 2101(a) of the Act—authority that exists independently of the enjoined sections of the E.O.s and that would support this rulemaking regardless of the E.O.s' existence. The final rule was developed through notice-and-comment rulemaking as required by the Administrative Procedure Act, provides a substantive evidentiary basis for the coverage determination, and does not purport to implement the enjoined provisions.

Comment: A few commenters stated that the proposed rule violated the principle of separation of powers similar to the Courts' findings on E.O.s

14187 and 14168 in *Washington* v. *Trump* and *PFLAG, Inc.* v. *Trump.* These commenters stated that only Congress has the power to spend and that ''this includes the power to attach conditions on the receipt of Federal funds.'' These commenters stated that Congress has not placed any conditions upon Medicaid funding that prohibits it from being used to fund sex-rejecting procedures.

Response: We disagree that the separation-of-powers reasoning underlying the court decisions addressing E.O.s 14187 and 14168 applies to this rulemaking. The courts that enjoined enforcement of those E.O.s were addressing the propriety of conditioning or withholding Federal funding through direct executive action under the authority of those Orders—action that was taken without the procedural safeguards of notice-and-comment rulemaking and without a specific, developed statutory basis beyond the general executive power. By contrast, this rule was developed under notice-and-comment rulemaking under the Administrative Procedure Act, providing public opportunity for input and requiring CMS to consider and respond to comments. It relies on specific, well-established statutory authorities expressly imposing requirements on States and enforced by the Secretary pursuant to powers delegated by the Congress to the Secretary under the Act—sections 1902(a)(19) and 1902(a)(30)(A) of the Act for Medicaid, and for CHIP, section 2101(a) of the Act. Additionally, section 1904 of the Act permits the Secretary to withhold funds in whole or in part from States that are out of compliance with any of the requirements of section 1902 of the Act. Under this rule, we are exercising our authority under that section to enforce specific requirements of section 1902 of the Act: specifically, section 1902(a)(19) and section 1902(a)(30)(A). Moreover, the rule provides a detailed evidentiary basis for the payment determination, grounded in the findings of the HHS Review, the actions of multiple European countries, and systematic reviews of the quality of clinical practice guidelines. This is precisely the kind of substantive, evidence-based rulemaking that Congress anticipated when it delegated regulatory authority to the Secretary.

The principle that the Federal government may not condition the receipt of Federal funds on compliance with requirements that exceed Congressional authorization, which underlies the courts' analysis of the E.O.s, does not apply here because this rule operates within Congressional authorization.

Comment: Many commenters stated concern that the proposed rule created asymmetric standards for individuals who identify as transgender versus those who do not in seeking treatment with puberty blockers and other procedures. Commenters suggested that CMS would be discriminating against transgender-identifying individuals and those with other identities by creating an exemption for identical care routinely provided to other individuals. Many commenters believed that the proposed rule would create significant health disparities that were targeted towards a specific demographic. A commenter stated concern that CMS intended to ban puberty blockers altogether. Several commenters believed that the term ''gender affirming care'' likewise applied when ''cisgender'' individuals used the same treatments for their desired physical, mental, and socioemotional goals, and provided examples of breast implants and reductions along with hormone replacement therapy. A few commenters believed that hormone treatments and other related care such as surgeries were provided at a higher rate to individuals without gender dysphoria than transgender-identifying individuals, citing recent peer-reviewed literature, and stated that the proposed rule exceptions did not align with what is happening in practice. Many commenters provided examples of care that individuals without gender dysphoria received and maintained that these cases raised the issue of equal protection. Many commenters stated that CMS was alleging that identical treatments have different risk and benefit profiles for transgender-identity individuals and individuals without gender dysphoria, but that CMS did not provide adequate evidence or context to support these claims as these treatments and procedures are considered safe and effective for individuals without gender dysphoria under the proposed rule. A few commenters questioned how the proposed rule could suggest that individuals with gender dysphoria and their parents and healthcare providers are incapable of making informed treatment decisions, while this same scrutiny was not applied to individuals without gender dysphoria and their parents and healthcare providers.

Response: We do not agree with commenters who characterized the prohibition in this rule as creating impermissible asymmetric standards. The prohibition is defined in terms of purpose: a pharmaceutical or surgical intervention is a sex-rejecting procedure, and thus ineligible for Federal Medicaid or CHIP funding, only when it is provided for the purpose of attempting to align a child's physical appearance or body with an asserted identity that differs from the child's sex. When the same pharmaceutical or surgical intervention is provided for a different purpose—such as treating precocious puberty, a growth hormone deficiency, cancer, or another medically recognized condition—it is expressly excluded from the definition of sex-rejecting procedures and remains eligible for Federal funding when otherwise covered.

We acknowledge that the same drug or procedure may be used both for sex-rejecting purposes and for other clinical indications, and that the nature of the definition requires clinical judgment and documentation regarding the reason for which a service is being provided. This is consistent with how Medicaid already operates in many contexts, where coverage may depend on clinical indication. As addressed in earlier comments, we do not believe this creates impermissible discrimination. As the Supreme Court recognized in *United States* v. *Skrmetti,* 605 U.S. 495 (2025), a law that prohibits certain medical procedures for certain medical uses, without regard to the patient's sex, does not classify based on sex and does not warrant heightened scrutiny under the Equal Protection Clause. The same reasoning applies here: this prohibition is animated by concerns about the risk-benefit profile of these interventions for their specific intended use in the pediatric population, not by animus toward any group of individuals.

Comment: Several commenters believed that there would be significant administrative and operational challenges associated with the proposed rule. A few commenters stated that the ''purposes other than aligning physical appearance'' terminology was not operationally feasible for processing claims, since CMS does not provide standards for a State or payor entity to determine intent behind a provider's submission of a claim. Commenters noted that *FCC* v. *Fox Television Stations, Inc.,* 567 U.S. 239 (2012) required that regulated parties know what is required of them. These commenters additionally stated that CMS has not provided clarity on how to operationalize this process and navigate expected coding disputes, which could impact care delivery. A few commenters believed there was lack of clarity in how certain services would continue to be eligible for FFP. A commenter stated that certain pharmaceuticals may be continued to be covered for permissible

indications, leading to administrative burden that imperiled access to care given the need for states to approve claims for some treatments but not others. A commenter stated that the proposed rule did not adequately address whether certain services would be eligible for FFP, including provision of medication and treatments taken for continuity of care purposes in emergency and in-patient situations, suppression of menstruation and related conditions such as cystic acne or worsening endometriosis, and routine costs for beneficiaries participating in qualifying clinical trials of gender-affirming medical care. A commenter questioned how CMS intended for the state or payer to operationalize verification of an individual with a health condition that required such treatments as described in the proposed rule. A commenter suggested that any exceptions to States receiving FFP for the coverage of sex-rejecting procedures furnished to children be left to the States to identify so CMS did not need to monitor every exception for these procedures.

Response: We acknowledge commenters' concerns about the administrative and operational challenges associated with implementing a purpose-based payment prohibition. We recognize that standard outpatient pharmacy claims do not currently include diagnosis codes, which may make it difficult to determine at the point of dispensing whether a covered outpatient drug is being provided for a sex-rejecting purpose or another purpose.

In general, we expect that prior authorization processes and utilization management tools will be the primary mechanisms through which States ensure that FFP is not claimed for sex-rejecting procedures. We also recognize that pharmaceuticals used for sex-rejecting purposes are approved for other indications and that, consistent with section 1927 of the Act, they must remain coverable for those other indications. Nothing in this rule requires States to exclude these drugs from their formularies entirely; rather, States must ensure that Federal funds are not used to reimburse claims for these drugs when they are provided for the purpose of attempting to align a child's physical appearance or body with an asserted identity that differs from the child's sex.

Comment: A commenter stated that Medicaid restrictions and treatment bans, including those on sex-rejecting procedures, have been recognized to lead to irreparable harm in the form of diminished access to care, as found in *PFLAG, Inc.* v. *Trump.* The commenter also suggested that the proposed rule would exacerbate existing disparities in care for transgender-identifying individuals compared to others.

Response: We acknowledge that the preliminary injunction in *PFLAG, Inc.* v. *Trump* found, in the specific context of that case, that restrictions on ''gender-affirming care'' funding caused irreparable harm to the plaintiff States and others. However, the legal and procedural context of that injunction is materially different from the context of this rulemaking. The injunction in *PFLAG, Inc.* v. *Trump* addressed the application of E.O. 14187 and E.O. 14168 provisions through direct executive action without notice-and-comment rulemaking, statutory basis development, or the procedural protections of the APA. This final rule has been developed through the full notice-and-comment process, with extensive opportunity for public input, and is grounded in a detailed statutory and evidentiary basis. The court in *PFLAG, Inc.* v. *Trump* did not purport to hold that the Secretary lacks statutory authority to establish FFP conditions on sex-rejecting procedures through notice-and-comment rulemaking.

We also note that the potential implications flowing from the limitation on FFP for sex-rejecting procedures must be weighed against the potential harms of continuing to fund interventions for which the evidence of benefit is weak and the risk of irreversible harm is significant. We have weighed the implications of limiting FFP for sex-rejecting procedures and have concluded that the protection of children from the risks of sex-rejecting procedures outweighs the potential burden to States and beneficiaries.

Comment: Several commenters suggested that the proposed rule was supported by the Supreme Court's decision in *United States* v. *Skrmetti.* A few commenters indicated that they believed the proposed rule did not discriminate based on sex as it focused on the age of beneficiaries and medical use of sex-rejecting procedures, similar to the Court's view in *Skrmetti.* A commenter stated the Court recognized in *Skrmetti* that laws motivated by child-safety concerns did not constitute sex discrimination and therefore the proposed rule did not discriminate on the basis of sex as it was motivated by substantial child-safety concerns. A commenter, quoting Justice Thomas's concurrence in *Skrmetti,* stated that there was no medical or scientific consensus on sex-rejecting procedures as ''medical and regulatory authorities are not of one mind about the risks and benefits of these treatments.''

Response: We agree with these commenters that the Supreme Court's decision in *United States* v. *Skrmetti,* 605 U.S. 495 (2025), provides support for this rule. In *Skrmetti,* the Court upheld Tennessee's law restricting certain pharmaceutical and surgical interventions for children diagnosed with gender dysphoria, concluding that such a law does not trigger heightened scrutiny under the Equal Protection Clause because it turns on the patient's age and the medical use of the intervention rather than the patient's sex. The Court observed that the law ''does not prohibit conduct for one sex that it permits for the other.''

Like the law at issue in *Skrmetti,* this rule similarly turns on the age of the beneficiary and the medical purpose of the intervention, prohibiting Federal matching funds in Medicaid and CHIP for interventions provided to children under the applicable age thresholds to align physical appearance with an asserted identity that differs from the child's sex. The rule applies to both males and females equally. The legal framework under which the Court upheld Tennessee's law in *Skrmetti* applies with equal or greater force to this rulemaking, which is grounded in specific Federal statutory authorities and a detailed evidentiary record.

Comment: Several commenters indicated they believed the proposed rule violated States' right to regulate sex-rejecting procedures as decided by the Supreme Court in *United States* v. *Skrmetti.* These commenters stated that the Court reiterated in the *Skrmetti* decision that it had given States ''wide discretion to pass legislation in areas where there is medical and scientific uncertainty'' [140], and that the proposed rule therefore violated States' rights by eliminating States' flexibility to determine what forms of sex-rejecting procedures were medically acceptable.

Response: We do not agree with commenters who read *Skrmetti* as establishing that States have exclusive authority to regulate sex-rejecting procedures for children in a manner that precludes Federal action. The Court in *Skrmetti* affirmed the authority of States to enact restrictions on sex-rejecting procedures for children, stating that it affords States ''wide discretion to pass legislation in areas where there is medical and scientific uncertainty.'' [141] This affirmation of State authority does

[140] *United States* v. *Skrmetti,* 605 U.S. 495, 524 (2025).

[141] *United States* v. *Skrmetti,* 605 U.S. 495, 524 (2025).

not imply that the Federal government lacks the independent authority to establish conditions on the use of Federal Medicaid and CHIP funds for these procedures, especially where, as is the case with the Medicaid and CHIP programs, CMS has independent legal authority to regulate the types of care that will be funded by the Federal government in these programs. Indeed, title XIX is replete with examples where the Federal government has established conditions on the use of Federal Medicaid and CHIP funds. For example, States cannot obtain matching funds for Medicaid services provided to most beneficiaries in an institution for mental disease or provided to most inmates of a public institution. States cannot derive their share of expenditures for medical assistance from impermissible provider taxes or donations. States cannot receive matching funds for expenditures on covered outpatient drugs if the manufacturer of those drugs does not participate in the Medicaid Drug Rebate Program and comply with other requirements of section 1927 of the Act, such as participation in the 340B program. States may only claim Federal matching funds in Medicaid and CHIP for medical and child health assistance provided to certain noncitizens (other than emergency Medicaid under section 1903(v)(2) of the Act and the State option to cover pregnant women and children under section 1903(v)(4) of the Act), in addition to U.S. citizens and nationals. State Medicaid State Medicaid plans generally cannot pay providers in excess of the Medicaid upper payment limit. State Medicaid plans must have a mechanism to provide an increase in the amount of payment for services provided in hospitals that serve a disproportionate share of low-income patients. States have significant discretion in administering their programs, but that discretion operates within the framework established by Federal law. The Secretary has independent statutory authority under sections 1902(a)(19), 1902(a)(30)(A), and 2101(a) of the Act to establish conditions on Federal financial participation. *Skrmetti* addressed the constitutionality of State action; it did not address or limit the Secretary's separate authority to establish Federal funding conditions.

Comment: Several commenters indicated that they believed the Supreme Court's decision in *United States* v. *Skrmetti* did not support the proposed rule because in that case, the Court found Tennessee's law permissible because it prohibited sex-rejecting procedures based on age and diagnosis instead of sex. These commenters stated this rule prohibited sex-rejecting procedures based on sex.

Response: We do not agree with commenters who asserted that the rule discriminates on the basis of sex in a manner that distinguishes it from the Tennessee law that the Supreme Court upheld in *Skrmetti.* The core holding of *Skrmetti* is that the Tennessee law restricting sex-rejecting procedures for children does not classify based on sex because it applies uniformly regardless of the patient's sex and instead classifies based on age and medical use.[142] This rule is similar to that Tennessee law in that this rule applies to all children under the applicable age thresholds, male and female alike, and the restriction is based on the child's age and the medical purpose of the intervention—attempting to align the child's physical appearance with an asserted identity that differs from the child's sex.

Comment: Many commenters indicated that they believed the proposed rule violated nondiscrimination protections inherent to section 1557 of the Affordable Care Act. Many commenters stated the proposed rule violated section 1557 of the Affordable Care Act by discriminating against transgender-identifying individuals on the basis of sex and/or gender. Several commenters stated that they believed ''on the basis of sex'' includes gender identity, citing the Supreme Court's decision in *Bostock* v. *Clayton County,* 590 U.S. 644 (2020). Several commenters stated because the proposed rule discriminated on the basis of sex, it was subject to heightened scrutiny, which they believed the proposed rule would fail to meet. A few commenters stated the proposed rule violated section 1557 of the Affordable Care Act by discriminating based on disability. A few commenters stated they believed the proposed rule violated the ''reasonableness'' standard for Federal spending conditions outlined in *South Dakota* v. *Dole* by discriminating based on gender identity. A commenter indicated they believed section 1557 of the Affordable Care Act ''states that it is superseded by State laws that provide additional protection against discrimination on any covered basis.'' A commenter stated section 1557 of the Affordable Care Act prohibited intentional discrimination and disparate impact and that because the proposed rule would disproportionately harm gender-dysphoric youth, it violated the prohibition on disparate impact.

Response: We do not agree that the rule violates section 1557 of the Affordable Care Act. We address each of the principal arguments raised by commenters in turn. We do not believe that section 1557 requires Federal health programs to cover sex-rejecting procedures or prohibits Federal funding conditions limiting such coverage.

Sex discrimination under section 1557 of the Affordable Care Act: Section 1557 of the Affordable Care Act prohibits discrimination on the basis of sex in health programs or activities receiving Federal financial assistance, incorporating the sex discrimination prohibition of Title IX. Commenters stated that this prohibition extends to discrimination on the basis of gender identity and transgender status, relying principally on the Supreme Court's decision in *Bostock* v. *Clayton County.* We disagree for several reasons.

First, the Supreme Court's analysis in *Bostock* was limited to Title VII of the Civil Rights Act of 1964 and the Court expressly declined to address whether the same reasoning would apply to other statutes, stating: ''[N]one of these other [sex discrimination] laws are before us; we have not had the benefit of adversarial testing about the meaning of their terms, and we do not prejudge any such question today.'' [143] The Court in *Skrmetti* noted that *Bostock* ''does not alter our analysis'' in the equal protection context and that the reasoning that led the Court to uphold the Tennessee law was not affected by *Bostock.*[144]

Second, the United States District Court for the Southern District of Mississippi held in *State of Tennessee* v. *Kennedy,* 807 F. Supp. 3d 613 (S.D. Miss. 2025) that HHS exceeded its statutory authority when it interpreted Title IX, as incorporated into section 1557, to prohibit discrimination on the basis of ''gender identity,'' and when it implemented section 1557 regulations concerning ''gender identity'' and ''gender-affirming care.'' The court found that *Bostock's* analysis of Title VII did not apply to Title IX as incorporated into the 1557 Rule and that ''the refusal to provide procedures or medications for gender transition is not sex discrimination under the *Bostock* Court's reasoning[,]'' and it vacated regulations in the 1557 Rule ''to the extent that they expand Title IX's definition of sex discrimination to include gender-identity discrimination[.]'' *Id.* at 630.

[142] *United States* v. *Skrmetti,* 605 U.S. 495, 511–512 (2025).

[143] *Bostock* v. *Clayton County,* 590 U.S. 644, 681 (2020).

[144] *United States* v. *Skrmetti,* 605 U.S. 495, 519–521 (2025).

Third, this rule does not discriminate on the basis of sex, as that term is properly understood under section 1557. As established in the *Skrmetti* equal protection analysis, a rule restricting certain types of medical treatment uniformly for all children regardless of sex classifies based on age and medical purpose. Under the same reasoning, such a rule does not discriminate based on sex. A child of either sex may not receive sex-rejecting procedures with Federal Medicaid or CHIP funding under this rule.

Discrimination on the basis of disability: Commenters stated that gender dysphoria is a disability under the Americans with Disabilities Act and the Rehabilitation Act, and that this rule therefore discriminates on the basis of disability in violation of section 1557. We note that HHS has separately proposed to amend its Section 504 regulations to clarify that gender dysphoria not resulting from physical impairments does not constitute a covered disability.[145] Regardless of the resolution of that separate rulemaking, this Medicaid and CHIP rule does not categorically exclude care for individuals with gender dysphoria; it limits FFP for specific pharmaceutical and surgical interventions while preserving FFP for mental health services, psychotherapy, and other care. A targeted limitation on FFP for a specific set of treatments does not constitute discrimination on the basis of disability.

Age discrimination under section 1557: Some commenters raised age discrimination arguments under section 1557's incorporation of the Age Discrimination Act of 1975.[146] The Age Discrimination Act prohibits discrimination based on age in programs receiving Federal financial assistance but explicitly excepts an otherwise prohibited action if it ''reasonably takes into account age as a factor necessary to the normal operation or the achievement of any statutory objective of [a] program or activity.'' 42 U.S.C. 6103(b)(1)(A). The age distinctions in this rule—limiting FFP for sex-rejecting procedures to children under the applicable age thresholds—are necessary to achieve the statutory objective of protecting Medicaid and CHIP beneficiaries from the risks of irreversible interventions during childhood. These distinctions are therefore permissible under the Age Discrimination Act to the extent that statute applies in this context. This is consistent with the Supreme Court's conclusion in *Skrmetti* that the Tennessee law's age- (and diagnosis-) based classifications are rationally related to, among other things, the State's legislative findings and the State's objective of protecting minors' health and welfare.[147]

Conclusion on section 1557 of the Affordable Care Act: For the reasons stated above, we do not believe the rule violates section 1557 of the Affordable Care Act. The rule applies uniformly regardless of the patient's sex, is grounded in a determination that the risk/benefit profile of sex-rejecting procedures for children does not support Federal funding rather than in any animus toward transgender-identifying individuals, and does not eliminate care for gender dysphoria but rather channels Federal support toward less invasive and better-evidenced interventions.

Comment: Section 1554 of the Affordable Care Act: Some commenters stated that this rule violates section 1554 of the Affordable Care Act, which prohibits the Secretary from promulgating regulations that ''create any unreasonable barriers to the ability of individuals to obtain appropriate medical care'' or that ''impede timely access to health care services.''

Response: We do not agree. This rule does not create unreasonable barriers to appropriate medical care. It restricts FFP for specific procedures for specific purposes; it does not prohibit providers from furnishing those procedures, and it does not prohibit States from covering them using State-only funds. Mental health services and other appropriate interventions for gender dysphoria remain fully accessible and Federally reimbursable. Additionally, section 1554 of the Affordable Care Act does not require Federal programs to fund every medical intervention an individual may seek. Such an interpretation would effectively deprive the Secretary of authority to establish any coverage conditions on Federal health programs. The barriers commenters identify flow from the limitation on Federal funding, not from any prohibition on access to care. Individuals retain the ability to seek coverage for sex-rejecting procedures outside of Medicaid and CHIP, and States retain the ability to fund such care with State-only dollars. To the extent that some individuals enrolled in Medicaid and CHIP who seek sex-rejecting procedures will no longer have those procedures covered with Federal matching funds, this reflects the application of the quality of care and best interests standards Congress established, not an arbitrary barrier to appropriate care.

Comment: Many commenters stated that by allowing FFP for sex-rejecting procedures used to treat certain conditions, but disallowing FFP for sex-rejecting procedures used to treat gender dysphoria, CMS would be discriminating based on diagnosis, thus violating Medicaid's comparability requirement, which generally requires that services be available equally to each person in a Medicaid coverage group (such as categorically eligible individuals). A few commenters indicated that they believed multiple Federal courts have held that Medicaid's comparability requirement includes sex-rejecting procedures and that States must pay for medically necessary treatment for gender dysphoria. Several commenters stated they believed that CMS provided insufficient evidence to support the idea that different treatment based on diagnosis is justified because sex-rejecting procedures have a different risk/benefit profile when used to treat gender dysphoria.

Response: We do not agree with commenters who state that this rule violates Medicaid's comparability requirement at section 1902(a)(10)(B) of the Act and 42 CFR 440.240, which mandates that, with certain exceptions, the Medicaid services available to any individual in the categorically needy groups and within any covered medically needy group must be equal in amount, duration, and scope for all beneficiaries within the group.

Regulations at 42 CFR 440.230(c) prohibit States from *arbitrarily* denying or reducing the amount, duration, or scope of a required service solely because of the diagnosis, type of illness, or condition. The operative word is ''arbitrarily,'' and the prohibition is on *arbitrary* distinctions, not on all purpose-based or evidence-based distinctions.

The restriction established by this rule is not arbitrary. We have conducted a thorough review of the available evidence—including the comprehensive HHS Review of best practices for treating pediatric gender dysphoria and independent systematic reviews commissioned by public health authorities in the United Kingdom, Sweden, and Finland—and have concluded that the risk/benefit profile of sex-rejecting procedures when used to align a child's physical appearance or body with an asserted identity that

[145] Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance, 90 FR 59478 (December 19, 2025).

[146] 42 U.S.C. 18116 (incorporating 42 U.S.C. 6101 *et seq.*).

[147] *United States* v. *Skrmetti,* 605 U.S. 495, 523 (2025).

differs from the child's sex does not support Federal financial participation for those procedures. The very low certainty of evidence for benefit, combined with plausible and in some cases well-documented risks of significant and potentially irreversible harms, including effects on fertility, bone density, cardiovascular function, and cognitive development, provides a substantive, evidence-grounded basis for this rule.

Critically, this rule turns on the *purpose* for which a procedure is performed, not on the identity or diagnosis of the beneficiary. The same pharmaceutical agents and, where applicable, surgical interventions remain eligible for FFP when furnished for other medically accepted purposes (for example, GnRH agonists used to treat central precocious puberty, or surgical interventions addressing a medically verifiable disorder of sexual development). This purpose-based distinction is not inconsistent with the comparability requirement; we are unaware of a requirement to cover all uses of a particular drug or procedure simply because some uses of that drug or procedure are covered. In fact, the opposite is true. For example, section 1927(d)(2)(A) of the Act permits States to exclude coverage of drugs when prescribed for weight loss. Accordingly, many States do not provide coverage for GLP–1 agonists when they are prescribed for weight loss, but will permit coverage of those same drugs when prescribed for another purpose, such as hemoglobin A1C control for individuals with diabetes.

We are aware that some Federal courts have addressed categorical exclusions of gender dysphoria treatment from State Medicaid plans in the context of the comparability requirement. Those decisions addressed categorical exclusions that were not grounded in a substantive, evidence-based analysis of risk and benefit. This rule is materially different: for the Medicaid component of the rule, it rests on our exercise of authority under sections 1902(a)(19) and 1902(a)(30)(A) of the Act to ensure that FFP is limited to services that are consistent with quality of care and the best interests of Medicaid recipients, and is based on a carefully developed evidentiary record.

Comment: Many commenters stated the proposed rule violated States' rights to determine the amount, duration and scope of Medicaid benefits or the medical necessity of Medicaid services. Several commenters indicated that they did not agree with CMS' statement in the proposed rule that CMS has the statutory authority to place restrictions on State-specific medical necessity criteria and utilization control procedures. Several commenters stated that previous court decisions have found that States cannot place categorical bans on medically necessary treatment or stressed the importance of the individualized nature of the medical necessity framework. A few commenters indicated that they believed CMS must approve State Plan Amendments (SPAs) that meet statutory requirements and that CMS cannot disapprove SPAs for covering services that States have determined are medically necessary. A commenter stated CMS ''sets a floor for States, requiring them to provide services in sufficient amount, duration, and scope. It does not follow that the regulation then somehow permits [CMS] to cap the amount, duration, or scope of services that States are able to cover.'' A commenter stated that a Medicaid SPA must specify the amount, duration, and scope of covered services and no provision of the Act permits CMS to refuse Federal Medicaid funds for services covered by a State's approved plan.

Response: We do not agree with commenters who state that this rule impermissibly overrides States' authority to determine the amount, duration, and scope of Medicaid-covered services or to define medical necessity for their beneficiaries. While States do exercise substantial flexibility under the Medicaid program, including authority to determine, within Federal limits, what services are covered, at what levels, and under what medical necessity criteria, that flexibility is not unlimited and operates within the constraints of Federal statute and regulation. We have both the authority and the responsibility to ensure that FFP is conditioned on compliance with requirements under Federal law.

Section 1902(a)(19) of the Act requires that care and services be provided ''in a manner consistent with . . . the best interests of the recipients.'' Section 1902(a)(30)(A) of the Act requires that States' payment methods ensure that payments are ''consistent with efficiency, economy, and quality of care.'' These are not purely procedural requirements establishing only the manner in which States must administer their programs; they are substantive standards that govern the quality and appropriateness of the care for which Federal dollars are spent. When we determine, based on a thorough evidentiary assessment, that a specific category of services does not meet those standards for specified purposes in a specified population, we are acting within our authority in engaging in rulemaking to prohibit FFP for those services.

We also note that we review State Plan Amendments to ensure they comply with Federal requirements. That review process has always entailed our exercise of judgment regarding whether proposed State coverage approaches are consistent with Federal standards. The suggestion that we may never withhold Federal matching funds for services that a State has chosen to cover, regardless of the evidentiary record, would render meaningless our obligation to evaluate whether State Plan amendments comply with sections 1902(a)(19) and 1902(a)(30)(A) of the Act. Nothing in those provisions, or in CMS' implementing regulations, supports that reading.

We emphasize that this rule does not prevent States from covering sex-rejecting procedures for Medicaid and CHIP beneficiaries outside of the Federally matched Medicaid program and CHIP; it establishes that Federal matching funds will not be available for those procedures for the purposes described in the rule. The rule does not reach States' authority to fund these services using State-only resources, consistent with applicable State law. This approach appropriately conditions Medicaid Federal financial participation on compliance with the Federal government's implementation of the quality of care and best interests standards in section 1902(a)(19) and (a)(30)(A) of the Act.

Comment: A commenter indicated they believe that by restricting States' ability to make decisions about the amount, duration, and scope of Medicaid-covered services by not letting States develop state-specific medical necessity and utilization control procedures, it would create confusion about the Food and Drug Administration's role in approving prescription drugs.

Response: We appreciate the commenter's concern but do not agree that the rule would create confusion regarding the FDA's role in approving prescription drugs. There is no pharmaceutical that is solely indicated for sex-rejecting procedures; the pharmaceuticals used in these procedures are approved for other indications. Accordingly, these pharmaceuticals will continue to be coverable by Medicaid programs for those other indications in accordance with section 1927 of the Act and the Medicaid Drug Rebate Agreement framework. The FDA's role in approving drugs and the Medicaid Drug Rebate Program's operation remain unchanged by this rule. This rule will limit Federal

financial participation for a specific *use* of certain pharmaceuticals—namely, when administered for the purpose of attempting to align a child's physical appearance or body with an asserted identity that differs from the child's sex (absent an applicable exception). States retain the ability to develop medical necessity criteria and utilization control procedures for the full range of coverable uses of these drugs under Medicaid. We believe this definition of sex-rejecting procedures is narrowly tailored in a manner that provides clarity sufficient for States to administer coverage of drugs consistently with both this rule and section 1927 of the Act.

Comment: Many commenters indicated that they believed the proposed rule violated requirements under the Early and Periodic Screening, Diagnostic, and Treatment (EPSDT) provisions. Many commenters stated that EPSDT required states to cover medically necessary services and stated that sex-rejecting procedures were medically necessary. Many commenters stated the proposed rule violated States' rights to determine which services are medically necessary under EPSDT by implementing a categorical ban on these procedures. Many commenters indicated they believed the proposed rule conflicted with EPSDT's required individualized medical necessity framework by prohibiting coverage of sex-rejecting procedures furnished to children even when a provider deems the procedure medically necessary. Several commenters indicated they believed CMS stated in the proposed rule that sex-rejecting procedures were never medically necessary and these commenters did not agree with this statement. Several commenters suggested the authority to preempt State determinations of medical necessity under EPSDT rested solely with Congress. These commenters stated that the Congress had rarely used this authority and had never used it in the case of sex-rejecting procedures. A few commenters indicated they believed CMS did not provide adequate explanation for the reversal of longstanding EPSDT program policy initiated by the proposed rule. A few commenters suggested that if CMS believed sex-rejecting procedures were never medically necessary, CMS must provide evidence of that, and the HHS Review was insufficient to demonstrate the sex-rejecting procedures were never medically necessary. A few commenters pointed to recent Federal district court decisions, which found that excluding Medicaid coverage of sex-rejecting procedures for gender-dysphoric youth violated the EPSDT statute. A few commenters suggested the proposed rule contradicted CMS' EPSDT coverage guide dated June 2014,[148] which instructed States to ''consider all aspects of a child's needs'' and prohibited States from imposing any ''hard'' limits or caps on care. A commenter stated they believed CMS attempted to distinguish sex-rejecting procedures from EPSDT requirements by claiming that they may not benefit the long-term needs of gender-dysphoric youth, but that CMS failed to consider or address the evidence supporting the long-term health benefits of sex-rejecting procedures for gender-dysphoric youth.

Response: We do not agree with commenters who state that this rule violates the EPSDT requirements under sections 1905(a)(4)(B) and 1905(r) of the Act. EPSDT requires States to provide coverage for services authorized under section 1905(a) of the Act that are ''necessary to correct or ameliorate defects and physical and mental illnesses and conditions'' for eligible children under 21. This is a broad mandate, but it is not unlimited, and it does not compel FFP for every service that any provider deems medically necessary; States are required to make medical necessity determinations for services provided pursuant to the EPSDT benefit.

We have consistently described medical necessity in the EPSDT context as requiring consideration of the child's long-term needs, all aspects of the child's health, and the full range of interventions available, not simply deference to whatever intervention a provider may recommend in a given case. As we have stated in prior guidance, ''[t]he determination of whether a service is medically necessary for an EPSDT eligible child must be made on a case-by-case basis, taking into account the child's particular needs,'' [149] including the child's long-term needs and overall health. A determination that a service lacks sufficient evidentiary support for its long-term benefit in the relevant population, or that its risks of significant and irreversible harm outweigh plausible but unestablished benefits, is a legitimate basis for concluding that the service does not meet the medically necessary standard. We acknowledge that we have not historically taken a position at the Federal level that particular services when provided to particular individuals for a particular purpose are inherently not medically necessary. We do so in this case based on the prevailing evidentiary landscape.

We have reviewed the available evidence regarding sex-rejecting procedures for children and concluded that the current evidence is uncertain on whether these procedures are effective in improving long-term mental health outcomes, reducing gender dysphoria symptoms, or producing other meaningful benefits for children with gender dysphoria. At the same time, the evidence identifies plausible and, in some cases, established risks of significant and irreversible or potentially irreversible harms. These findings, taken together, provide a substantive evidentiary basis for our conclusion that Federal financial participation for sex-rejecting procedures used for the purposes described in this rule is not consistent with quality of care or the best interests of Medicaid recipients, and therefore that these procedures do not constitute medically necessary services eligible for FFP under EPSDT.

We acknowledge the significance of the statement in this final rule that this prohibition applies even ''in circumstances in which a provider may determine that a sex-rejecting procedure is medically necessary for a child diagnosed with gender dysphoria.'' We stand by that statement. EPSDT's medical necessity requirement does not unconditionally defer to individual provider judgment; it reflects a standard that must be assessed against the available evidence and our responsibility to ensure quality of care and services provided in the best interest of beneficiaries. Where the evidence base for a procedure is as uncertain as it is for sex-rejecting procedures in the pediatric gender dysphoria context, we have the authority to conclude that FFP is not appropriate regardless of an individual provider's clinical recommendation.

This rule does not leave children with gender dysphoria without care for which Federal Medicaid matching funds are available. The rule does not alter the availability of Federal Medicaid funding for mental health services, including psychotherapy, which multiple international health authorities have identified as an appropriate first-line treatment for gender dysphoria in children. We note that EPSDT requires that states provide coverage for a broad

[148] CMS, ''EPSDT–A Guide for States: Coverage in the Medicaid Benefit for Children and Adolescents,'' June 2014, *https://www.medicaid.gov/sites/default/files/2019-12/epsdt_coverage_guide.pdf.*

[149] CMS, ''Early and Periodic Screening, Diagnostic, and Treatment (EPSDT) Guide for States: Coverage in the Medicaid Benefit for Children,'' May 2026, *https://www.medicaid.gov/medicaid/benefits/downloads/epsdt-coverage-guide.pdf.*

array of mental health and behavioral health services to eligible children when medically necessary, and those obligations are unaffected by this rule.

Finally, we have previously established age-based limits on Federal financial participation for certain procedures—most notably, the prohibition on Federal financial participation for sterilizations furnished to individuals under age 21 at 42 CFR 441.253. That precedent, while grounded in a different statutory context, illustrates that our exercise of our authority to limit FFP for specific procedures in specific circumstances is not unprecedented. The present rule is similarly grounded in the statutory requirements that Medicaid payments be consistent with quality of care and Medicaid services be provided in a manner consistent with the best interests of beneficiaries.

Comment: A commenter stated that children cannot fully appreciate the long-term consequences of decisions that will affect their fertility, sexual function, and physical integrity for the rest of their lives. This commenter believed that Federal law recognizes this vulnerability by imposing special protections for children in Medicaid and CHIP, including EPSDT.

Response: We appreciate the comments. As noted throughout this final rule, children diagnosed with gender dysphoria may lack the capacity to fully appreciate the lifelong implications of sex-rejecting procedures, including effects on fertility, sexual function, and overall physiological development. The EPSDT framework of comprehensive screening and individualized assessment is designed to identify and address children's health needs in a manner calibrated to their specific circumstances and developmental capacities. This rule reinforces rather than undermines this framework by ensuring that Federal funding is directed toward evidence-based interventions that can be assessed against the applicable quality of care standards.

Comment: A commenter suggested that the cross-program references to prohibition on Federal financing for sex-rejecting procedures in the Federal Employees Health Benefits (FEHB) and Essential Health Benefits (EHB) programs do not apply to Medicaid as they do not supply Medicaid-specific authority and should not be used as justification for the proposed rule.

Response: We agree with the commenter's observation that the legal authorities governing the FEHB and EHB frameworks are separate from those governing the Medicaid program, and that this rule does not rely on those programs' frameworks as sources of statutory authority. The authority for this rule rests on sections 1902(a)(19) and 1902(a)(30)(A) of the Act for Medicaid, independently of any coverage determinations made in other Federal health programs.

Comment: Many commenters stated that sections 1902(a)(19) and 1902(a)(30)(A) of the Act did not authorize CMS to establish categorical exclusions from FFP for specific types of care. Commenters stated that these provisions addressed only the manner in which States administer care and calculate payments—establishing procedural safeguards and payment adequacy standards rather than the substantive scope of covered services. They stated that CMS' own longstanding interpretation of these provisions has been consistent with that procedural reading, as evidenced by CMS' historical reliance on the ''best interests'' standard solely to establish eligibility timeframes and verification requirements, not coverage restrictions.

Commenters further stated that the Medicaid statute's structure reinforced this reading: the Congress has addressed FFP exclusions through separate, express provisions such as the Hyde Amendment's abortion restrictions. Several commenters observed that this rule's use of sections 1902(a)(19) and (a)(30)(A) to restrict FFP is unprecedented, and that the only arguably analogous prior action, the provider-preventable conditions rule, was compelled by a specific statutory mandate in section 2702 of the Affordable Care Act, not CMS' independent exercise of these general provisions.

Response: We do not agree with commenters who state that sections 1902(a)(19) and 1902(a)(30)(A) of the Act authorize only procedural requirements and cannot support a Federal determination regarding the conditions under which FFP is available for particular services. A careful reading of those provisions demonstrates that they impose substantive standards that directly bear on the quality and appropriateness of the care for which Federal funds are spent.

Section 1902(a)(19) requires that a State plan ''provide such safeguards as may be necessary to assure that eligibility for care and services under the plan will be determined, and such care and services will be provided, in a manner consistent with simplicity of administration and the best interests of the recipients.'' This language can reasonably be interpreted to mean that the care and services provided be consistent with the best interests of recipients. A determination that a particular category of services is not consistent with the best interests of recipients, based on a review of the available evidence, falls squarely within the scope of what this provision authorizes us to address.

Section 1902(a)(30)(A) of the Act requires that State plans ''provide such methods and procedures relating to the utilization of, and the payment for, care and services available under the plan . . . as may be necessary to . . . assure that payments are consistent with efficiency, economy, and quality of care.'' Again, this language can reasonably be interpreted to impose a substantive standard—quality of care—on the services for which payments are made. Our conclusion that the uncertain evidence base and plausible evidence of potentially significant harm associated with sex-rejecting procedures for children renders those procedures inconsistent with quality of care, for the purposes described in this rule, is the kind of determination these provisions authorize.

We acknowledge that we have not previously relied on these provisions to establish a purpose-based restriction on FFP for a specific category of services in this manner. However, the absence of prior action does not limit our authority to act when both the statute provides clear authority to do so and the evidentiary record warrants it. The evolution of the evidence base regarding sex-rejecting procedures for children, including the publication of major systematic reviews and the reassessment of clinical practices by multiple European health authorities and the American Society of Plastic Surgeons (ASPS), provides ample justification for us to exercise statutory authority now, based on the new evidence. To be clear, the Department is not adopting a new universal evidentiary standard to establish a purpose-based restriction on FFP. Rather, in assuring that federal payments are consistent with federal programs, such determinations necessarily require evaluation of the evidence supporting particular treatments. Where, as here, the evidence in support of a particular treatment is insufficient or highly uncertain, Federal funding for those treatments may not be consistent with the Medicaid program's obligations to promote quality of care and the best interests of beneficiaries or with the CHIP program's obligations to provide health care services to uninsured, low-income children in an effective and efficient manner that is coordinated with other sources of health benefits coverage for children. We

believe that evidence warrants close review particularly where interventions involve potentially irreversible effects on a vulnerable population of minors and adolescents.

Commenters stated that the absence of a Congressional restriction on FFP for sex-rejecting procedures implies we lack authority to impose one by regulation. We do not agree. Our authority here derives from sections 1902(a)(19), 1902(a)(30)(A), and 2101(a) of the Act. These provisions include substantive standards that we are authorized to implement through regulations, including through conditions on FFP.

Comment: Commenters raised broader concerns that a broad reading of these provisions would confer essentially unbounded agency discretion to terminate coverage for politically disfavored services, that States cannot realistically absorb such a large funding shift despite CMS' idea that State-only funding remains available, and that defining an FFP exclusion by clinician intent rather than service type is an approach unsupported by the statute's text.

Response: We do not agree. Section 1102 of the Act provides the Secretary authority to make and publish ''such rules and regulations, not inconsistent with th[e] Act, as may be necessary for the efficient administration of the functions with which the Secretary is charged under th[e] Act.'' Based on the potential risk of harm to children, this rule requires the discontinuation of Federal Medicaid and CHIP funding for sex-rejecting procedures. Sections 1902(a)(19) and 1902(a)(30)(A) of the Act require that Medicaid payments be consistent with quality of care and Medicaid-covered care and services be provided in a manner consistent with the best interests of beneficiaries. In addition, section 2101(a) of the Act calls for the provision of CHIP in a manner that is effective and efficient and coordinated with other sources of health benefits coverage for children.

Sections 1902(a)(19), 1902(a)(30), and 2101(a) of the Act are provisions that the Secretary is responsible for administering. CMS has been delegated the authority to ensure that Medicaid and CHIP State plans are consistent with these statutory requirements, and thus, this rule is a proper exercise of the Secretary's authority under section 1102 to carry out those functions.

Comment: Many commenters indicated that the proposed rule did not satisfy the requirements under section 1902(a)(19) that care be provided in a manner consistent with simplicity of administration and the best interests of the recipients, or under section 1902(a)(30)(A) to provide methods to assure that payments are consistent with quality of care. These commenters suggested that banning coverage for sex-rejecting procedures was not consistent with the best interests of recipients or with ensuring quality of care, and thus violated these provisions. Several commenters specifically stated that categorically denying coverage for sex-rejecting procedures without taking into account individualized clinical assessments, treating provider input, or medical necessity did not serve the patient's best interests or assure quality of care. A few commenters that stated the proposed rule undermined ''quality of care'' stated that the proposed rule took an entirely one-sided approach to sex-rejecting procedures, acknowledging and overstating the potential risks without considering their benefits. A commenter stated that the relevant medical studies and clinical practice guidelines demonstrated that sex-rejecting procedures were far more likely to help rather than harm gender-dysphoric adolescents.'' A few commenters stated that these services were in fact consistent with quality of care and denying care would jeopardize recipients' best interests, compromise quality of care, and place gender-dysphoric children at significant risk of harm. A commenter stated that while CMS claimed the proposed rule protected ''best interests'' and ensured ''quality of care,'' it provided no evidence that denying established care served these requirements. A commenter who stated that categorically excluding coverage for sex-rejecting procedures was inconsistent with the statutory requirements at section 1902(a)(19) believed that the proposed rule was a politically motivated agency determination that contradicts medical expertise.

A commenter stated that courts have interpreted section 1902(a)(19) as requiring HHS to ensure that States covered medically necessary care in their State Medicaid programs, and that these courts have made clear that a policy that eliminated coverage of an entire category of services was not in the best interests of beneficiaries. This commenter claimed that this provision did not permit HHS to withhold payments for sex-rejecting procedures to youth; on the contrary, the commenter stated it compelled HHS to ensure Medicaid coverage of these services when they were necessary.

A few commenters stated that the proposed rule did not meet the requirements of section 1902(a)(19) of the Act that care and services shall be provided ''in a manner consistent with simplicity of administration.'' The commenters stated that the limitations and exceptions set forth in the proposed rule and the different age standards for Medicaid and CHIP added significant complexity to the administration of the programs. A few commenters cited the CMS Innovation Center, Key Concepts: ''Quality of Care'', stating that HHS had interpreted ''quality of care'' to mean, ''[t]he degree to which health services for individuals and populations increase the likelihood of desired health outcomes and are consistent with current professional knowledge. High quality care means that providers follow current best medical evidence and prioritize decisions that are consistent with peoples' values, needs, and preferences for a positive patient experience.'' [150]

Response: We do not agree with commenters who contend that prohibiting FFP for sex-rejecting procedures is inconsistent with the best interests of Medicaid recipients or with quality of care as required by sections 1902(a)(19) and 1902(a)(30)(A) of the Act. Our determination reflects a thorough and careful review of the evidentiary record. The HHS Review conducted an umbrella review of systematic reviews addressing the benefits and harms of hormonal and surgical interventions for children and adolescents diagnosed with gender dysphoria and found that the overall quality of evidence concerning the effects of these interventions on psychological outcomes, quality of life, regret, and long-term health is very low. It further identified plausible risks of significant harms, including infertility, sexual dysfunction, impaired bone density, adverse cognitive impacts, cardiovascular and metabolic disorders, psychiatric disorders, and surgical complications. These findings—combined with the independent assessments of health authorities in the United Kingdom, Sweden, and Finland, each of which concluded that the risks of these interventions may outweigh the benefits for children at the population level—support our conclusion that FFP for sex-rejecting procedures used for the purposes described in this rule is not consistent with quality of care or the best interests of recipients.

We have carefully reviewed the peer-reviewed studies and clinical guidelines submitted by commenters in opposition to this rule. We acknowledge that some studies report positive mental health outcomes associated with sex-rejecting

[150] ''Quality of Care,'' CMS, accessed June 1, 2026, *https://www.cms.gov/priorities/innovation/key-concepts/quality-care.*

medical interventions. However, as the HHS Review and independent systematic reviews explain, these studies are largely characterized by methodological limitations, short follow-up periods, small sample sizes, high dropout rates, and insufficient attention to confounding factors. The clinical guidelines that rely on those studies, including those issued by WPATH, have been found by independent assessors to fall short of accepted standards for evidence-based guideline development, including for management of conflicts of interest, transparency of evidence review, and separation of advocacy from scientific assessment.[151]

The existence of clinical guidelines endorsing a practice, and of studies reporting some beneficial outcomes, does not require us to finance that practice with Federal Medicaid and CHIP funds when the overall evidence base is characterized by very low certainty and the potential for irreversible harm. Evaluating quality of care involves a substantive assessment of the evidence, and based on that assessment, we have determined that the services covered by this rule do not meet the quality of care standard for FFP.

We also note that the cited CMS Innovation Center definition of ''quality of care,'' ''the degree to which health services for individuals and populations increase the likelihood of desired health outcomes and are consistent with current professional knowledge'' is, if anything, supportive of our position. The current state of professional knowledge, as reflected in the HHS Review and in the reassessments of multiple European health authorities, does not establish that sex-rejecting procedures reliably increase the likelihood of desired health outcomes for children diagnosed with gender dysphoria.

Regarding complexity of administration, we acknowledge that purpose-based restrictions introduce operational considerations that require attention. As discussed elsewhere in this final rule, CMS has considered these implementation issues, including the administrative steps required of States and the alignment of the CHIP requirements with the Medicaid framework. We also recognize that States may need to undertake administrative actions such as updating State Plan Amendments, coordinating with managed care plans and providers, and engaging legal counsel and senior leadership during implementation.

Comment: Many commenters believed the proposed rule infringed on States' rights to control the practice of medicine. Many commenters stated that the proposed rule violated section 1801 of the Social Security Act, which prohibits the Federal government from exercising control over the practice of medicine. Several commenters suggested that the proposed rule and the ''Hospital Condition of Participation: Prohibiting Sex-Rejecting Procedures for Children'' (Hospital COP) proposed rule exhibited conflicting stances on sex-rejecting procedures because in the proposed Hospital COP rule, CMS indicated it has authority to establish the condition of participation, despite 42 U.S.C. 1395's prohibition on Federal control over the practice of medicine, because sex-rejecting procedures are ''not health care.'' In contrast, these commenters indicated they believe this rule designates sex-rejecting procedures as health care and relies upon that designation for establishing Medicaid/CHIP restrictions on sex-rejecting procedures. Several commenters did not agree with CMS' statement in the proposed Hospital COP rule that sex-rejecting procedures were not health care, stating that this framing is circular and contrary to the positions of established medical organizations. Several commenters believed that Congress intended for the control over the practice of medicine to lie with the States and thus the proposed rule was a violation of States' rights, as CMS lacked explicit Congressional authorization or statutory authority for this rule. A few commenters stated that courts and CMS have often recognized that States have the primary authority to regulate or control the practice of medicine, pointing to a variety of legal, statutory, and regulatory precedent including *Linder* v. *United States,* 268 U.S. 5, 18 (1925); *Judge Rotenberg Educational Center, Inc.* v. *U.S. Food & Drug Admin.,* 3 F.4th 390, 399–400 (D.C. Cir. 2021); *in Re: Subpoena No. 25–1431–014,* 2025 WL 3252648 *2–3 (E.D. Penn. 2025); *Oregon* v. *Ashcroft,* 368 F.3d 1118 (9th Cir. 2004); *Gonzales* v. *Oregon,* 546 U.S. 243 (2006); 90 FR at 59,447–59,448; *United States* v. *Skrmetti,* 605 U.S. 495, 522–523 (2025); *New York* v. *United States,* 505 U.S. 144, 162, 167 (1992); and *Nat'l Fed'n of Indep. Bus.* v. *Sebelius,* 567 U.S. 519, 554 (2012). A commenter suggested that the proposed rule removed States' ability to adjust Medicaid coverage and benefits based on local population health needs and threatened the long-term stability of primary care and mental health providers, and thus they opposed CMS' infringement on the practice of medicine. A commenter indicated that the proposed rule may place Federally Qualified Health Centers and Certified Community Behavioral Health Centers in conflict with State scope of practice laws.

Response: We do not agree with commenters who stated that this rule violates section 1801 of the Social Security Act, 42 U.S.C. 1395, by impermissibly interfering with the practice of medicine or with States' traditional authority to regulate medical practice. We address this issue and the other concerns raised by comments individually below.

Section 1801 of the Act. Section 1801 provides that nothing in title XVIII of the Act (governing Medicare) ''shall be construed to authorize any Federal officer or employee to exercise any supervision or control over the practice of medicine or the manner in which medical services are provided.'' This provision is part of the Medicare title of the Act and does not apply to Medicaid or CHIP. This rule is consistent with prior Medicaid rules that impose conditions on Federal Medicaid payment for services. Regardless, this rule does not direct physicians regarding what services they may recommend or provide; it does not dictate the manner in which any medical services are provided; it does not impose sanctions on providers for furnishing sex-rejecting procedures; it does not exclude providers from federal health care programs for furnishing sex-rejecting procedures; it does not alter the scope of professional practice under applicable State law; it does not govern the selection, tenure, or compensation of any officer or employee of any institution, agency, or person providing health services; and it does not control the administration or operation of any medical institution, agency, or person.

Consistency with the Hospital COP proposed rule. We acknowledge that commenters have identified potential differences between the characterization of sex-rejecting procedures in the Hospital COP proposed rule and their characterization in this rule. While the NPRM for this rule and the Hospital COP rule were released on the same date, this rule is being finalized pursuant to sections 1902(a)(19), 1902(a)(30)(A), and 2101(a) of the Act. This rule and the proposed Hospital COP rule operate independently of one another. We continue to separately review comments received on the

[151] Jo Taylor et al., ''Clinical guidelines for children and adolescents experiencing gender dysphoria or incongruence: a systematic review of guideline quality (part 1),'' *Archives of Disease in Childhood* 109, Supp. 2 (2024): s65–s72, *doi:10.1136/archdischild–2023–326499.*

Hospital COP proposed rule. This rule's validity rests independently on sections 1902(a)(19), 1902(a)(30)(A), and 2101(a) of the Act.

State's Traditional Authority to regulate medical practice. We agree with commenters that the States have traditionally used their police powers to regulate the practice of medicine. And, the Supreme Court has noted that it has traditionally ''never assumed lightly that Congress has derogated State regulation'' in the health care context. *N.Y. Conference of Blue Cross & Blue Shield Plans* v. *Traveler's Ins. Co.,* 514 U.S. 645 (1995). But as this quotation suggests, the presumption is not absolute, especially where there is a compelling Federal interest because Federal funding is involved or where there is a clear national interest in uniformity across State lines. For example, the Medicare program pre-empts all state laws ''with respect to'' the Medicare Advantage and Part D programs, under sections 1856(b)(3) and 1860D–12(g) of the Act. Therefore, we do not agree that CMS is impermissibly interfering with States' traditional police powers to regulate the practice of medicine.

Comment: Several commenters stated that neither section 1902(a)(19) nor section 1902(a)(30)(A) of the Act allowed CMS to base funding decisions on the HHS Secretary's interpretation of accepted standards of medical practice. A few commenters stated the rule was inconsistent with CMS' historical deference to States and medical providers on matters of medical necessity and appropriate clinical care under the Medicaid and CHIP programs. These commenters believed that CMS had not provided sufficient justification or evidence to override the judgment of medical providers and substitute its own clinical policy regarding the treatment of gender dysphoria. A commenter suggested that claiming this rule was necessary under sections 1902(a)(19) and 1902(a)(30)(A) of the Act was pretextual. The commenter believed that this sudden reversal in policy was based on political pressure. A commenter stated concern that CMS was substituting its judgment for the consensus of the entire American medical establishment and suggested that this contradicted the fundamental purpose of section 1902(a)(19) of the Social Security Act, which required care to be provided in ways that benefit recipients according to recognized medical standards, not according to politically motivated agency determinations that contradict medical expertise. Similarly, another commenter stated the proposed rule would transform the Federal-State partnership into a vehicle for Federally-imposed clinical judgements, overriding State determinations about State-specific standards for Medicaid and forcing States to choose between serving residents' health needs and receiving Federal Medicaid funds where the State chooses to support covering sex-rejecting procedures for its residents. A commenter stated that Congress left decisions about appropriate medical services and procedures to the States and their providers and has explicitly prohibited CMS from supplanting State authority in this area.

Response: We do not agree with commenters who characterize this rule as an impermissible intrusion into physicians' scope of practice or into States' authority to regulate the practice of medicine. The rule does not regulate what physicians may recommend, what procedures providers may furnish on a voluntary basis, or what services States may authorize under their own authority. It establishes the conditions under which FFP is available under the Medicaid and CHIP programs. That is a distinct legal question governed by the Medicaid and CHIP statutes, not by principles of medical licensure or State regulation of clinical practice.

Comment: A few commenters stated that the proposed rule served the best interests of Medicaid recipients consistent with section 1902(a)(19) of the Act and ensured that payment methodologies were consistent with quality of care consistent with section 1902(a)(30)(A) of the Act. These commenters noted concern that interventions that caused significant harm to children, including permanent sterility, irreversible physical changes, and lifelong medicalization, absent evidence of benefit, could not meet the best interests and quality of care standards under these statutory provisions. A few commenters also stated that where statutory quality or best interest standards were implicated, CMS had not only the authority but the obligation to act, and that in the proposed rule, CMS was acting within its delegated oversight authority to align FFP with statutory quality-of-care and best interest mandates. These commenters stated that the Medicaid program was not required to subsidize every medical procedure and, in this case, the current evidentiary landscape did not demonstrate sufficiently robust, long-term health benefits to mandate Federal payment participation for sex-rejecting procedures. In addition, a commenter noted that HHS holds broad authority under section 1902(a)(19) of the Act (and other cited statutes) to regulate Federal health programs, including payment criteria, exclusions for substandard care, and waste prevention. A commenter noted that quality of care was defined by the balance between demonstrated therapeutic benefit and foreseeable risk. This commenter further stated that where interventions carried significant and potentially permanent physiological effects, the evidentiary threshold supporting Federal funding must be correspondingly rigorous, and that the Federal government had long recognized heightened protective obligations in contexts involving children, particularly when irreversible outcomes were implicated. This commenter also suggested that the provisions of section 1902(a)(19) and (a)(30)(A) of the Act were not merely procedural; instead, they established substantive guardrails for FFP and that the Federal government retained authority to define the scope of FFP consistent with statutory directives governing quality and efficiency. This commenter noted that States retained authority to fund services using State-only dollars, preserving the federalism balance. Finally, a commenter addressed the principle of medical necessity, stating that medical necessity required more than a clinician's subjective judgment; it required a reasonable evidentiary basis that the intervention was likely to improve health outcomes and that its benefits outweighed its risks. The commenter noted that States and CMS shared a duty to ensure that Medicaid funds were not used for interventions that were experimental, unsafe, or contrary to the welfare of children and that sex-rejecting procedures for children did not meet the threshold of medical necessity and should not be subsidized with Federal dollars.

Response: We appreciate the comments from those who recognized that this rule is consistent with sections 1902(a)(19) and 1902(a)(30)(A) of the Act. The current evidentiary record regarding sex-rejecting procedures for children—characterized by very low certainty of benefit and plausible evidence of risks of significant, potentially irreversible harms—does not support FFP for these procedures for the purposes described in this rule. Our determination to that effect is a reasoned implementation of section 1902(a)(19) and 1902(a)(30)(A) of the Act, consistent with our responsibility to ensure that States comply with those sections of the Act.

Comment: A commenter believed that the proposals in the rule were consistent with CMS' delegated authority and

agreed with CMS' interpretation of the authority to regulate services offered by the CHIP programs under the imperative to align with quality and patient protection obligations, particularly where pediatric populations were concerned. The commenter also highlighted that the proposed rule preserved the principles of federalism, which allowed States to fund sex-rejecting procedures using State-only funding. A commenter noted that CMS had the statutory authority to define the scope of FFP based on quality concerns, and the CHIP program existed within that authority.

Response: We appreciate the support expressed by commenters for our exercise of delegated authority and the authority to regulate services offered by CHIP. We also appreciate their recognition that this rule preserves federalism by permitting States to fund sex-rejecting procedures using State-only resources.

Comment: Many commenters believed that the proposed rule should not apply to ''children under 19'' because at age 18, a person is considered a legal adult who can make their own decisions, and thus the rule impacted adult medical care. A few commenters stated that this would create a burden for providers, who must then verify whether an 18-year-old patient is enrolled in Medicaid or CHIP benefits before deciding on treatment planning.

Response: We acknowledge commenters' concerns about the application of the CHIP prohibition to 18-year-old enrollees, who would be legal adults under the law of most States. As explained in the proposed rule and this final rule, the age threshold of ''under 19'' for CHIP reflects Congress's statutory definition of ''targeted low-income child'' at section 2110(c)(1) of the Act, which defines that term to mean ''an individual under 19 years of age.'' Our use of this threshold directly tracks with Congress's statutory definition that governs CHIP eligibility and aligns the rule's scope with the program's statutory structure.

We recognize that this creates an operational distinction between 18-year-old Medicaid enrollees, for whom FFP is not prohibited under the Medicaid component of this rule, and 18-year-old CHIP enrollees, for whom the prohibition applies. This distinction reflects the different statutory definitions applicable to Medicaid and CHIP and is explained in the preamble of this rule. We also reiterate that States are not prohibited from covering sex-rejecting procedures for 18-year-old CHIP enrollees using State-only funds.

Comment: A commenter in support of the rule thanked CMS for recognizing that the age of a ''child'' in CHIP includes those who are up to age 19.

Response: We appreciate the comment recognizing that the different age thresholds applied in this rule to Medicaid and CHIP reflect deliberate choices, which are consistent with Congress's distinct statutory structures of those programs. As explained in the proposed rule, the ''under 18'' threshold for Medicaid corresponds to the age of majority recognized in nearly all States and Territories, while the ''under 19'' threshold for CHIP reflects the statutory definition of ''targeted low-income child'' at section 2110(c)(1) of the Act.

Comment: Many commenters stated concern that the proposed rule was arbitrary and capricious and/or violated the Administrative Procedure Act (APA). Many commenters indicated that they believed the proposed rule ignored established medical consensus and evidence around the safety, efficacy, and benefits of sex-rejecting procedures, and thus the proposed rule was arbitrary and capricious. Many commenters suggested that CMS failed to consider the reliance interests of patients, their families, providers and State Medicaid agencies on Medicaid and CHIP coverage of sex-rejecting procedures and in doing so violated the APA. Several commenters stated that CMS exceeded its authority in promulgating the proposed rule, raising concerns under the APA. Several commenters indicated they believed CMS failed to consider reasonable alternatives to the proposed rule, thereby violating the APA. Several commenters stated that by prohibiting FFP to States for certain pharmaceutical or surgical interventions for individuals with gender dysphoria but allowing FFP for those same pharmaceutical or surgical interventions for individuals with other diagnoses or for individuals with disorders of sexual development, the proposed rule was arbitrary. A few commenters indicated that they believed by departing from the prior policy of allowing States to determine medical necessity for Federal benefits without a reasoned explanation for the change, the proposed rule was arbitrary. A few commenters indicated that they believed CMS failed to provide ''fair notice'' of the proposed rule. A few commenters stated the proposed rule was arbitrary and capricious because CMS failed to consider significant costs associated with the proposed rule. A commenter suggested that any rule CMS finalized on this topic must be a logical outgrowth of the proposed rule and if CMS ''introduces new definitions, expands the scope of prohibited treatments, alters the scientific rationale, or changes enforcement mechanisms in ways that interested parties could not reasonably have anticipated from the proposal,'' they believed additional notice and comment periods would be necessary.

Response: We do not agree with commenters who contend that this rule is arbitrary and capricious or otherwise violates the APA. Generally, under the APA, agency action is not arbitrary and capricious if the agency has considered relevant factors, examined the relevant data, and articulated a satisfactory explanation for its action.[152] This rule meets those standards.

Evidence base. We conducted a thorough review of the available evidence, including the HHS Review, which conducted an umbrella review of systematic reviews assessing the benefits and harms of hormonal and surgical interventions for children and adolescents with gender dysphoria, as well as the Cass Review commissioned by the National Health Service in England, and the independent systematic reviews that informed policy changes by health authorities in Sweden and Finland. We have examined this evidence, acknowledged its limitations, and reached a reasoned conclusion that the very low certainty of benefit and plausible evidence of risks of significant, irreversible harms does not support FFP for these procedures for the purposes described in this rule. The existence of peer-reviewed studies and clinical guidelines supporting a different view does not render our determination arbitrary; it reflects a substantive difference in interpretation of a genuinely contested evidentiary record, which is the kind of judgment that lies within our expertise and discretion.

Reliance interests. In this rule, as well as in the proposed rule, we acknowledge the interests of States, providers, and beneficiaries who have relied on FFP for sex-rejecting procedures and have carefully considered those reliance interests in this rule. The approach we are finalizing addresses these issues because we carefully considered those reliance interests but concluded they are outweighed by the potential for significant and irreversible harm to children in circumstances where the evidentiary basis for benefit is very uncertain. That is a reasoned weighing of competing considerations, not a failure to consider an important aspect of the problem. Moreover, the reliance

[152] See *Motor Vehicle Mfrs. Ass'n* v. *State Farm Mut. Auto. Ins. Co.,* 463 U.S. 29, 42–43 (1983).

interests at stake are mitigated by States' ability to continue covering these services with State-only funds, and by the prospective application of this rule following a full notice-and-comment rulemaking process. Additionally, we are finalizing the provision of FFP for a limited tapering period for a discrete category of affected beneficiaries. Specifically, for current Medicaid and CHIP beneficiaries who are receiving cross-sex hormone therapy as part of sex-rejecting procedures as of the effective date of this final rule, State Medicaid and CHIP Agencies may continue to claim FFP for those cross-sex hormone therapy medications for a tapering period of up to 6 months from the effective date of this final rule. This tapering period is intended to provide beneficiaries and their treating providers a reasonable opportunity to phase off these medications in a manner that allows for clinical discretion if desired. As noted earlier, we concluded that a 6-month period strikes the appropriate balance between providing a reasonable period for individuals to consider discontinuing cross-sex hormones and avoiding unnecessarily prolonging the availability of Federal funding for procedures that raise the child safety concerns animating this rule. The 6-month tapering period is not intended to serve as a clinical guideline. Treating providers may find a different timeline for tapering off cross-sex hormones to be appropriate.

Statutory authority. As discussed at length elsewhere in this rule, sections 1902(a)(19), 1902(a)(30)(A), and 2101(a) of the Act authorize CMS to establish conditions on FFP. This rule is an exercise of that authority.

Alternatives. The proposed rule identified taking no action as the primary alternative considered and provided a detailed explanation of why we determined Federal regulatory action was warranted. We also note that the rule itself represents a more carefully calibrated approach than a blanket prohibition: the pharmaceutical or surgical interventions included within the definition of sex-rejecting procedures remain Federally matched when treating an individual with a medically verifiable disorder of sexual development; for purposes other than attempting to align an individual's physical appearance or body with an asserted identity that differs from the individual's sex; or to treat complications, including any infection, injury, disease, or disorder that has been caused by or exacerbated by the performance of sex-rejecting procedure(s). This targeted, purpose-based approach represents our effort to narrow the restriction to the specific evidentiary concerns at issue while preserving FFP for other uses.

Arbitrary distinction argument. Several commenters stated that this rule was arbitrary because it permits FFP for sex-rejecting procedures when provided for other diagnoses while prohibiting it when provided to treat gender dysphoria. We do not agree. Our conclusion that the evidence base is insufficient to support FFP for this particular use of these procedures, while remaining sufficient for other uses, reflects a substantive, evidence-grounded distinction, not an arbitrary one.

Fair notice. The proposed rule published on December 19, 2025 set forth our legal and factual rationale in detail and provided a full public comment period. The notice and comment process satisfied the APA's procedural requirements. Commenters had a meaningful opportunity to engage with our reasoning and submit evidence and arguments, as the large volume of substantive comments received demonstrates.

Comment: Several commenters requested that their comments, including any articles, studies, or other supporting materials and documentation provided with their comments, be considered part of the formal administrative record.

Response: We have considered all comments received during the public comment period, including the studies, reports, clinical guidelines, and other materials submitted by commenters as attachments or referenced through hyperlinks. All comments received through the close of the comment period are part of our review in developing this final rule, and all materials submitted directly through the rulemaking docket will be maintained as part of the administrative record in accordance with applicable records management requirements.

Comment: Many commenters believed the proposed rule violated section 1927 of the Act, which established the Medicaid Drug Rebate Program. Several commenters believed section 1927 of the Act generally required State Medicaid programs to cover all medically accepted indications of all FDA-approved outpatient drugs, with limited exceptions, and the statute did not permit CMS or States to selectively exclude some medically accepted indications of covered drugs. A few commenters stated that under section 1927(d)(2) of the Act, Congress established a very limited list of excludable indications under the Medicaid program, and drugs used to treat gender dysphoria were not a part of this list of exclusions. A few commenters expressed concern that the proposed rule, if finalized, would be operationally unworkable as it related to section 1927 of the Act because there is no claims field or modifier that can reliably encode whether a drug, device, or procedure was furnished ''to align a child's appearance or body with an asserted identity,'' and therefore prescriber intent cannot be captured. A commenter stated that court decisions in multiple lawsuits against States that have chosen to restrict covered outpatient drugs, like direct-acting antivirals for Hepatitis C Virus, in the Medicaid Drug Rebate Program, demonstrate that States must cover all covered outpatient drugs for medically indicated purposes.

Response: We do not believe this rule conflicts with or violates section 1927 of the Act because the rule does not categorically exclude from Medicaid coverage any covered outpatient drug for which a manufacturer participating in the Medicaid Drug Rebate Program has paid a rebate. Rather, the rule limits FFP only for a specific use of certain otherwise covered outpatient drugs in a defined population, while States would remain required to cover those drugs for all other medically accepted indications, including uses approved by FDA or supported by applicable compendia. We believe this limitation is authorized under sections 1902(a)(19) and 1902(a)(30)(A) of the Act.

We acknowledge that this FFP restriction creates operational complexity because pharmacy claims typically do not capture the indication for which a drug is being prescribed. States will need to develop prior-authorization processes, utilization management protocols, and other administrative tools to implement this restriction in a manner consistent with both this rule and their obligations under section 1927 of the Act. However, these processes already occur in other circumstances. For example, States are permitted to exclude from coverage drugs when prescribed for weight loss under section 1927(d)(2)(A) of the Act. As noted above, however, although GLP–1 agonists are often prescribed for weight loss, they are also prescribed for other purposes, such as hemoglobin A1C control for patients with diabetes or pre-diabetes. States that have elected to not cover GLP–1 agonists for weight loss nevertheless must have processes in place to cover those same agents when prescribed to patients for A1C control. Similarly, states are permitted to exclude drugs when prescribed for sexual dysfunction under section

1927(d)(2)(K) of the Act, but the statute there contains an exception for other purposes ''for which the agents have been approved by'' the FDA. There again, States must have already developed processes to assure coverage for approved uses of the drugs while denying coverage for statutorily excluded purposes. We believe that States are in a position to develop coding edits that would deny coverage for outpatient drugs when prescribed for sex-rejecting procedures subject to the payment prohibition in the same manner that they have implemented coding edits to deny coverage for outpatient drugs when prescribed for a purpose for which States may choose not to cover those drugs, such as drugs when prescribed for weight loss or sexual dysfunction.

We believe sections 1902(a)(19) and 1902(a)(30)(A) of the Act provide independent authority to limit FFP for uses of covered outpatient drugs that we determine are inconsistent with quality of care and beneficiary protection standards, notwithstanding section 1927's general drug coverage framework. In our view, section 1927 does not eliminate the agency's broader responsibility to ensure that Medicaid funds are expended in a manner consistent with quality of care and the best interests of beneficiaries, particularly where we have determined, based on a substantive evidentiary assessment, that a specific use of a drug presents significant concerns regarding safety, effectiveness, or long-term harm for a defined population.

Comment: Several commenters believed the proposed rule violated various statutes and laws that protect individuals with disabilities or that the proposed rule discriminated against individuals with disabilities. Several commenters stated that the proposed rule violated section 504 of the Rehabilitation Act by providing unequal access to healthcare. Several commenters believed the proposed rule violated the Americans with Disabilities Act (ADA) by discriminating against individuals with disabilities in public services and accommodations, including hospitals. A commenter believed the proposed rule violated section 508 of the Rehabilitation Act, which prohibits discrimination on several bases, including disability. A commenter stated that in 2022, the Fourth Circuit ruled in *Williams* v. *Kincaid,* 45 F. 4th 759 (4th Cir. 2022) that gender dysphoria could be considered a disability under the ADA. A commenter believed HHS was aware that the proposed rule violated the Rehabilitation Act as evidenced by a separate HHS Office of Civil Rights (OCR) proposed rule, which extended the statutory exclusion for ''gender identity disorders not resulting from physical impairments'' to include ''gender dysphoria not resulting from physical impairments.'' This commenter stated that the HHS OCR proposed rule was ''incompatible with the purpose and historical meaning of that statute'' and this Medicaid and CHIP proposed rule still violated the Rehabilitation Act because the rule failed to make adequate exceptions for gender dysphoria that does result from a physical impairment.

Response: We do not agree with commenters who contend that this rule violates the Americans with Disabilities Act or sections 504 or 508 of the Rehabilitation Act by discriminating against individuals with gender dysphoria on the basis of disability. This rule does not deny Medicaid coverage, in general, to individuals with gender dysphoria. The rule's restriction on FFP is based on the *purpose* for which specific pharmaceutical and surgical interventions are furnished, namely, whether they are being used to align a child's physical appearance or body with an asserted identity that differs from the child's sex. The FFP restriction applies for sex-rejecting procedures; it applies equally to all children for whom these procedures would be used for that purpose, regardless of status. Children with gender dysphoria who are enrolled in Medicaid and CHIP continue to have access to the full range of Federally-reimbursable mental health services, including psychotherapy.

We do not agree with commenters who contend that this rule violates the ADA and section 504 by discriminating against individuals with gender dysphoria. We take the same position as the HHS Office for Civil Rights set out in its 2025 Section 504 proposed rule: gender dysphoria not resulting from physical impairments does not constitute a covered disability. *See* Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance, 90 FR 59478, 59480 (Dec. 19, 2025). For more background on HHS's Section 504 proposed rule and its analysis under Section 504 and the ADA, we refer commenters to that proposed rule and the separate rulemaking process. 90 FR 59478, 59480 (Dec. 19, 2025).

Regardless, this rule does not deny coverage to individuals with gender dysphoria on the basis of their diagnosis or disability status. The rule's restriction is based on the *purpose* for which specific pharmaceutical and surgical interventions are furnished, namely, whether they are being used to align a child's physical appearance or body with an asserted identity that differs from the child's sex. The restriction does not depend upon the beneficiary's diagnosis; it applies equally to all children for whom these procedures would be used for that purpose, regardless of any disability status. Children with gender dysphoria who are enrolled in Medicaid and CHIP continue to have access to the full range of Federally reimbursable mental health services, including psychotherapy.

Comment: Several commenters commented on CMS' comparison in the proposed rule of prohibiting FFP for sex-rejecting procedures furnished to children to prohibiting FFP for permanent sterilizations furnished to individuals under age 21 (at § 441.253), indicating they found the comparison inappropriate. A few commenters stated that the prohibition on FFP for permanent sterilizations furnished to children can be traced directly back to the Congress's statutory definition of covered ''family planning services'', which required informed consent for those services. Thus, the prohibition on sterilization services relied on Congressional authority that does not apply in the context of sex-rejecting procedures. A few commenters suggested that the comparison to the prohibition on sterilization services was inappropriate because they believed sex-rejecting procedures are not irreversible, unlike sterilization services. A few commenters stated that the prohibition on FFP for sex-rejecting procedures was not comparable to the prohibition on FFP for sterilization services because there was no evidence to suggest that children and youth enrolled in Medicaid and CHIP have been forced or coerced into sex-rejecting procedures, unlike children and youth previously sterilized in Federal programs. A few commenters believed the comparison did not apply because sex-rejecting procedures, unlike sterilization services, are not family planning services. A commenter stated the comparison did not apply because ''there are no equally effective, alternative services available to treat adolescents with gender dysphoria.''

Response: We acknowledge commenters' observations regarding the factual and legal distinctions between this rule and the regulations at § 441.253 restricting FFP for sterilizations furnished to individuals under age 21. Commenters are correct that the sterilization regulations were prompted by documented instances of coercion in Federal programs and were anchored in specific statutory language regarding

family planning services, a statutory context that differs from the one applicable here.

We referenced the sterilization regulations in the proposed rule not as a direct legal predicate but as a precedent illustrating that we have previously recognized, in a different context, that age-based limits on FFP for procedures with potentially irreversible consequences are an appropriate exercise of our rulemaking authority where concerns about the capacity of the affected population to meaningfully consent to or appreciate those consequences are well-founded.

Comment: Several commenters discussed the connection between the proposed rule and other ongoing Federal actions related to sex-rejecting procedures. Several commenters stated they believed the proposed rule, viewed alongside CMS' ''Hospital Condition of Participation: Prohibiting Sex-Rejecting Procedures for Children'' (Hospital COP) proposed rule, the HHS Office for Civil Rights' ''Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance'' (OCR) proposed rule, the Food and Drug Administration's warning letters to manufacturers and retailers for illegal marketing of breast binders to children for the purposes of treating gender dysphoria, HHS Secretary Robert F. Kennedy, Jr.'s Declaration of the Department of Health and Human Services ''RE: Safety, Effectiveness, and Professional Standards of Care for Sex-Rejecting Procedures on Children and Adolescents'' (the Kennedy Declaration), Department of Justice subpoenas requesting personal health information of minor patients receiving sex-rejecting procedures, and the press conference announcing the proposed rule, demonstrated a targeted campaign against gender-dysphoric youth. A few commenters suggested that CMS failed to provide sufficient explanation as to how this rule, the proposed Hospital COP rule, the OCR rule, and the Kennedy Declaration would interact.

Response: We acknowledge that this rule is one of several recent actions addressing sex-rejecting procedures for children. Each of those actions rests on independent legal authority appropriate to the program or regulatory context it addresses. This rule is grounded in sections 1902(a)(19) and 1902(a)(30)(A) of the Act for Medicaid, and section 2101(a) of the Act for CHIP, and it is independent from other actions addressing sex-rejecting procedures for children. It does not rely on the Kennedy Declaration, the Hospital COP proposed rule, the OCR proposed rule regarding the Rehabilitation Act, or any other concurrent Federal action.

We also affirm, consistent with the statement in the proposed rule, that this rule does not rely on the enjoined provisions of EOs 14168 and 14187. We made this proposal independently of the EOs, based on the legal authorities identified above and on our substantive assessment of the evidentiary record regarding sex-rejecting procedures for children. This rule will not be implemented in contravention of any court orders. Any regulatory provisions on this issue will not become effective until the specified effective date of the final rule.

We recognize that the concurrent issuance of multiple actions related to sex-rejecting procedures for children raises legitimate questions about how those actions interact, what their cumulative effect may be for States, providers, and beneficiaries, and whether apparent tensions in the characterization of sex-rejecting procedures across different actions have been adequately addressed. We will provide clear, consistent guidance to assist States, providers, and other interested parties in understanding the scope and interaction of applicable Federal requirements.

Lastly, as we discuss in more detail in other responses to comments, we do not agree with commenters who characterize this rule as a campaign against gender-dysphoric youth. While the commenters may disagree with the policy reflected in this rule, that policy is based on real concern about the safety of sex-rejecting procedures for children and the need to protect children.

Comment: Many commenters articulated other legal concerns regarding the proposed rule. Many commenters indicated the proposed rule violated Tribal rights/sovereignty because many Tribes acknowledged non-binary and transgender identities (often called ''Two-Spirit''), with one of those commenters indicating the proposed rule violated the Snyder Act of 1921 (25 U.S.C. 13) and the permanent reauthorization of the Indian Health Care Improvement Act (enacted in 2010 as part of the Patient Protection and Affordable Care Act (Affordable Care Act) (Pub. L. 111–148)). A few commenters stated the proposed rule violated the Mental Health Parity and Addiction Equity Act by creating an imbalance in terms of the access to and recognition of care between a mental health condition [gender dysphoria] and other physical conditions, violating States' rights to define additional mental health conditions to be covered, and limiting the treatment of gender dysphoria to psychotherapy. A few commenters suggested that in the proposed rule, CMS claimed authority under section 1861(e)(9) of the Act (SSA) to establish requirements ''in the interest of the health and safety of individuals'' and that by prohibiting an entire category of medically recognized treatment, CMS exceeded its statutory authority. A few commenters believed the proposed rule raised privacy concerns under the Health Insurance Portability and Accountability Act of 1996 (HIPAA). A commenter believed CMS failed to outline how sensitive, patient-specific records would be used, violating the Privacy Act of 1974. A commenter stated that the proposed rule was contrary to the Medicaid Act because it would deny medically necessary care to the individuals the program was meant to support. A commenter indicated that the proposed rule failed to outline how the requirements would interact with the Emergency Medical Treatment & Labor Act. A commenter stated that the proposed rule violated the Unfunded Mandates Reform Act of 1995 by forcing providers to absorb the cost of care. A commenter indicated the proposed rule violated the Rural Development Act of 1972 by disproportionately affecting providers in rural areas. A comment stated that the proposed rule violated E.O. 13132 because CMS did not consult with State and local officials when developing the proposed rule. A commenter indicated that the proposed rule violated HHS' fiduciary duty under 42 U.S.C. 1320a–7(b)(6)(B). A commenter stated that the proposed rule violated the International Covenant on Economic, Social and Cultural Rights and Article 26 of the International Covenant on Civil and Political Rights, which protect against discrimination. A commenter indicated that the proposed rule violated the Foster Care Bill of Rights. A commenter stated that the proposed rule violated Article 3 and 39 of the International Convention on the Rights of the Child. A commenter indicated the proposed rule conflicted with previous rulemaking (86 FR 63458 and 63672) around the inpatient-only list for hospital services, which specified that there are numerous safeguards to ensure safe care without specifying that certain procedures had to be provided on an inpatient basis, which rendered the proposed rule unnecessary. A commenter stated the proposed rule introduced legal risk for safety-net providers by potentially conflicting with accreditation and quality reporting expectations. A commenter believed the proposed rule

deprived judges of their ability to hear case-specific facts and render best interest decisions in cases about medical decision-making rights. A commenter stated that the proposed rule violated section 1102 of the Act because the Secretary's delegation to CMS was limited to regulations that are ''necessary to the efficient administration of the functions with which [the Secretary] is charged'' and ''not inconsistent'' with the Medicaid Act, and the commenter believed the proposed rule violated both principles. A commenter stated the proposed rule violated the Affordable Care Act generally. A commenter believed CMS could face prosecution under 42 U.S.C. 1983, 18 U.S.C. 241, and 18 U.S.C. 242 by finalizing the proposed rule. A commenter believed the proposed rule constituted ''medical malpractice'' on the part of the agency. A commenter stated they believed the proposed rule was ''child abuse'' and could be prosecuted as such.

Response: We have carefully considered each of the additional legal concerns raised by commenters. We address the most significant challenges below.

Tribal rights and sovereignty. We are committed to fulfilling our legal responsibilities to Tribal nations and to the American Indian and Alaska Native people who rely on Indian Health Service and Tribal health programs. We will engage in government-to-government consultation with Tribal nations regarding implementation of this rule, consistent with our Tribal consultation policy. We will ensure that the rule's implementation is consistent with applicable Federal Indian health law, including the Indian Health Care Improvement Act.

Mental Health Parity and Addiction Equity Act (MHPAEA). This rule does not restrict Medicaid or CHIP coverage of mental health services for individuals with gender dysphoria. Mental health services, including psychotherapy, which multiple health authorities have identified as an appropriate first-line treatment for gender dysphoria in children, remain federally matchable under Medicaid and CHIP. The definition of sex-rejecting procedures in this rule is limited to pharmaceutical and surgical interventions provided for specific purposes; it does not encompass mental health counseling, psychotherapy, or other mental health treatment. We do not believe this rule creates any inconsistency with applicable MHPAEA requirements.

E.O. 13132 and Federalism. We have complied with the directives in E.O. 13132 through the **Federal Register** rulemaking process, which provided notice to State and local officials and an opportunity to comment. The proposed rule acknowledged that the rule will have a substantial direct effect on States' ability to receive Federal Medicaid and CHIP funds for sex-rejecting procedures, consistent with E.O. 13132's disclosure requirements. We have considered the concerns of State officials expressed through the comment process and addressed them throughout this rule.

HIPAA, Privacy Act, and other information law concerns. This rule does not require the collection of protected health information beyond what is already collected through the existing Medicaid and CHIP claims processes. The HIPAA Privacy Rule permits use and disclosure of protected health information by a covered entity without authorization for purposes of payment, subject to the minimum necessary standard. Implementation of the FFP prohibition established by this rule will require States to develop utilization management processes that may involve prior authorization, which inherently involves some collection of clinical information, which is permitted by HIPAA and other health care privacy statutes.

International law, and other challenges. For arguments based on international human rights conventions and other legal frameworks not directly applicable under domestic law, we note that this rule is grounded in and consistent with applicable United States Federal law. International human rights instruments do not independently govern our regulatory authority under the Medicaid and CHIP statutes.

Other claims. The remaining miscellaneous legal claims raised by commenters, including arguments under the Unfunded Mandates Reform Act, the Emergency Medical Treatment and Labor Act, the Foster Care Bill of Rights, and various other legal theories, do not provide a basis for withdrawing or modifying this rule. Our determination under sections 1902(a)(19), 1902(a)(30)(A), and 2101(a) of the Act is grounded in applicable law and an evidence-based assessment of the risk/benefit profile of sex-rejecting procedures for children, and it is not undermined by the additional legal arguments commenters have raised.

Comment: A few commenters provided other legal arguments in support of the proposed rule. A commenter agreed with CMS' rationale in the proposed rule that purpose-based definitions have been used before to identify medical procedures not eligible for Federal funding, such as for sterilizations under 42 CFR 441.251. A commenter indicated that the proposed rule aligned with the principles underscoring the Hyde Amendment, which bars the use of Federal funds for most abortions. A commenter suggested there would be eventual class action lawsuits for sex-rejecting procedures. A commenter stated that the rule aligned with EOs on regulatory review and cost containment, and suggested CMS coordinate with the Office of Management and Budget (OMB) and Office of Information and Regulatory Affairs (OIRA) for confirmation. This commenter also suggested that HHS Office of Inspector General (OIG) and Government Accountability Office (GAO) review prior Medicaid and CHIP expenditures related to sex-rejecting procedures.

Response: We appreciate the support by commenters who recognized that this rule is consistent with our statutory authority and with the principles underlying other Federal payment restrictions, including the Hyde Amendment's longstanding limitation on Federal financing of certain abortion services. We appreciate suggestions from commenters regarding coordination with OMB, OIRA, HHS OIG, and GAO regarding the implementation of this rule, and will consider those recommendations in the context of ongoing program oversight activities.

Comment: Many commenters indicated that the HHS Review accurately assessed the current credible medical science regarding sex-rejecting procedures in children. Several commenters stated evidence for improved mental health, reduced suicidality, or durable functioning gains from puberty blockers, hormones, or surgeries in children was ''very low'' quality so claimed benefits were not scientifically established. Several commenters reinforced the HHS Review findings that emphasized the risk of serious and irreversible harms (for example, infertility/sterility, sexual dysfunction, bone density and cardiometabolic risks, neurodevelopmental effects, surgical complications, regret/detransition). A few commenters supported our restricting Medicaid and CHIP coverage and shifting toward noninvasive approaches like psychotherapy to treat gender dysphoria in children.

Response: We appreciate the commenters who support the HHS Review and the proposed rule. As discussed in the proposed rule and this final rule, the HHS Review conducted an umbrella review of existing systematic reviews to evaluate the evidence regarding the benefits and

harms of hormonal and surgical interventions for children and adolescents diagnosed with gender dysphoria. The HHS Review found that the overall quality of evidence concerning the effects of sex-rejecting procedures on psychological outcomes, quality of life, regret, or long-term health is very low. We agree with commenters that this evidentiary landscape, characterized by weak evidence of benefit and plausible risk of significant and sometimes irreversible harm, supports the basis for the prohibition on FFP for sex-rejecting procedures furnished to children. We also agree with commenters who noted that psychotherapy and other non-invasive mental health services offer a more evidence-supported first-line approach to treating gender dysphoria in children, and we emphasize that such services remain covered under Medicaid and CHIP and will not be affected by this rule.

Comment: Many commenters challenged both the validity and the application of the HHS Review. Several stated that the HHS Review did not support a total ban, stating that it acknowledged uncertainty regarding both benefits and harms, and that the European countries it referenced have generally narrowed or centralized access within research frameworks rather than prohibited care outright. Many commenters stated that the HHS Review was politically motivated and scientifically flawed, arguing that it was written to justify a predetermined policy outcome, that its authors lacked relevant clinical expertise or held publicly anti-transgender positions, that the panel excluded experts who provided gender-affirming care, and that the review process may have violated the Federal Advisory Committee Act. Many commenters also raised objections, including that the HHS Review [153] misapplied the Grading of Recommendations Assessment, Development, and Evaluation (GRADE) [154] framework by conflating low-certainty evidence with proof of ineffectiveness, applied asymmetric evidentiary standards by dismissing evidence of benefit while accepting speculative evidence of harm, and did not meet accepted standards for umbrella reviews. Several commenters further stated that the HHS Review did not provide equivalent evidence that psychotherapy alone resolves gender dysphoria, and that it departed from the positions of major medical organizations.

Response: As discussed in the proposed rule and this final review, the HHS Review conducted an umbrella review of existing systematic reviews to evaluate the evidence regarding the benefits and harms of hormonal and surgical interventions for children and adolescents diagnosed with gender dysphoria. The HHS Review found that the overall quality of evidence concerning the effects of sex-rejecting procedures on psychological outcomes, quality of life, regret, or long-term health is very low. This evidentiary landscape, characterized by weak evidence of benefit and plausible risk of significant and sometimes irreversible harm, supports the basis for the prohibition on FFP for sex-rejecting procedures furnished to children. Psychotherapy and other non-invasive mental health services offer a more evidence-supported first-line approach to treating gender dysphoria in children, and such services remain covered under Medicaid and CHIP and will not be affected by this rule.

We do not agree with commenters who state that the HHS Review does not support the prohibition finalized in this rule. We acknowledge that the HHS Review states it is not a clinical practice guideline and does not itself mandate any particular policy outcome. However, the HHS Review's findings—specifically, that the evidence base for the effectiveness of sex-rejecting procedures in improving mental health or reducing gender dysphoria symptoms is of very low certainty, while the plausible evidence for risk of significant harms is comparatively less uncertain—provide support for our independent policy determination that Federal Medicaid and CHIP funds should not be used to pay for these procedures for children. The statutory authorities cited in this rule require that Medicaid-covered services be provided in a manner consistent with the best interests of recipients and that payments be consistent with quality of care, and the provision of CHIP in a manner that is effective and efficient and coordinated with other sources of health benefits coverage for children. Given the evidence base and plausible evidence of risk of significant, irreversible harm, we have determined that these statutory obligations are not satisfied by covering sex-rejecting procedures for children with Federal funds.

We acknowledge commenters' observations that some of the European countries referenced in the proposed rule have not adopted blanket bans, but have instead narrowed access within research frameworks or restricted certain interventions. We note that the policy approaches of Sweden, Finland, and the United Kingdom—while certainly not binding on the administration of the Medicaid and CHIP programs operated by the U.S.—are nonetheless meaningfully more restrictive than prior practice in those countries and reflect independent governmental determinations, consistent with the HHS Review, that the risk-benefit profile of these interventions is unfavorable for the pediatric population at the population level. The fact that those countries have not adopted identical policies to this rule does not undermine the validity of our independent determination that Federal funds should not support these procedures for children enrolled in Medicaid and CHIP.

We do not agree with commenters who characterize the HHS Review as politically motivated or scientifically invalid. The HHS Review was published by HHS's Office of Population Affairs and underwent a formal peer review process consistent with applicable information quality guidelines, with the final version published in November 2025 following conclusion of that process. The review employed an umbrella review methodology, a widely accepted approach for synthesizing systematic reviews, and assessed the methodological quality of existing systematic reviews using established appraisal tools. We acknowledge that commenters raised concerns about the perspectives of the review's contributors and their alleged affiliations; however, the validity of a scientific review is assessed by its methodology and the quality of the evidence it synthesizes, not solely by the prior positions of its authors. We reviewed the HHS Review alongside other available evidence and, consistent with our statutory responsibilities, formed an independent policy judgment.

We also do not agree that the HHS Review is scientifically invalid on methodological grounds. We acknowledge commenters' concerns about the application of the GRADE framework and alleged asymmetric evidentiary standards. However, the HHS Review's central finding, that the evidence for benefit is of very low certainty while evidence of certain physiological harms (such as those

[153] ''HHS Releases Peer-Reviewed Report Discrediting Pediatric Sex-Rejecting Procedures,'' U.S. Department of Health and Human Services, released November 19, 2025, *https://www.hhs.gov/press-room/hhs-releases-peer-reviewed-report-discrediting-pediatric-sex-rejecting-procedures.html.*

[154] Ignacio Neumann et al., ''Overview of the GRADE approach,'' in *The GRADE Book version 1.0,* ed. I. Neumann and H. Schünemann, The GRADE Working Group, (updated September 2024), *https://book.gradepro.org.*

related to bone density, fertility, and endocrine function) is grounded in established biological mechanisms, is a reasonable and defensible evidentiary conclusion. We acknowledge that umbrella reviews are limited by the quality of the underlying systematic reviews they synthesize, and that the HHS Review itself is transparent about these limitations. The statutory standards do not require certainty of harm; they require that covered services be consistent with the best interests of recipients and with quality of care. Given the weak and uncertain evidence base for benefit, we have determined that funding these procedures for children with Federal Medicaid and CHIP dollars does not satisfy those statutory standards at this time. Nothing in this rule prevents further research into these interventions, and we encourage the development of more robust, long-term evidence on the outcomes associated with treatment of gender dysphoria in children.

We note that concerns about the terminology used in the proposed rule, such as ''sex-rejecting procedures'', are addressed separately in our later responses to comments on the definitions. We recognize that this terminology differs from the language adopted by major medical associations; however, its use reflects the purpose-based nature of the prohibition, as discussed further in the definitional responses.

Comment: Several commenters supported the use of the Cass Review as evidence to support the proposed rule, noting that the study demonstrated that treating a mental condition like gender dysphoria with cross-sex hormones and irreversible surgery has not been shown to be safe or effective long term, and that the report provided evidence of the danger of this approach, as well as the potential of detransitioning. A few commenters stated that the Cass Review made it clear that there were no scientific bases for the claimed mental health benefits of these interventions. A few commenters believed that Medicaid and CHIP should not be spending its limited funding on procedures that have not shown to have scientific rigor nor proven effect, as demonstrated by the Cass Review. A commenter, after reading the Cass Review, believed that sex-rejecting behavior was a maladaptive coping mechanism, and another commenter supported the Cass Review and stated that sex-rejecting procedures are homophobic. A commenter believed the United Kingdom took the correct ethical step by banning puberty blockers for children.

Response: We appreciate the commenters who state support for our reliance on the Cass Review. As discussed in the proposed rule and this final rule, the Cass Review was a four-year independent evaluation of pediatric gender medicine commissioned by the United Kingdom's National Health Service. Its findings, including the lack of robust evidence for the long-term effectiveness of puberty suppression and cross-sex hormones for gender dysphoria in children, are consistent with the conclusions of other systematic reviews cited in the rule and with the HHS Review's umbrella review. We did not rely solely on the Cass Review but considered it as one element of a broader body of international evidence that informed our determination that Federal Medicaid and CHIP funds should not be used for sex-rejecting procedures furnished to children.

Comment: Many commenters indicated that CMS' reliance on the Cass Review was misplaced and that the Cass Review did not support the proposed rule. These commenters stated that the Cass Review did not support a total ban on funding for gender-affirming medical care for adolescent gender dysphoria, and instead supported additional research, clinical care on a case-by-case basis, and puberty blockers and hormone therapy for certain gender-dysphoric adolescents. A few commenters stated that the Cass Review made statements consistent with models of gender-affirming care described by WPATH and the Endocrine Society. A few commenters highlighted that the Cass Review cited evidence suggesting hormones are associated with improvements in depression, anxiety, and other mental health difficulties. A commenter stated that the Cass Review did not address surgical interventions and therefore could not be used to justify proposals limiting surgical interventions.

Many commenters also questioned the scientific validity of the Cass Review, stating that it was based on unsound science and misinterpreted evidence, had been heavily criticized, and did not follow established standards for evaluating evidence quality. Several commenters pointed to peer-reviewed studies from BMC Medical Research Methodology, Yale (Noone, et al.),[155] and the New England Journal of Medicine,[156] which alleged challenges with the Cass Review's methodology, unsubstantiated claims, and misrepresentation of data. Several commenters remarked on the backgrounds and qualifications of the Cass Review authors, asserting that the review was led by researchers with no experience working with gender dysphoric children, and that the research team included individuals they characterized as openly anti-transgender advocates. A few commenters stated the Cass Review had been criticized by major U.S. medical organizations, including the Endocrine Society, the American Academy of Pediatrics, and the American Psychological Association, as well as the World Health Organization and the WPATH. A few commenters also indicated that the Cass Review was not a peer-reviewed study and raised concerns about biased language and political motivation underlying its findings.

Response: We do not agree with commenters who characterized the Cass Review as scientifically unsound or as not supporting the policy approach finalized in this rule. The Cass Review was commissioned by NHS England, conducted over four years by an independent team, and included a series of systematic reviews assessed using established appraisal criteria. We acknowledge that some medical organizations and researchers have criticized aspects of the Cass Review's methodology and conclusions. Scientific debate is a normal and healthy feature of evidence development, particularly in an evolving clinical field. However, the methodological criticisms cited by commenters do not invalidate the Cass Review's central findings regarding the low certainty of the evidence base for sex-rejecting procedures in the pediatric population—findings that are consistent with other independent systematic reviews cited in the proposed rule.

We also acknowledge that the Cass Review does not recommend a categorical ban on all medical interventions and continues to recognize that some individuals may ultimately benefit from transition-related care. However, the Cass Review's core findings, that the evidence base for puberty suppression and cross-sex hormone therapy is of insufficient quality to support confident clinical recommendations, and that the existing model of care had significant

[155] Chris Nooneet al., ''Critically Appraising the Cass Report: Methodological Flaws and Unsupported Claims,'' *BMC Medical Research Methodology*25 (2025): 128, *https://doi.org/10.1186/s12874-025-02581-7*.

[156] Diane Chen et al., ''Psychosocial Functioning in Transgender Youth after 2 Years of Hormones,'' *New England Journal of Medicine* 388 (2023): 3, *https://www.nejm.org/doi/full/10.1056/NEJMoa2206297*.

deficiencies, are fully consistent with our determination that Federal funds should not support these procedures for children. We reviewed the Cass Review as part of a broader evidentiary record and did not rely upon it as the sole or determinative basis for this rule. Our independent policy determination reflects the cumulative weight of international systematic reviews and the HHS Review, all of which identify significant uncertainties in the evidence for benefit alongside plausible risks of irreversible harm. This evidentiary foundation is sufficient to support the policy approach finalized in this rule.

We also note that surgical interventions, addressed only in passing by the Cass Review, are included in this rule's prohibition because surgical sex-rejecting procedures for children raise the same or greater concerns regarding irreversibility, lack of robust evidence, and potential for significant harm.

Comment: Many commenters provided additional research, citations, or details on sex-rejecting procedures for CMS' consideration in support of the proposed rule. Several commenters provided research or documentation indicating that WPATH standards of care lacked reliable evidence and were influenced by advocacy. Several commenters noted research, including from countries such as Finland, Sweden, Denmark, and the United Kingdom, showing that sex-rejecting procedures were restricted after finding insufficient evidence and that the risks outweighed the benefits. Several commenters noted that few publicly available systematic reviews existed on puberty blockers, hormones, and surgeries for children, making it difficult to assess the reliability and safety of this care. A few commenters provided references to research or databases highlighting children's vulnerability to influence and the widespread use of irreversible sex-change procedures in the U.S. A commenter indicated that since the proposed rule was published in December 2025, there have been court decisions against providers of sex-rejecting procedures. This commenter also expressed a belief that the American Society of Plastic Surgeons and the American Medical Association had recently altered their position statements on sex-rejecting procedures.[157] A commenter stated that hospitals and health systems have responded to ''new evidence'' on sex-rejecting procedures by choosing to suspend sex-rejecting procedures for children.

Response: We appreciate the additional research and documentation submitted by commenters in support of the proposed rule. We have reviewed these materials, and they are consistent with and reinforce the evidentiary record discussed in the proposed rule and this final rule, including the conclusions of the HHS Review and the international systematic reviews cited therein. We are aware that some medical professional organizations have recently updated their positions on surgical interventions for gender-dysphoric youth, and we note that evolving professional consensus in this area is itself indicative of the genuine uncertainty regarding the risk-benefit profile of these procedures for children—an uncertainty that is central to our determination that Federal funds should not support them under Medicaid and CHIP.

Comment: Many commenters shared additional resources for CMS to consider in opposition to the provisions of the proposed rule. Many commenters cited research and stated that sex-rejecting procedures were a medically necessary standard of care endorsed by major medical and professional organizations, including the American Medical Association, American Academy of Pediatrics, Endocrine Society, American Psychological Association, and the World Health Organization. Many commenters shared studies asserting that access to sex-rejecting procedures reduced depression, anxiety, self-harm, and suicide, and specifically stated that hormones and puberty blockers were safe and medically necessary rather than elective or cosmetic.

Many commenters also discussed international policies and studies referenced in the proposed rule from Australia, Brazil, Denmark, Finland, Italy, New Zealand, Norway, Sweden, and the United Kingdom, arguing that CMS misrepresented foreign developments as evidence for bans when sex-rejecting procedures remain lawful, medically indicated, and often publicly funded in those countries. Several commenters stated that the proposed rule selectively cited outlier scenarios within each country and that the policies of those countries did not align with the proposed rule. Several commenters referenced additional international policies from countries not cited in the proposed rule, stating that those countries defined sex-rejecting procedures as medically necessary, treated access as a constitutional right, and framed denials as unlawful discrimination.

Many commenters also cited the University of Utah College of Pharmacy's Drug Regimen Review Center report [158] (''Utah Study''), commissioned by the Utah State Legislature, which reviewed several hundred studies on hormone therapy and related treatments. These commenters stated that the Utah Study found hormone therapy for gender-dysphoric youth to be safe, effective, and well supported by evidence, and that policies banning or restricting this care could not be justified on scientific grounds. A few commenters specifically stated that the Utah Study found hormone treatments to be safe for bone density, cardiovascular risk factors, metabolic changes, and cancer.

Response: We have carefully reviewed the studies, international policy materials, and other resources submitted by commenters opposing the proposed rule. We acknowledge that a number of studies, including those cited by commenters and those reviewed in the Utah Study, report positive outcomes associated with gender-affirming care, including reductions in depression, anxiety, and suicidal ideation. We have reviewed these studies, but we note that the HHS Review and other systematic reviews have identified significant methodological limitations in the existing evidence base, including lack of control groups, short follow-up periods, small sample sizes, and high rates of study attrition, that substantially limit the conclusions that can be drawn regarding long-term effectiveness and safety. The Utah Study itself acknowledges these methodological limitations, including the absence of randomized controlled trials and the generally short duration of follow-up in available studies. The existence of studies reporting positive short-term outcomes does not establish that the overall risk-benefit profile is favorable, particularly given the potential for irreversible harms such as infertility, impaired bone density accrual, and sexual dysfunction. Our role is to make a reasonable policy determination based on the overall weight of available evidence, which, for the reasons stated in the proposed rule and this final rule, does not support Federal Medicaid and CHIP funding for sex-rejecting procedures furnished to children.

[157] Subsequent to the submission of this comment the AMA issued a statement clarifying that ''AMA policy on gender-affirming care is unchanged.'' See ''AMA Board Newsletter,'' American Medical Association (March 2026), *https://cloud.e.ama-assn.org/newsletter.*

[158] ''Gender-Affirming Medical Treatments for Pediatric Patients with Gender Dysphoria,'' University of Utah College of Pharmacy, Drug Regimen Review Center, August 6, 2024, *https://le.utah.gov/AgencyRP/reportingDetail.jsp?rid=636.*

We also do not agree with commenters who contend that we misrepresented international policy developments. As discussed in the proposed rule, Sweden, Finland, and the United Kingdom have each conducted independent systematic reviews and, based on the findings of those reviews, meaningfully restricted access to sex-rejecting procedures for children in their public health systems. We acknowledge that these countries have not adopted policies identical to this rule and that these procedures remain available in some circumstances. However, the directional shift in those countries away from broad access to puberty suppression and cross-sex hormones for children is directly relevant to our assessment of the evolving international evidence base and is appropriately cited in the proposed rule. We also acknowledge that other countries continue to provide broader access to these interventions, and we do not claim that international policy uniformly supports our approach. Rather, the international evidence is one element of a broader evidentiary record, and our determination is independently grounded in the statutory requirements of sections 1902(a)(19), 1902(a)(30)(A), and 2101(a) of the Act.

Finally, we note that this rule does not prohibit the provision of sex-rejecting procedures with State-only funds, prevent researchers from studying these interventions, or restrict providers from offering them consistent with applicable law. This rule is narrowly focused on the use of Federal Medicaid and CHIP dollars, consistent with our statutory authority.

B. Prohibition on Medicaid Payment for Sex-Rejecting Procedures (§ 441.800)

We proposed to add a new subpart N to 42 CFR part 441 to ensure care and services are provided consistent with the best interests of Medicaid recipients and ensure Medicaid payments are consistent with quality of care by prohibiting Federal Medicaid payments to States for sex-rejecting procedures provided to children under the age of 18. The basis and purpose of proposed subpart N (as described previously in this final rule) is reflected in proposed § 441.800.

Within new subpart N, we proposed at § 441.802(a) that State Medicaid plans must provide that the Medicaid agency will not make payment under the plan for sex-rejecting procedures for children under the age of 18. Per 42 CFR 430.10, the State plan is the vehicle through which States assure that their Medicaid programs will be administered in conformity with title XIX of the Act (including sections 1902(a)(19) and 1902(a)(30)(A) of the Act) and CMS' implementing regulations, and the State plan must also contain all information necessary for CMS to determine whether the plan can serve as a basis for FFP. Proposed § 441.802(a) would not preclude States from covering sex-rejecting procedures with State-only funding outside of their Federally-matched Medicaid programs. We proposed at § 441.802(b) that FFP would not be available in State expenditures for sex-rejecting procedures for children under the age of 18.

Proposed § 441.801 would define sex-rejecting procedures as any pharmaceutical or surgical intervention that attempts to align a child's physical appearance or body with an asserted identity that differs from the child's sex either by: (1) intentionally disrupting or suppressing the normal development of natural biological functions, including primary or secondary sex-based traits; or (2) intentionally altering a child's physical appearance or body, including amputating, minimizing, or destroying primary or secondary sex-based traits such as the sexual and reproductive organs. However, our definition also provided that the term sex-rejecting procedures would not include procedures undertaken: (1) to treat a child with a medically verifiable disorder of sexual development; (2) for purposes other than attempting to align a child's physical appearance or body with an asserted identity that differs from the child's sex; or (3) to treat complications, including any infection, injury, disease, or disorder that has been caused by or exacerbated by the performance of sex-rejecting procedure(s).

Given States' obligations under sections 1902(a)(19) and 1902(a)(30)(A) of the Act to assure care and services are provided consistent with the best interests of Medicaid recipients and that payments are consistent with quality of care, respectively, we believed that our proposed prohibition of FFP for sex-rejecting procedures for children under age 18 was necessary given the lack of an adequate evidence base for the effectiveness of these treatments for the purposes that would be included in our definition and the significant potential for negative and irreversible side effects.

We noted that CMS has imposed age limitations on the availability of Federal funding for certain procedures in the Medicaid program before. CMS has long prohibited, at § 441.253, Federal funding for permanent sterilizations furnished to individuals under age 21, motivated by concerns about potential coercion, informed consent, and patient regret that were based on data specifically related to permanent sterilizations (see preamble discussion at 43 FR 52146, 52151 through 52153). In this context, our concerns about the effectiveness of sex-rejecting procedures and the plausible evidence for risk of irreversible harm motivated our proposal to prohibit Federal funding for sex-rejecting procedures for children under the age of 18. Specifically, the proposed rule recognized that the more cautious approach of psychosocial support to treat individuals diagnosed with gender dysphoria prior to age 18, which is the legal age of majority in nearly all U.S. States and Territories,[159] [160] better protects children and youth from adverse effects of any such procedures.

Three states have a different, higher age of majority. Alabama and Nebraska's age of majority is 19 and Mississippi has the highest age of majority at 21.[161] We noted that this rule would not conflict with the age of majority in Alabama, Nebraska and Mississippi because these States recognize higher ages of majority than this final rule. Under this rule, FFP for sex-rejecting procedures would be available for Medicaid coverage at age 18, which is a lower age than the age of majority in these States. Additionally, nothing in this rule preempts State authority to regulate the age of majority in their State, nor does it interfere with a State's ability to fund these services with State-only funds. The rule makes age 18 as the minimum age for Federal payment of sex-rejecting procedures under the Medicaid program, should a State include such procedures in their program.

We originally considered establishing the prohibition on Federal reimbursement of sex-rejecting procedures to individuals under age 19

[159] CMS is aware that 3 States—Alabama, Nebraska, and Mississippi—recognize higher ages as the age of majority. See ''Age of Majority by State 2025,'' World Population Review, accessed August 11, 2025, *https://worldpopulationreview.com/state-rankings/age-of-majority-by-state.* CMS proposed to prohibit FFP in State expenditures within the Medicaid program for sex-rejecting procedures for children under the age of 18 to correspond to the legal age of majority used by the overwhelming majority of States and Territories. Because section 2110(c)(1) of the Act defines ''child'' for purposes of CHIP as an individual under age 19, CMS proposed to prohibit FFP in State expenditures within CHIP for sex-rejecting procedures for children under age 19.

[160] ''Age of Majority by State 2025,'' World Population Review, accessed September 9, 2025, *https://worldpopulationreview.com/state-rankings/age-of-majority-by-state.*

[161] ''Age of Majority by State 2025,'' World Population Review, accessed September 9, 2025, *https://worldpopulationreview.com/state-rankings/age-of-majority-by-state.*

as we proposed for CHIP. However, age 19 had no specific meaning for the Medicaid program and, as stated, was a year older than the legal age of majority in nearly all U.S. States and Territories. By comparison, this is not true under CHIP, as the statutory definition of a child in CHIP under section 2110(c)(1) of the Act is an individual under 19 years of age. In addition to other issues, we solicited comment on the operational feasibility of States in implementing the under-age 18 prohibition in Medicaid and the under-age 19 prohibition in CHIP. A summary of the comments and our responses are at the end of this section.

As discussed previously, States have obligations under sections 1902(a)(19) and 1902(a)(30)(A) of the Act to ensure that Medicaid-covered care and services are provided in a manner consistent with the best interests of beneficiaries and that payments for Medicaid-covered care and services are consistent with quality of care. For the reasons discussed in the proposed rule and this final rule, CMS believes prohibiting Federal Medicaid funding for sex-rejecting procedures for children under the age of 18 is warranted to help ensure that States meet these statutory obligations.

We believe that the definition of sex-rejecting procedures provides an appropriate degree of clarity and certainty regarding which sex-rejecting procedures would and would not be subject to the prohibitions at proposed § 441.802. We believe the definition is narrowly tailored and appropriate to exclude only FFP for treatments CMS has determined to lack sufficient evidence of safety and effectiveness for their intended purposes. Examples such as procedures to treat precocious puberty, therapy subsequent to a traumatic injury, or the use of hormone replacement therapy to treat a growth hormone deficiency would not fall under the definition of sex-rejecting procedures, and Federal Medicaid payment for such procedures would therefore not be prohibited for individuals under the age of 18, when medically necessary. As the HHS Review explains, central precocious puberty and gender dysphoria are distinct clinical conditions. In addition, because the definition is narrowly tailored in this way, we believe that States will be able to administer Medicaid coverage for drugs in a manner that is consistent with both the rule and the requirements in section 1927 of the Act. Section 1927 of the Act governs the Medicaid Drug Rebate Program and payment for covered outpatient drugs (CODs), which are defined in section 1927(k)(2) of the Act. In general, if manufacturers enter into a National Drug Rebate Agreement (NDRA) as set forth in section 1927(a) of the Act, payment is available for the CODs covered under that NDRA for medically accepted indications.[162] As defined in section 1927(k)(6) of the Act, ''medically accepted indications'' mean use for a COD approved under the Federal Food, Drug, and Cosmetic Act or approved for inclusion in any of the compendia described in subsection 1927(g)(1)(B)(i) of the Act. There is no pharmaceutical that is approved for these sex-rejecting procedures; the pharmaceuticals that are used for these procedures are approved for other indications. Thus, these pharmaceuticals will continue to be coverable by Medicaid programs for other indications in accordance with section 1927 of the Act to the extent that the manufacturer of these pharmaceuticals participates in the Medicaid Drug Rebate Program and complies with other requirements set forth in section 1927 of the Act, as discussed earlier in this Preamble. In addition, we note that the rule only applies to pharmaceuticals that are used in the definition of sex-rejecting procedures and would not apply to other pharmaceuticals that are prescribed to a child.

As noted previously, the definition of sex-rejecting procedures categorically excludes procedures undertaken (1) to treat a child with a medically verifiable disorder of sexual development; (2) for purposes other than attempting to align a child's physical appearance or body with an asserted identity that differs from the child's sex; or (3) to treat complications, including any infection, injury, disease, or disorder that has been caused by or exacerbated by the performance of sex-rejecting procedure(s). We reiterate that these regulatory changes do not prohibit the use of Federal Medicaid dollars for mental health treatments for conditions such as gender dysphoria.

In addition, to further explain the meaning of terms used in the sex-rejecting procedures definition, we also proposed definitions at new § 441.801 that would apply to subpart N of part 441. We define FFP for purposes of subpart N of part 441 as Federal financial participation, recognizing the longstanding term used in the Medicaid program to describe the Federal Government's matching arrangement with States and Territories. We also define ''female'' as a person of the sex characterized by a reproductive system with the biological function of (at maturity, absent disruption or congenital anomaly) producing eggs (ova). We define ''male'' as a person of the sex characterized by a reproductive system with the biological function of (at maturity, absent disruption or congenital anomaly) producing sperm. We define ''sex'' as a person's immutable biological classification as either male or female.

A landmark study of and model for anisogamy established that differences in gamete size, and the associated differences in gamete production time, lead to stable sexual dimorphism and the establishment of two sexes: ovum producers (females) and sperm producers (males).[163] Additionally, more recent literature acknowledges differences in sex roles but maintains that such differences can still be traced to the concept of anisogamy and the resultant sexual dimorphism that remain the root cause of sex specific selection, the sex roles, and the biological determination of sex.[164] We believe our definitions of female, male, and sex are appropriately rooted biological concepts. In addition to other issues, we solicited comments on whether these proposed definitions of ''sex'', ''male'', and ''female'' could pose challenges to States in operationalizing this proposed prohibition on Federal reimbursement of sex-rejecting procedures or other aspects of the Medicaid program or CHIP.

We received public comments on these proposals. The following is a summary of the comments we received and our responses.

Comment: Many commenters supported the proposed rule, specifically the proposed definitions of ''male,'' ''female,'' and ''sex,'' because they believed that sex is innate and cannot be changed. These commenters stated that DNA is not changed by sex-rejecting procedures and that no individual can be born in the wrong body. Many commenters supported the proposed rule because of their religious beliefs that attempting to change one's sex goes against God's design. Many commenters supported the proposed rule because they believed that

[162] The NDRA does not have a specific OMB number, however the OMB package that contains all of the information a manufacturer has to report once entering into an NDRA is included in CMS 367a–367e.

[163] G.A. Parker et al., ''The origin and evolution of gamete dimorphism and the male-female phenomenon,'' *Journal of Theoretical Biology* 36, no. 3 (1972): 529–553, *https://doi.org/10.1016/0022-5193(72)90007-0.*

[164] Lukas Schärer et al., ''Anisogamy, chance and the evolution of sex roles,'' *Trends in Ecology & Evolution* 27, no. 5 (2012): 260–264, *https://doi.org/10.1016/j.tree.2011.12.006.*

attempting to change one's sex is an unethical, scientifically incorrect, harmful, or medically unnecessary practice that should be stopped. Several commenters stated that only psychological care should be offered to children for the treatment of gender dysphoria. Several commenters indicated they believed providing sex-rejecting procedures to children and youth pathologizes normal struggles that many children have with their body image as they mature. Several commenters stated that these procedures interrupted or interfered with normal adolescent development and several commenters characterized these interventions as unnecessary because they expected gender dysphoria to resolve without the need for medical intervention.

Response: We appreciate commenters who stated support for the proposed definitions of ''sex,'' ''male,'' and ''female'' set forth in the proposed regulatory text at § 441.801. As stated in the preamble of the rule, these definitions are rooted in the biological concept of anisogamy and the resulting sexual dimorphism that underlies the two sexes.

For comments noting support on religious grounds, we note that this regulation is not based on, nor does it endorse, any specific religious doctrine or belief. Rather, it is grounded in sections 1902(a)(19), 1902(a)(30)(A), 2101(a), and 2102(a)(7)(A) of the Act and in the current state of the medical evidence regarding the risk/benefit profile of sex-rejecting procedures for children. We recognize that concerns about protecting children from potentially harmful and irreversible medical interventions are shared across communities for a variety of reasons.

For comments stating that gender dysphoria should be addressed exclusively through psychological treatment, CMS notes that the regulation does not affect the continued use of Federal Medicaid and CHIP funds for mental health treatment and psychotherapy. As discussed in Section I.D. of the preamble of the rule, psychotherapy represents a noninvasive intervention that has been proven effective for many mental health conditions that frequently co-occur with gender dysphoria, and multiple countries that have independently reviewed the evidence on these procedures have similarly recommended psychosocial support as the first line of treatment. We believe that the prohibition on FFP for sex-rejecting procedures reflects our determination that Federal funds should be directed toward interventions with a more favorable and better-established evidence base.

Comment: Commenters offered a range of views on the definitions in the proposed rule. A commenter stated support, stating that the definitions were medically and scientifically accurate. A few commenters offered suggestions, including adding a definition of meaningful informed consent and harmonizing definitions across the 42 CFR part 441 and 42 CFR part 482 rules. A few commenters did not agree with the definitions, stating that they were overly broad, unclear, difficult to operationalize, not authorized by the governing statutes, or that the language demonized gender-affirming care and those involved in providing it.

Response: We appreciate the commenter who supported the definitions in this rule and agree that biologically grounded, clear definitions are important for the administrability of the policy finalized here. In response to the commenter who suggested that we include a definition of meaningful informed consent, we note that the rule does not alter existing State requirements for informed consent, which continue to govern the provision of medical care to children. We do not agree with commenters who stated that the definitions are overly broad, unclear, or not authorized by the governing statutes. The definitions of ''sex,'' ''male,'' and ''female'' are grounded in biology and are necessary to give meaning to the purpose-based definition of ''sex-rejecting procedure.'' [165] This purpose-based approach is more precise and less sweeping than a categorical exclusion of specific drugs or procedures, and it reflects our careful consideration of the range of medical uses for the interventions addressed in this rule.

Comment: Several commenters did not agree with the definitions of female and male in the proposed rule. A few commenters stated that they did not agree with both definitions because they ignored the role of gender identity in individual human experience and biology. A commenter believed the definitions of female and male were circular because each relied on the definition of sex, while the definition of sex in turn relies on the definitions of female and male. Several commenters stated that the definitions were too narrow and ideologically based.

Response: We do not agree with commenters who stated that the proposed definitions of female and male are inadequate, circular, or scientifically inaccurate. The definitions adopted in this rule—that ''female'' means a person of the sex characterized by a reproductive system with the biological function of (at maturity, absent disruption or congenital anomaly) producing eggs (ova), and that ''male'' means a person of the sex characterized by a reproductive system with the biological function of (at maturity, absent disruption or congenital anomaly) producing sperm—are grounded in established biological science regarding sexual dimorphism and gamete production. These definitions are consistent with the definition of ''sex'' in this rule and with similar definitions used in other recent Federal regulatory actions.

We also acknowledge that the definitions do not incorporate concepts of gender identity. This is intentional. The definitions in this rule are intended to reflect sex, based on biology, as relevant to the purpose of the prohibition on sex-rejecting procedures, which is aligning a child's physical appearance or body with an asserted identity that differs from the child's sex.

Comment: Many commenters stated concern that CMS' proposal did not provide adequate protections for individuals with intersex conditions. Some commenters estimated that there are approximately 6 million individuals who are intersex. Commenters stated that these conditions are complex and may involve multiple sets of gonads, not be detectable at birth, involve extra chromosomes or differences in hormone levels, and asserted that these conditions would require high-cost efforts like karyotyping to determine treatment paths to align with the proposed regulations. A commenter suggested that the ''anomaly'' language in each definition would not include such individuals because such conditions are a natural variation of human experience rather than an anomaly. The commenters also argued that CMS' proposed examples of conditions where a child's ''reproductive or sexual anatomy does not develop in typical ways due to genetic, hormonal, or other factors that can be medically verified'' excluded such individuals and did not sufficiently address how they must navigate the proposed regulations when receiving care. Several commenters stated concerns that these individuals may face care delays if their care involved interventions considered to meet the proposed definition of a ''sex-

[165] Defending Women From Gender Ideology Extremism and Restoring Biological Truth to the Federal Government, Exec. Order No. 14168, 90 FR 8615 (January 30, 2025), *https://www.govinfo.gov/content/pkg/FR-2025-01-30/pdf/2025-02090.pdf.*

rejecting procedure'', including testosterone or estrogen therapy. Finally, commenters argued that CMS created a double standard in allowing the continuation of medical interventions for patients with disorders of sexual development without their informed consent. Many commenters requested CMS prohibit funding for procedures conducted on children with these conditions who may receive non-consensual corrective surgeries that may negatively impact their physical, sexual, and psychosocial well-being. Commenters stated that these were non-medical interventions that could be delayed until later in life. Several commenters also highlighted public statements from professional organizations, governing bodies, government leaders, and other countries' approaches along with peer-reviewed publications that similarly concluded that non-consensual procedures on such infants should be prohibited. A commenter questioned why CMS departed in the proposed rule from the 2025 HHS report urging the protection of informed consent rights of such patients.

Response: We appreciate commenters raising concerns about individuals with disorders of sexual development and the adequacy of protections in this rule. We acknowledge commenters' observations that the boundaries between disorders of sexual development and other conditions may not always be clear-cut and that the definition of ''medically verifiable disorder of sexual development'' gives discretion to the reasonable medical judgment of qualified providers to make such assessments in accordance with standard medical practice. We want to be clear that individuals with medically verifiable disorders of sexual development are excluded from the prohibition on FFP for sex-rejecting procedures. This exception is specifically intended to ensure that medical care for children with disorders of sexual development, including surgical and pharmaceutical interventions that may be appropriate for such conditions, is not disrupted by this rule. While we acknowledge that some individuals may not view themselves as having a disorder of sexual development, and may prefer the term ''intersex,'' we clarify here that these individuals do not fall under the FFP prohibition for sex-rejecting procedures.

We acknowledge commenters' concerns about non-consensual surgical interventions on infants and children with disorders of sexual development. Those concerns are outside the scope of this rule, which addresses Federal Medicaid and CHIP funding for a defined category of procedures. This rule neither mandates nor endorses surgical or any other interventions on individuals with disorders of sexual development.

Comment: A few commenters provided suggested revisions to the definitions of both female and male. For female, a commenter recommended CMS finalize a definition aligned with that in the Chloe Cole Act: ''Female is a person who naturally has, had, will have, or would have but for a congenital anomaly or intentional or unintentional disruption, the reproductive system that produces, transports, and utilizes the large gamete (ova) for fertilization.'' For male, a commenter recommended CMS finalize a definition aligned with the Chloe Cole Act: ''Male is a person who naturally has, had, will have, or would have but for a congenital anomaly or intentional or unintentional disruption, the reproductive system that produces, transports, and utilizes the small gamete (sperm) for fertilization.'' Commenters for both definitions also suggested including references to XX and XY chromosomes in the respective definitions.

Response: We appreciate commenters who offered suggested revisions to the definitions of female and male. We have considered the alternative formulations proposed, including language modeled on the Chloe Cole Act and proposals to incorporate chromosomal references. After careful consideration, we are retaining both definitions as proposed. We believe the definitions as finalized, grounded in reproductive system function and gamete production, are biologically accurate, administrable, and appropriate for the purposes of this rule. The definitions' reference to ''absent disruption or congenital anomaly'' provides sufficient flexibility to account for individuals whose reproductive development has not followed a typical course.

Comment: A few commenters supported CMS' definition of sex outlined in the proposed rule. A commenter agreed that sex is unchangeable and determined by objective biology. A commenter appreciated that the definitions aligned with the Hospital COP rule. A commenter stated that clear definitions reduce public confusion between sexuality and gender identity.

Response: We appreciate the commenters who support the definition of sex in this rule. We agree that clear and biologically grounded definitions are important for the administrability of the policy finalized in this rule and for providing clarity to States, providers, and beneficiaries.

Comment: Many commenters did not agree with CMS' definition of sex outlined in the proposed rule. Many commenters asserted that science demonstrated that sex is not binary, sex is complicated and the proposed rule fails to account for intersex individuals. Several commenters stated that the definition of sex was discriminatory and politically and ideologically motivated. Several commenters stated that sex and gender are not the same thing, and that they do not always correlate. A commenter stated that the Federal government should not be in the business of or have the right to ''reduce human beings to producers of reproductive cells.''

Response: We do not agree with commenters who state that the definition of sex in this rule is scientifically inaccurate or fails to account for biological complexity. The definition—that ''sex'' means a person's immutable biological classification as either male or female—reflects the established biological understanding that sexual reproduction involves two distinct reproductive strategies associated with the production of large gametes (ova) and small gametes (sperm), giving rise to a stable sexual dimorphism. This understanding is well-established in the scientific literature, as discussed in the preamble to the rule.

In humans, it is not possible for a person to have two fully functional reproductive systems capable of producing both eggs and sperm. At the moment of fertilization, a human embryo receives a fixed set of chromosomes from the egg and sperm. That genetic blueprint contains all the information that will ultimately guide whether the unborn child develops along the male or female pathway. Human sexual development is organized in such a way that once the embryo begins differentiating along either the male or female pathway, the other pathway is actively suppressed. Once this developmental pathway is initiated, it proceeds in one direction and does not reverse.

We acknowledge that biological sex development is not always typical and that a small number of individuals have conditions affecting the development of their sexual organs. These cases do not disprove the binary nature of sex reflected in the definitions of male or female. For example, there are rare developmental conditions, sometimes grouped under disorders (or differences) of sexual development, in which tissue from both testes and ovaries is present

(for example, ovotesticular disorders of sexual development). In such cases, small amounts of tissue from both pathways can exist in the same individual. However, only one set of reproductive structures is ever dominant and functional in producing gametes. There are no documented cases in humans of an individual with both a fully functional set of testes and a fully functional set of ovaries.

As discussed in the proposed rule and in our responses regarding the definitions of male and female, individuals with medically verifiable disorders of sexual development are expressly excluded from the prohibition on FFP for sex-rejecting procedures. The definition of sex in this rule does not eliminate or invalidate the medical recognition of such conditions; it provides a biological reference point for the purposes of the prohibition finalized in this rule.

We acknowledge that unlike sex, which has a definite and established meaning, gender identity is a distinct but internally inconsistent concept that diminishes sex as an identifiable or useful category but nevertheless maintains that it is possible for a person to be born in the wrong sexed body. The definitions in this rule address sex, as biologically understood and defined, because the prohibition on sex-rejecting procedures is defined in relation to interventions that attempt to align a child's physical appearance or body with an asserted identity that differs from the child's sex.

Comment: A few commenters proposed alternatives to the definition of sex. A commenter recommended CMS finalize a definition of sex that aligned with that in the Chloe Cole Act. A commenter suggested including references to XX and XY chromosome to the definitions of sex.

Response: We appreciate commenters who offered suggested revisions to the definition of sex. For the reasons discussed in our response to other comments related to the definition of sex, we are retaining the definition as proposed. We believe the finalized definition is scientifically grounded, consistent with other recent Federal regulatory definitions, and appropriate for the purposes of this rule.

Comment: Several commenters supported the use of the proposed term ''sex-rejecting procedure.'' The commenters believed that this term was appropriate for distinguishing between procedures conducted to treat sexual development disorders, and those procedures performed to align an individual's body with an identity that differs from an individual's sex. A commenter suggested that 42 CFR 440.230 be amended as well to prohibit specifically defined sex-rejecting procedures, require providers to conduct time-defined evaluations and prioritize psychotherapy, define specific exceptions and restrictions, and conduct enforcement through auditing measures. The commenter suggested that parallel amendments be made to CHIP at 42 CFR 457.53, TRICARE at 32 CFR 199.4 and FEHB at 5 CFR 890.203.

Response: We appreciate commenters who support the term ''sex-rejecting procedure'' and for the purpose-based approach to defining the prohibited category of interventions. We agree that a purpose-based definition, which allows payment of the same pharmaceutical or surgical interventions for other medically indicated purposes, is an appropriate approach that reflects the targeted nature of this prohibition. However, we are declining to additionally modify Medicaid or CHIP regulations and note that amendments to TRICARE or FEHB regulations are outside of our purview.

Comment: Many commenters did not agree with the proposed rule's use of the term ''sex-rejecting procedures,'' stating that it was ideologically driven, scientifically imprecise, and not recognized in medical practice, peer-reviewed literature, insurance coding standards, or major medical association guidelines. Commenters stated that ''gender-affirming care'' was the appropriate clinical term and should be reflected in Federal regulations. Several commenters stated that the term was absent from billing codes, procedure categories, and other State and Federal statutes, and expressed concern that its ambiguity would create confusion in claims adjudication and compliance, particularly for Medicaid managed care organizations. A commenter stated that CMS used different terminology (''specified sex-trait modification procedure'') in the 2025 Marketplace Integrity and Affordability Final Rule without explaining the distinction. Another commenter indicated that the inclusion of ''intentionally'' in the definition imposed an unrealistic requirement for payors to determine a provider's intent at the time of treatment. A commenter requested that CMS clarify the role of diagnosis and procedure codes in implementing the rule to reduce inconsistent coverage determinations and appeals. Several commenters also raised concern that CMS' terminology departed from the HHS Review's own use of ''pediatric medical transition'' and overrode clinical determinations made by licensed providers and established standards of care.

Response: We acknowledge commenters' concerns regarding the term ''sex-rejecting procedures'' and recognize that this term is not currently part of the standard clinical lexicon used by major medical organizations, which generally use the term ''gender-affirming care.'' However, we believe the term ''gender-affirming care'' inaccurately describes and characterizes the grave and possibly irreversible nature of these interventions, and biases treatment in favor of hormonal and surgical interventions. As the HHS Review explains, ''In this context, the understandable desire to avoid exclusionary or pathologizing language—combined with beliefs firmly embedded in the field—has led to a vocabulary and a mode of communicating that is scientifically ungrounded, that presupposes answers to ethical controversies, and that is in other ways misleading.'' [166] The HHS Review continues: '''Affirming' has a positive connotation, and someone who objects to 'gender-affirming surgery' sounds lacking in compassion. The euphemisms 'chest surgery' and 'top surgery' gloss over the relevant fact that breasts are removed.'' [167] The term used in this rule is not intended to function as a clinical descriptor; rather, it describes a defined set of pharmaceutical and surgical interventions for the specific purpose of this rule, namely, interventions that attempt to align a child's physical appearance or body with an asserted identity that differs from the child's sex and which do not fall within an exception. The definition of ''sex-rejecting procedure'' in this rule is purpose-based, meaning that the same pharmaceutical or surgical intervention may or may not constitute a sex-rejecting procedure depending on the purpose for which it is provided.

We acknowledge that commenters raised concerns about the operational feasibility of a purpose-based definition, including how payors would determine the purpose behind a provider's claim. We address those operational concerns in our response to comments on administrative and operational challenges above.

We also acknowledge that the term used in this rule differs from the term ''specified sex-trait modification procedure'' used in the 2025 Marketplace Integrity and Affordability Final Rule. The shift in terminology follows input the agency received in

[166] HHS Review, 31.

[167] HHS Review, 31–32.

comments received for the 2025 Marketplace Integrity and Affordability Proposed rule that the term ''sex-trait modification'' is on its face overbroad and imprecise by lacking an explicit purpose-based element, while ''sex-rejecting procedure'' is a more consistent, succinct, accurate, and precise term to refer to the hormonal and surgical interventions at issue. Additionally, a recent State Department regulation used the term ''sex-rejecting procedures'' in prohibiting recipients of foreign assistance to provide such procedures.[168] We do not believe the use of different terminology in different regulatory contexts creates inconsistency, as each rule operates within its own statutory framework and applies to a different set of programs and populations.

Comment: A few commenters recommended revisions to the definition of sex-rejecting procedures. A commenter did not agree with the term ''sex-rejecting procedures'' and believed that ''transition-related healthcare'' should be used as an alternative term. A commenter indicated that ''disorders of sexual development'' include defined conditions, such as atypical development of sex chromosomes or genitalia or androgen insensitivity syndrome, that should receive Federal coverage for healthcare interventions addressing such conditions. The commenter indicated that covered healthcare interventions would be inclusive of reconstructive procedures aimed at restoring form and function to be consistent with an individual's genetic profile. A commenter indicated that CMS should be more definitive in the rule language that psychotherapy for gender dysphoria is not a prohibited procedure. Alternatively, another commenter requested CMS clarify that gender-affirming mental health counseling and psychotherapy are prohibited procedures. A commenter suggested revising the definition of sex-rejecting procedures to allow for coverage when a patient had a history of attempted suicide or suicidal ideation or was likely to experience such as a result of losing care.

Response: We appreciate commenters who offered suggestions related to the definition of sex-rejecting procedures. After careful consideration, we are retaining the definition as proposed (with a change that replaces ''child'' with ''individual'' noted below). We believe the purpose-based definition provides the appropriate degree of precision while allowing payment of the same pharmaceutical or surgical interventions for other medically indicated purposes. As indicated above, procedures to treat disorders of sexual development are excluded from the prohibition on federal funding for sex-rejecting procedures.

In response to commenters who recommended that we be more explicit that psychotherapy and mental health counseling for gender dysphoria are not prohibited by this rule, we affirm that these services are not sex-rejecting procedures as defined in this rule and remain federally matchable under Medicaid and CHIP. Federally matched Medicaid and CHIP coverage for mental health services, including psychotherapy, remains available to all eligible children, including those diagnosed with gender dysphoria.

In response to commenters who suggested that the prohibition should include an exception for patients with a history of attempted suicide or suicidal ideation, we note that the prohibition on FFP for sex-rejecting procedures does not eliminate coverage of other medically necessary services, including mental health interventions, for children at risk of self-harm.

We are finalizing the definitions in Subpart N as proposed, with the exception of revising references to ''child'' in the definition of ''sex-rejecting procedure'' to ''individual''. The procedures themselves are not differentiated between children and adults; however, the prohibition on FFP for these procedures applies only to individuals under the age of 18 in Medicaid and under the age of 19 in CHIP. We have also added a new § 441.802(c) to specify in regulation text the availability of FFP for cross-sex hormone therapy during a tapering period of up to 6 months from the effective date of this final rule for individuals receiving such therapy as of the effective date of the rule.

C. Prohibition on CHIP Payment for Sex-Rejecting Procedures

We proposed to revise subpart D in 42 CFR part 457 to prohibit Federal CHIP payments to States for sex-rejecting procedures provided to children. The purpose of this section was to ensure that CHIP is operated in an effective and efficient manner that is coordinated with other sources of health benefits coverage, including Medicaid, for children consistent with section 2101(a) of the Act by prohibiting Federal financial participation in payments by States for sex-rejecting procedures for a child under the age of 19. This would promote consistency between CHIP and Medicaid.

The prohibition on FFP for payments by States for sex-rejecting procedures for children applies in the same manner described in Medicaid at § 441.802 to a State administering a separate CHIP except that it applies to children under the age of 19 in accordance with the definition of a targeted low-income child at § 457.310. This prohibition would apply to CHIP regardless of the type of health benefit coverage option described at § 457.410. The definitions applied under Medicaid at § 441.801 would apply equally to a separate CHIP.

We believe that our prohibition of Federal CHIP payment for sex-rejecting procedures is necessary given the policy goal of aligning CHIP payment with Medicaid, the lack of scientific evidence regarding the effectiveness of these treatments, and the plausible risks of negative and often irreversible side effects when used for the purposes included in our definition in children.

We received public comments on these proposals. The following is a summary of the comments we received and our responses.

Comment: Many commenters believed that the rule did not cite a relevant authority under CHIP to make Federal determinations about what kind of care may be included in CHIP programs in each State. These commenters stated that the Congress allowed standalone CHIP plans to cover any State-recognized medical services provided by licensed physicians and other professionals in accordance with State-determined standards and scopes of practice, even those not specifically enumerated in the CHIP statute. Several commenters believed that the proposed rule would compromise the intent that CHIP funds help States provide care to a select population in an ''effective and efficient'' manner (referring to manner of administration, initiation and expansion of coverage). They suggested that using the ''effective and efficient manner'' phrase to justify this rule was inconsistent with CHIP's statutory framework, as the phrase functioned as administrative directive and not a mechanism for excepting certain medical care from coverage. A commenter stated that section 2101(a) of the Act concerns the administration of the CHIP program and does not require States to align the scope of benefits provided in the various sources of health coverage for children. A commenter cited section 2103 of the Act, stating that the provision gives States flexibilities in creating a CHIP benefit plan, and does not limit States to a specific set of benefits.

Response: We do not agree with commenters who state that we lack

[168] 2 CFR pt. 603 (2026).

authority to prohibit FFP for sex-rejecting procedures under CHIP. While the Congress afforded States considerable flexibility in designing their CHIP benefit packages, including authority under section 2110(a)(24) of the Act to cover services recognized by State law, that flexibility has some specified restrictions. We have a responsibility to ensure that CHIP operates consistently with its statutory purpose

Section 2101(a) of the Act establishes that CHIP funds are provided to enable States ''to initiate and expand the provision of child health assistance to uninsured, low-income children in an effective and efficient manner that is coordinated with other sources of health benefits coverage for children.'' This provision imposes substantive requirements on how CHIP is administered, not merely procedural requirements. Our authority to oversee CHIP to ensure consistency with the ''effective and efficient'' standard and the coordination requirement supports the prohibition established in this rule. This authority is reinforced under regulations at § 457.50, which states that we have the ability to determine whether the plan ''can be approved to serve as a basis for Federal financial participation in the State program,'' and § 457.60, which specifies that a State must amend its State plan whenever necessary to reflect ''changes in Federal law, regulations, policy interpretations, or court decisions that affect provisions in the approved State plan.''

With respect to the authority provided undersections 2103 and 2110(a)(24) of the Act for States to cover services recognized by State law, we acknowledge that these provisions provide States flexibility to cover and provide these services in alignment with State law, but we do not read that provision as compelling FFP for any service a State recognizes. These sections must be read in context with section 2102(a)(7)(A) of the Act, which requires that State CHIP plans describe how the plan will ''assure the quality and appropriateness of care, particularly with respect to . . . well-child care.'' We do not believe that it would be possible for a State to include such a description in its plan in light of our conclusion that there is insufficient evidentiary support for the medical necessity of sex-rejecting procedures. The flexibility that the State-recognized services provision provides, like other State flexibility under CHIP, is conditioned on compliance with applicable Federal standards. We have determined that FFP for sex-rejecting procedures described in this rule is not consistent with those standards, based on the current evidentiary record. States that wish to cover these services in their CHIP programs may do so using State-only funds.

III. Collection of Information Requirements

Under the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501–3520, we are required to provide notice in the **Federal Register** and solicit public comment before a ''collection of information'' as defined under 5 CFR 1320.3(c) of the PRA's implementing regulations, requirement is submitted to the Office of Management and Budget (OMB) for review and approval. To fairly evaluate whether an information collection should be approved by OMB, 44 U.S.C. 3506(c)(2)(A) requires that we solicit comment on the following issues:

- The need for the information collection and its usefulness in carrying out the proper functions of our agency.
- The accuracy of our estimate of the information collection burden.
- The quality, utility, and clarity of the information to be collected.
- Recommendations to minimize the information collection burden on the affected public, including automated collection techniques.

Our December 19, 2025 (90 FR 59441) proposed rule (CMS–2451–P; RIN 0938–AV73) solicited public comment on each of these issues for that rule's proposed collection of information requirements. Such comments were received. A summary of the comments and our responses are set out below under each collection of information requirement section.

A. Wage Data

To derive average costs, we used data from the U.S. Bureau of Labor Statistics' May 2025 National Occupational Employment and Wage Statistics for all salary estimates (*https://www.bls.gov/oes/tables.htm*). Table 1 presents BLS' mean hourly wage, our estimated cost of fringe benefits and other indirect costs (calculated at 100 percent of salary), and our adjusted hourly wage.

TABLE 1: National Occupational Employment and Wage Estimates

Occupation Title	Occupation Code	Mean Hourly Wage ($/hr)	Fringe Benefits and Other Indirect Costs ($/hr)	Adjusted Hourly Wage ($/hr)
Business Operations Specialist	13-1000	44.63	44.63	89.26
General and Operations Manager	11-1021	64.87	64.87	129.74

As indicated, we are adjusting our employee hourly wage estimates by a factor of 100 percent. This is necessary, both because fringe benefits and other indirect costs vary significantly from employer to employer, and because methods of estimating these costs vary widely from study to study. Nonetheless, we believe that doubling the hourly wage to estimate the total cost is a reasonably accurate estimation method.

B. Collection of Information Requirements (ICRs)

1. ICRs Regarding Definitions (§ 441.801)

The following changes will be made available for public review/comment under OMB control number 0938–1148 (CMS–10398 #97) via the standard non-rule PRA process which includes the publication of 60- and 30-day **Federal Register** notices. In the meantime, the following discussion scores the potential impact of the finalized provisions. We will revisit these preliminary estimates during the 60-/30-day PRA process and revise if needed.

We anticipate that the definitions (adding and defining ''female'', ''male'', ''sex'', and ''sex-rejecting procedure'') may result in the need for some States to amend existing policy/manual documents where those items are inconsistent with the provisions of this final rule. However, we do not anticipate that this would impact any active claims/billing forms or instructions.

We estimate a potential of 56 Medicaid respondents and 56 CHIP respondents consisting of 50 States, the District of Colombia, American Samoa, Commonwealth of the Mariana Islands, Guam, Puerto Rico, and the US Virgin Islands. Based on research discussed in section I.1.C. (United States' State Bans of and Coverage of Sex-Rejecting Procedures) of this final rule, we further estimate that approximately 27 States and one Territory have laws enacted restricting some or all of the sex-rejecting procedures that are covered by this final rule. For these States and Territories, we do not anticipate State staff will need to conduct a review of policy documents for Medicaid or CHIP as these procedures are currently banned (or will be banned).

For the remaining 28 States and Territories, we assume that State staff will review and amend their State's Medicaid and CHIP policy documents to be compliant with the provisions of this final rule. We estimate it will take 3 hours at $89.26/hr for a Business Operations Specialist to review existing State policy documents to ensure consistency with the definitions and 1 hour at $129.74/hr for a General and Operations Manager to review and approve the necessary State policy document changes.

In aggregate we estimate a one-time State burden of 112 hours (28 States × 4 hr/response) at a cost of $11,131 [(3 hr × $89.26/hr × 28 States) + (1 hr × $129.74/hr × 28 States)]. When taking into account the Federal administrative match of 50 percent, we estimate a one-time State cost of $5,566 ($11,131 * 0.5). We assumed all services meeting the definition will no longer be covered by Medicaid nor CHIP, and thus will not be eligible for Federal matching funds.

With regard to the rule's public comments:

Comment: Several commenters state that CMS underestimated the administrative burden associated with the rule's information collection requirements, contending that our proposed burden estimates failed to account for the full scope of work required by States and territories (including those that have already implemented bans) to review and align policy documents, update State Plan Amendments, engage external interested parties such as managed care plans, providers, and State legislatures, and obtain necessary legal and leadership review. Another commenter, by contrast, supported the rule's approach to information collection, stating that it aligns with PRA objectives and administration directives to reduce administrative burden, clarify regulatory scope, and prevent the misuse of Federal funds.

Response: We acknowledge commenters' concerns that the burden estimates may not fully capture the scope of administrative work required of all States and territories. We recognize that States may need to engage a range of internal and external interested parties (including managed care plans, providers, and legislative staff) and that review processes may require participation from legal counsel and senior leadership beyond the roles specifically identified in our estimates. We will revisit and refine these estimates as part of the aforementioned standard PRA process. As we indicated in the proposed rule, the estimates provided are preliminary, and we are committed to revising them if/as and when needed.

We note that for States and territories that have already enacted laws restricting some or all of the procedures covered by the rule, we continue to believe that the administrative burden for those jurisdictions will be limited, as the rule largely aligns with existing State policy. However, we acknowledge that even these States may need to conduct some degree of review to confirm consistency with the Federal requirements being established here. We will take this into account in our 60- and 30-day **Federal Register** notices.

We also acknowledge and appreciate the commenter(s) who support the rule's information collection approach and its alignment with PRA objectives and administration directives to reduce administrative burden, clarify regulatory scope, and ensure the appropriate stewardship of Federal funds. We share these goals, and we believe the administrative requirements associated with this rule are proportionate to and necessary for their achievement.

2. ICRs Regarding the Prohibition on Payment for Sex-Rejecting Procedures (§ 441.802)

The following changes and associated SPA template will be made available for public review/comment under OMB control number 0938–1148 (CMS–10398 #97) via the standard non-rule PRA process which includes the publication of 60- and 30-day **Federal Register** notices. In the meantime, the following discussion scores the potential impact for preparing and submitting the SPA. We will revisit these preliminary estimates during the standard PRA process and revise if needed.

Under this rule's finalized provisions, States and Territories will be required to submit SPAs that indicate adherence to the prohibition on claiming Federal funding of sex-rejecting procedures for individuals under the age of 18 for Medicaid and for individuals under the age of 19 for CHIP. The content of the SPA will be a simple recitation of the prohibition. We intend to require all States and Territories to submit this template for approval as part of their State plan.

We estimate a potential of 56 Medicaid and CHIP respondents consisting of 50 States, the District of Colombia, American Samoa, Commonwealth of the Mariana Islands, Guam, Puerto Rico, and the US Virgin Islands. We estimate it will take 2 hours at $89.26/hr for a Business Operations Specialist to prepare an initial SPA and 1 hour at $129.74/hr for a General and Operations Manager to review and approve the SPA for submission to CMS.

In aggregate, we estimate a one-time State burden of 168 hours (56 States × 3 hr/response) at a cost of $17,263 [(2 hr × $89.26/hr × 56 States) + (1 hr × $129.74/hr × 56 States)]. When taking into account the Federal administrative match of 50 percent, we estimate a one-time State cost of $8,632 ($16,970 * 0.5). We assumed all services meeting the definition will no longer be covered by Medicaid nor CHIP, and thus not eligible for Federal matching funds.

With regard to the rule's public comments:

Comment: Several commenters state that CMS underestimated the administrative burden associated with the rule's information collection requirements, contending that our proposed burden estimates failed to account for the full scope of work required by States and territories (including those that have already implemented bans) to review and align policy documents, update State Plan Amendments, engage external interested parties such as managed care plans, providers, and State legislatures, and obtain necessary legal and leadership review. A commenter, by contrast, supported the rule's approach to information collection, stating that it aligns with PRA objectives and administration directives to reduce administrative burden, clarify regulatory scope, and prevent the misuse of Federal funds.

Response: We acknowledge the commenters' concerns that our burden estimates may not fully capture the scope of administrative work required of all States and territories. We recognize that States may need to engage a range of internal and external interested parties (including managed care plans, providers, and legislative staff) and that review processes may require

participation from legal counsel and senior leadership beyond the roles specifically identified in our estimates. As indicated in our proposed rule and again in this final rule, our burden estimates are preliminary and we are committed to revisiting them in our 60- and 30-day **Federal Register** notices.

For States and territories that have already enacted laws restricting some or all of the procedures covered by this final rule, we continue to believe that the administrative burden for those jurisdictions will be limited, as they largely align with existing State policy. However, we acknowledge that even these States may need to conduct some degree of review to confirm consistency with the Federal requirements being established here. We will take this into account in our revised estimates.

We also acknowledge and appreciate the commenter(s) who support the rule's information collection approach and its alignment with PRA objectives and administration directives to reduce administrative burden, clarify regulatory scope, and ensure the appropriate stewardship of Federal funds. We share these goals, and we believe the administrative requirements associated with this rule are proportionate to and necessary for their achievement.

C. Summary of Requirements and Burden Estimates

TABLE 2: Requirements/Preliminary Burden Estimates

CMS-10398 #97 (OMB 0938-1148)

Regulation Section(s) under Title 42 of the CFR	Respondents	Frequency	Total Responses	Time per Response (hr)	Total Time (hr)	Labor Costs ($/hr)	Total Cost ($)	Cost to the Fed Gov't ($)	State Share ($)
§ 441.801	28 States and Territories	one time	28	4	112	Varies	11,131	5,566	5,566
§ 441.802	56 States and Territories	one time	56	3	168	Varies	17,263	8,632	8,632
Total	56	--	84	Varies	280	Varies	28,394	14,198	14,198

IV. Regulatory Impact Analysis

A. Statement of Need

Throughout the U.S., thousands of children are receiving sex-rejecting procedures for the purpose of attempting to align their bodies with an asserted identity that differs from their sex. As outlined in this final rule, however, the current medical evidence does not conclusively demonstrate the effectiveness of these interventions and suggests that there are plausible health and safety risks. To help ensure that Medicaid services are provided in a manner consistent with the best interests of the recipients and that Medicaid payments are consistent with quality of care, we proposed a prohibition on State Medicaid Agencies from providing payment under the plan for sex-rejecting procedures for children under the age of 18 and proposed a prohibition on State CHIPs from providing payment under the plan for sex-rejecting procedures for children under the age of 19.

B. Overall Impact

We have examined the impacts of this final rule as required by E.O. 12866, ''Regulatory Planning and Review''; E.O. 13132, ''Federalism''; E.O. 13563, ''Improving Regulation and Regulatory Review''; E.O. 14192, ''Unleashing Prosperity Through Deregulation''; the Regulatory Flexibility Act (RFA) (Pub. L. 96–354); section 1102(b) of the Social Security Act; and section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4).

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

A RIA must be prepared for a regulatory action that is significant under section 3(f)(1) of E.O. 12866. Based on our estimates, the Office of Management and Budget's (OMB) Office of Information and Regulatory Affairs (OIRA) has determined this rulemaking is significant per section 3(f). Accordingly, we have prepared a RIA that to the best of our ability presents the costs and benefits of the rulemaking.

C. Detailed Economic Analysis

1. Impacts on Federal Expenditures and Other Transfers

We estimate that this rule will reduce Federal Medicaid spending by about $175 million from fiscal year 2027 through fiscal year 2036 (in real 2027 dollars). To estimate the impact of this rule, we analyzed data from T–MSIS TAF v8.0 for 2023. We selected all claims with a gender dysphoria diagnosis and in the following claims categories: inpatient hospital with surgical procedure; outpatient hospital with surgical procedure; and professional services and prescription drugs with hormone therapy. We

included fee-for-service and managed care encounter data. We only counted claims with one of the following ICD–10 diagnosis codes: F64.0 (transsexualism); F64.1 (gender identity disorder in adolescence or adulthood); F64.2 (gender identity disorder in childhood); F64.8 (other gender identity disorders); F64.9 (gender identity disorder, unspecified); and Z87.890 (personal history of sex reassignment).

We also analyzed this data by beneficiary age group and counted only spending for individuals ages 17 and younger. We note that the policy will not prohibit payment by a State Medicaid agency for these services for those age 18, and those individuals and costs are not included as part of the estimates. This data also includes CHIP expenditures for these services.

For 2023, we identified about $31 million in total computable (Federal and State shares) Medicaid and CHIP spending for these services and individuals. States that had not banned gender dysphoria treatments for children as of 2023 accounted for 76 percent of spending, including 92 percent of inpatient treatment with surgery and 87 percent of outpatient treatment with surgery.

TABLE 3: Medicaid Expenditures on Gender Dysphoria Treatment by Category of Service and Age Group, 2023

	Age 6-12	Age 13-14	Age 15-18	Total
Inpatient hospital with surgery	$0	$0	$180,553	**$180,553**
Outpatient hospital with surgery	$15,526	$23,534	$2,145,082	**$2,184,142**
Professional services hormone therapy	$482,924	$1,180,610	$3,089,948	**$4,753,482**
Prescription drug hormone therapy	$2,566,749	$6,130,955	$14,779,884	**$23,477,588**
Total	**$3,065,198**	**$7,335,099**	**$20,195,468**	**$30,595,765**

Source: Analysis of T-MSIS TAF v8.0.

Note: The T-MSIS data includes enrollment and spending by age groups, which includes ages 15-18 as one group. The policy in this final rule will only affect Medicaid enrollees under age 18 (ages 15-17), but the table above includes spending for individuals age 18. We note that we have adjusted for this when developing the estimates in the RIA.

Total spending on hormone therapy for children ages 6 through 17 was $23.8 million (assuming that 25 percent of spending for those ages 15 to 18 was for 18-year-olds in the data). Of that amount, we calculated that 88 percent ($21.0 million) was for GnRH analogues (or puberty blockers). The remaining spending for hormone therapy ($2.8 million) was for estrogen/anti-androgen and testosterone.

We projected this spending forward from 2023 through 2036 using projected growth in Medicaid and CHIP spending on children from the President's fiscal year 2027 Budget. We assumed all services will not eligible for Federal Medicaid or CHIP matching funds. We solicited comment on whether States that currently cover services will continue to cover these services absent FFP as described in this final rulemaking.

States that currently cover these services under Medicaid will see the largest reductions in Medicaid spending. We have updated the estimates in this rule to reflect that many States have banned these services since the beginning of 2023. As noted above, about 24 percent of spending on these services for children was in States that have implemented bans on these services. We have excluded spending in those States from these estimates, which results in lower projected savings.

We also assumed about 3 percent of spending will be delayed until individuals reach age 18, reflecting 50 percent of the surgical procedures being paid by Medicaid and CHIP in the future. Absent data or analysis on the impact of prohibitions on these procedures, we assumed some individuals will ultimately receive these services once eligible and believe 50 percent is reasonable (considering that some individuals will no longer be eligible for Medicaid in the future and some individuals may find other sources of coverage). Assuming none or all surgical procedures no longer covered by Medicaid are later performed once the beneficiaries reach age 18 would decrease or increase the estimates presented here by about 2 percent.

Table 4 shows the annual impact of the proposal on total and Federal Medicaid and CHIP spending in millions of dollars. These estimates assume the policies in the final rule will be effective as of October 6, 2026. The estimates also reflect a 6-month transition period for enrollees currently using non-GnRH hormone therapy, which was not included in the estimates in the proposed rule. Total Medicaid and CHIP spending will be reduced by $235 million over 10 years, Federal spending will be reduced by $138 million, and State spending will be reduced by $97 million (in real 2027 dollars). Actual impacts may vary from these estimates. We relied on the most recently available program data for this analysis and projections of future enrollment and spending. Actual future costs may vary if enrollment and spending are higher or lower than projected.

TABLE 4: Projected Impacts of Prohibiting Coverage of Sex-Rejecting Procedures for Individuals under 18 on Medicaid Spending (in millions of real 2027 dollars)

	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2027-2036
Total	-$20	-$22	-$22	-$22	-$24	-$24	-$24	-$25	-$26	-$26	-$235
Federal	-$12	-$13	-$13	-$13	-$14	-$14	-$14	-$15	-$15	-$15	-$138
State	-$8	-$9	-$9	-$9	-$10	-$10	-$10	-$10	-$11	-$11	-$97

We have made reasonable assumptions about how individuals may use these services in the future. A greater or lesser number of individuals may still receive coverage for these services upon reaching age 18 than we have assumed. In addition, it is possible some individuals may find alternative coverage for these services (for example, States covering services without Federal funding, or private insurance). We have also not estimated if there will be any other impacts on Federal expenditures (for example, increases in other healthcare services related to gender dysphoria). We are unable to provide quantitative estimates of these effects. To the extent that States, other healthcare programs, or other payers fund these services in the future, we would expect them to incur costs equivalent to the savings shown here, to the extent they cover these services. (For example, if half of the States were to cover these services using only State funds, those States would have costs approximately equal to about half of the spending reductions shown here.)

2. Costs

In addition, the final rule may result in several costs. States will need to update State plans or waivers to comply with the proposed changes to covered benefits. Those impacts are described in section III. of this final rule. In addition, the changes in this final rule may prevent or delay individuals from receiving these healthcare services.

3. Alternatives

As an alternative to this final rule, we considered taking no action to require that a State Medicaid or CHIP plan must provide that the Medicaid or CHIP agency will not make payment under the plan for sex-rejecting procedures for children in Medicaid under the age of 18 and children in CHIP under the age of 19 and to prohibit the use of Federal Medicaid or CHIP dollars to fund sex-rejecting procedures for these individuals. On January 28, 2025, President Trump issued E.O. 14187, Protecting Children from Chemical and Surgical Mutilation. Section 5(a) of that order directs the Secretary to take all appropriate actions consistent with applicable law to end what the order refers to as the chemical and surgical mutilation of children, including regulatory and sub-regulatory actions for specific programs, including Medicaid. In alignment with the E.O. and the evidence outlined in section I.B. of this final rule, CMS decided to pursue this policy. These final changes will not prevent States from providing coverage for sex-rejecting procedures with State-only funds outside of the Federally-matched Medicaid program or CHIP.

We acknowledge that alternative actions could have been taken such as issuing sub-regulatory guidance suggesting States refrain from offering these services based on the evidence described in the HHS Review, issuing a regulation to require utilization management in advance of the provision of these services to ensure appropriate State oversight of these services, or simply allowing continued Federal matching for these services. While these actions continue to be possible, they were not considered as alternatives as we concluded that a prohibition of Federal matching funds was warranted in the immediate term in light of the current evidence described in the HHS Review identifying significant risks associated with sex-rejecting procedures, including potentially irreversible harms, and the growing international retreat from the use of puberty blockers, cross-sex hormones, and surgeries to treat gender dysphoria in children.

D. Regulatory Flexibility Act (RFA)

The RFA requires agencies to analyze options for regulatory relief of small entities, if a rule has a significant economic impact on a substantial number of small entities. The great majority of hospitals and most other healthcare providers are small entities, either by being nonprofit organizations or by meeting the Small Business Administration (SBA) definition of a small business.[169] Individuals and States are not included in the definition of a small entity. Overall, the regulated industry has a high number of firms considering that there are 2,573 hospitals in the United States.[170] Because a great majority of them qualify as a small entity, we deduce by two distinct methods that both the number and proportion of small entities expected to experience significant economic impacts from the rule are limited. For this analysis, HHS uses a change in annual revenue exceeding 3 to 5 percent as its measure of a significant economic impact.

For purposes of the RFA, approximately 96 percent of the small businesses in the health care industries impacted are considered small businesses according to the Small Business Administration's size standards. According to the SBA's website at *http://www.sba.gov/content/small-business-size-standards,* the health care industries impacted fall in the North American Industrial Classification System (NAICS) 446110 Pharmacies and Drug Stores; 621111 Offices of Physicians (except Mental Health Specialists); 621112 Offices of Physicians, Mental Health Specialists; 621493 Freestanding Ambulatory Surgical and Emergency Centers; 621498 All Other Outpatient Care Centers; and 622110 General Medical and Surgical Hospitals. Table 5 shows the industry size standards for each of these health care industries.

[169] See U.S. Small Bus. Admin., Office of Advocacy, Comment Letter on ''Health and Human Services' Request for Information: Ensuring Lawful Regulation and Unleashing Innovation to Make America Healthy Again,'' (July 14, 2025): 4, *https://advocacy.sba.gov/wp-content/uploads/2025/07/Comment-Letter_Advocacy-Comments-to-HHS-Deregulatory-RFI.pdf.*

[170] See Table 11, column ''firm count.'' Sum the total number of small firms and the total number of large firms.

TABLE 5: Health Care Industry Size Standards

NAICS (6-digit)	Industry Subsector Description	SBA Size Standard/ Small Entity Threshold	Total Small Businesses
446110	Pharmacies and Drug Stores	$37.5 Million	18,461
621111	Offices of Physicians (except Mental Health Specialists)	$16.0 Million	129,117
621112	Offices of Physicians, Mental Health Specialists	$13.5 Million	12,325
621493	Freestanding Ambulatory Surgical and Emergency Centers	$19.0 Million	5,569
621498	All Other Outpatient Care Centers	$25.5 Million	9,801
622110	General Medical and Surgical Hospitals	$47.0 Million	1,169

Source: 2022 Statistics of U.S. Businesses, available at *https://www.census.gov/programs-surveys/susb.html* .

Tables 6 through 11 aid in showing the distribution of firms and revenues at their 6 digits NAICS code level. These tables aim to provide an understanding of the disproportionate impacts among firms, between small and large firms.

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TABLE 6: NAICS 446110 Pharmacies and Drug Stores ($37.5 Million Size Standard)

Firm Size (by Receipts)	Firm Count	% of Small Firms	Avg. Revenue
SMALL FIRMS	**18,461**	**100%**	**$3,930,615.08**
<$100K	560	3%	$50,953.57
$100K -$499K	1,733	9%	$292,525.68
$500 - $999K	1,764	10%	$753,448.41
$1M - $2.499M	4,810	26%	$1,760,637.01
$2.5M - $4.999M	5,159	28%	$3,606,681.53
$5M - $7.499M	2,137	12%	$6,079,067.38
$7.5M - $9.999M	869	5%	$8,624,350.98
$10M - $14.999M	762	4%	$11,934,971.13
$15M-$19.999M	318	2%	$16,805,396.23
$20M-$24.999M	146	1%	$21,375,342.47
$25M-$29.999M	98	1%	$26,077,561.22
$30M-$34.999M	64	0%	$27,529,546.88
$35M-$39.999M	41	0%	$30,746,414.63
LARGE FIRMS			
Receipts > $40M	396	N/A	$672,827,431.82

Source: 2022 Statistics of U.S. Businesses, available at *https://www.Census.gov/program-surveys/susb.html.*

TABLE 7: NAICS 621111 Offices of Physicians (except Mental Health Specialists) ($16.0 Million Size Standard)

Firm Size (by Receipts)	Firm Count	% of Small Firms	Avg. Revenue
SMALL FIRMS	**129,117**	**100%**	**$1,463,302.41**
<$100K	11,119	9%	$51,195.79
$100K -$499K	44,138	34%	$296,376.77
$500 - $999K	30,224	23%	$712,231.21
$1M - $2.499M	24,522	19%	$1,559,970.11
$2.5M - $4.999M	10,388	8%	$3,475,423.18
$5M - $7.499M	3,799	3%	$6,048,868.65
$7.5M - $9.999M	1,945	2%	$8,498,150.64
$10M - $14.999M	2,003	2%	$11,844,361.46
$15M-19.999M	979	1%	$16,517,796.73
LARGE FIRMS			
Receipts > $20M	3,782	N/A	$116,848,659.18

Source: 2022 Statistics of U.S. Businesses, available at *https://www.census.gov/programs-surveys/susb.html.*

TABLE 8: NAICS 621112 Offices of Physicians, Mental Health Specialists ($13.5 Million Size Standard)

Firm Size (by Receipts)	Firm Count	% of Small Firms	Avg. Revenue
SMALL FIRMS	**12,325**	**100%**	**$634,311.40**
<$100K	2,125	17%	$52,448.00
$100K -$499K	6,341	51%	$261,018.29
$500 - $999K	2,092	17%	$686,686.90
$1M - $2.499M	1,206	10%	$1,496,716.42
$2.5M - $4.999M	338	3%	$3,331,017.75
$5M - $7.499M	111	1%	$5,735,522.52
$7.5M - $9.999M	52	0%	$8,039,461.54
$10M - $14.999M	60	0%	$10,485,850.00
LARGE FIRMS			
Receipts > $15M	212	N/A	$14,421,103.77

Source: 2022 Statistics of U.S. Businesses, available at *https://www.census.gov/programs-surveys/susb.html.*

TABLE 9: NAICS 621493 Freestanding Ambulatory Surgical and Emergency Centers ($19.0 Million Size Standard)

Firm Size (by Receipts)	Firm Count	% of Small Firms	Avg. Revenue
SMALL FIRMS	**5,569**	**100%**	**$2,713,466.15**
<$100K	353	6%	$48,246.46
$100K -$499K	1,249	22%	$287,140.11
$500 - $999K	867	16%	$724,727.80
$1M - $2.499M	1,265	23%	$1,648,132.81
$2.5M - $4.999M	845	15%	$3,602,647.34
$5M - $7.499M	413	7%	$5,999,140.44
$7.5M - $9.999M	223	4%	$8,392,170.40
$10M - $14.999M	241	4%	$11,472,634.85
$15M-19.999M	113	2%	$16,496,955.75
LARGE FIRMS			
Receipts > $20M	610	N/A	$46,366,978.69

Source: 2022 Statistics of U.S. Businesses, available at *https://www.census.gov/programs-surveys/susb.html.*

TABLE 10: NAICS 621498 All Other Outpatient Care Centers ($25.5 Million Size Standard)

Firm Size (by Receipts)	Firm Count	% of Small Firms	Avg. Revenue
SMALL FIRMS	**9,801**	**100%**	**$2,124,005.00**
<$100K	1,079	11%	$48,916.59
$100K -$499K	2,925	30%	$283,037.26
$500 - $999K	1,832	19%	$719,524.02
$1M - $2.499M	1,990	20%	$1,545,938.69
$2.5M - $4.999M	790	8%	$3,409,083.54
$5M - $7.499M	289	3%	$5,739,238.75
$7.5M - $9.999M	193	2%	$7,644,943.01
$10M - $14.999M	292	3%	$10,567,616.44
$15M-$19.999M	184	2%	$13,609,652.17
$20M-$24.999M	137	1%	$16,169,890.51
$25M-$29.999M	90	1%	$21,218,188.89
LARGE FIRMS			
Receipts > $30M	1,008	N/A	$55,938,203.37

Source: 2022 Statistics of U.S. Businesses, available at *https://www.census.gov/programs-surveys/susb.html.*

TABLE 11: NAICS 622110 General Medical and Surgical Hospitals ($47.0 Million Size Standard)

Firm Size (by Receipts)	Firm Count	% of Small Firms	Avg. Revenue
SMALL FIRMS	**1,169**	**100%**	**$17,598,603.93**
<$100K	59	5%	$49,491.53
$100K -$499K	150	13%	$270,466.67
$500 - $999K	54	5%	$696,814.81
$1M - $2.499M	28	2%	$1,522,000.00
$2.5M - $4.999M	28	2%	$3,739,428.57
$5M - $7.499M	35	3%	$6,512,657.14
$7.5M - $9.999M	51	4%	$8,550,588.24
$10M - $14.999M	124	11%	$11,777,798.39
$15M-$19.999M	132	11%	$16,993,166.67
$20M-$24.999M	121	10%	$22,389,727.27
$25M-$29.999M	100	9%	$26,686,900.00
$30M-$34.999M	99	8%	$31,329,858.59
$35M-$39.999M	66	6%	$35,617,636.36
$40M-44.999M	122	10%	$42,184,385.25
$45M-$49.999M	1,169	5%	$17,598,603.93
LARGE FIRMS			
Receipts > $50M	1,404	N/A	$884,790,689.46

Source: 2022 Statistics of U.S. Businesses, available at *https://www.census.gov/programs-surveys/susb.html.*

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As shown in Table 12, all the industries combined, according to the 2022 Economic Census, earned approximately $2,364,153,884,000, while the small firms for all the industries combined earned approximately $325,819,624,000. Table 13 in section V.E. estimates a $31.6 million reduction in total annualized monetized transfers from the Federal Government and States to health care providers. This total estimated reduction represents less than 1 percent of the total revenues of the health care industries impacted and the total revenues of the small firms in the health care industries impacted. It also represents less than 1 percent of the total revenues of each health care industry impacted and the total revenues of the small firms in each health care industry impacted. As a result, this final rule will result in a change in revenue of less than 1 percent for the impacted health care industries.

TABLE 12: Total Revenues, All Firms and Small Firms, by NAICS Classification

NAICS	Total Revenues (All Firms)	Revenue Test*	Total Revenues (Small Firms)	Revenue Test*
446110 Pharmacies and Drug Stores	$339,002,748,000.00	0.01%	$72,563,085,000.00	0.04%
621111 Offices of Physicians (except Mental Health Specialists)	$630,858,846,000.00	0.00%	$188,937,217,000.00	0.02%
621112 Offices of Physicians, Mental Health Specialists	$10,875,162,000.00	0.29%	$7,817,888,000.00	0.40%
621493 Freestanding Ambulatory Surgical and Emergency Centers	$43,395,150,000.00	0.07%	$15,111,293,000.00	0.21%
621498 All Other Outpatient Care Centers	$77,203,082,000.00	0.04%	$20,817,373,000.00	0.15%
622110 General Medical and Surgical Hospitals	$1,262,818,896,000.00	0.00%	$20,572,768,000.00	0.15%
Total	$2,364,153,884,000.00	0.00%	$325,819,624,000.00	0.01%

Source: 2022 Statistics of U.S. Businesses, available at *https://www.census.gov/programs-surveys/susb.html.*
* Calculated using an estimated reduction in total annualized monetized transfers of $31.6 million (as shown in Table 13) as a percentage of total revenues.

As its measure of significant economic impact on a substantial number of small entities, HHS uses a change in revenue of more than 3 to 5 percent. According to Table 12, we do not believe that the 3 to 5 percent threshold will be reached by the requirements in this rule for NAICS 446110 Pharmacies and Drug Stores; 622111 Offices of Physicians (except Mental Health Specialists); 621112 Offices of Physicians, Mental Health Specialists; 621493 Freestanding Ambulatory Surgical and Emergency Centers; 621498 All Other Outpatient Care Centers; or 622110 General Medical and Surgical Hospitals.

The $31.6 million in anticipated transfers from providers is not an economically significant impact compared to the revenues of the healthcare sector. It is small even compared to the revenues of a large hospital. The only way for a substantial number of providers to be significantly affected by $31.6 million in transfers would be for a substantial number of small providers to bear much of those transfers. That is not the case for the transfers imposed by this rule, which would be disproportionately borne by large academic medical centers.

In a nationally weighted analysis of hospital inpatient and hospital-owned ambulatory surgery data from 2016–2020, 88.4 percent of patients identified as undergoing sex-rejecting surgery were classified as receiving care at urban teaching hospitals.[171] By comparison, urban teaching hospitals are less than 51 percent of the hospital industry by admissions and less than 20 percent by number.[172]

The number of hospitals that had, at the time of Executive Order 14187, been performing pediatric sex-rejecting surgeries is reported to be a few dozen. We reviewed a list of health care provider organizations that reportedly discontinued, or announced plans to phase out, pediatric sex-rejecting care services in anticipation of the final rule.[173] With 42 organizations, the list is quite a comprehensive sample of all hospitals that had been performing the surgeries. Of the listed organizations, three-fourths were part of academic medical centers or teaching hospitals. The operating scale of the providers in the list is characteristic of some of the largest provider organizations in the industry. Their reported annual revenues average $8 billion, and 34 of them have revenues above $1 billion and have revenues above the large-hospital average shown in Table 11. Despite qualifying as small entities, their revenues are well beyond the revenue categories presented for small hospital organizations in Table 11, showing that affected providers have a large revenue profile. At least 33 of the 42 hospitals could absorb the entire $31.6 million annual transfer and still have it be below three percent of revenue, which is at the low end of the Department's threshold for economic significance. Therefore, the Secretary has certified that this final rule will not have a significant economic impact on a substantial number of small entities in these industries.

In addition, section 1102(b) of the Act requires us to prepare a RIA if a rule may have a significant impact on the operations of a substantial number of small rural hospitals. This analysis must conform to the provisions of section 603 of the RFA. For purposes of section 1102(b) of the Act, we defined a small rural hospital as a hospital that is located outside of a Metropolitan Statistical Area for Medicare payment regulations and has fewer than 100 beds. We did not prepare an analysis for section 1102(b) of the Act because we determined, and the Secretary certifies, that this final rule will not have a significant impact on the operations of a substantial number of small rural hospitals.

Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA) also requires that agencies assess

[171] Jason D. Wright et al., ''National Estimates of Gender-Affirming Surgery in the US,'' *Jama Network Open* 6, no. 8 (2023), *doi:10.1001/jamanetworkopen.2023.30348.*

[172] ''Teaching Hospitals,'' American Hospital Association, accessed July 28, 2026, *https://www.aha.org/system/files/2018-02/info-teaching.pdf.*

[173] Theresa Gaffney, ''Amid federal pressure, more hospitals stop gender-affirming care for minors,'' *STAT,* February 5, 2026, *https://www.statnews.com/2026/02/05/hospitals-stop-gender-care-minors-trump-administration-pressure/.*

anticipated costs and benefits before issuing any rule whose mandates require spending in any 1 year of $100 million in 1995 dollars, updated annually for inflation. In 2026, that threshold is approximately $193 million. The final rule will not mandate significant spending costs on State, local, or Tribal governments in the aggregate, or by the private sector.

E.O. 14192, entitled ''Unleashing Prosperity Through Deregulation'' was issued on January 31, 2025, and requires that ''any new incremental costs associated with new regulations shall, to the extent permitted by law, be offset by the elimination of existing costs associated with at least 10 prior regulations.'' This final rule is exempt from otherwise-applicable requirements under E.O. 14192, per footnote 1 of OMB's Accounting Methods.[174]

E.O. 13132 establishes certain requirements that an agency must meet when it issues a rule that imposes substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. This final rule will have a substantial direct effect on the ability of States to receive Federal Medicaid funds for sex-rejecting procedures furnished to children under age 18 and on the ability of States to receive Federal CHIP funds for sex-rejecting procedures furnished to children under age 19.

We received public comment on this RFA analysis. The following is a summary of the comment we received and our response.

Comment: A commenter stated that the proposed rule's RFA analysis failed to accurately assess the rule's economic impact on small entities. The commenter asserted that CMS assumed almost all providers are small entities without analyzing which providers actually offer these procedures or whether they meet the definition of a small entity, and that this assumption spread costs across all providers and artificially deflated the estimated change in revenue, inconsistent with HHS guidance that a low average impact should not be used to disguise a significant impact on a subset. The commenter also stated that the analysis relied solely on change in revenue and, in finding the estimated $31.6 million reduction fell below the 3 to 5 percent significance threshold, failed to consider that providers offering these procedures often provide unrelated services that patients would no longer receive if the procedures were discontinued. Additionally, the commenter raised concerns that the analysis failed to account for other compliance costs identified in HHS guidance, such as training, new policies and procedures, technology, and insurance, and failed to consider the burden on small practices from sudden increases in patient demand or CMS' obligation to analyze options for regulatory relief.

Response: In the proposed rule, we estimated the potential economic impact on small entities. After considering the public comments, we continue to conclude that the applicable significance threshold is not reached. Accordingly, the Secretary certifies that this final rule does not have a significant economic impact on a substantial number of small entities. As explained in the proposed rule, for purposes of the RFA, we estimate that the great majority of hospitals and other healthcare providers are small entities, either by being nonprofit organizations or by meeting the Small Business Administration (SBA) size standards, and we identified the specific North American Industrial Classification System (NAICS) codes for the healthcare industries impacted by this rule along with the applicable SBA size standards and the distribution of firms and revenues within each. Using an estimated reduction in total annualized monetized transfers of $31.6 million, we determined that this reduction represents less than 1 percent of total revenues for each impacted healthcare industry and for the small firms within each such industry. Because HHS uses a change in revenue of more than 3 to 5 percent as its measure of significant economic impact on a substantial number of small entities, and this threshold is not reached for any of the impacted industries, the Secretary has certified that this final rule does not have a significant economic impact on a substantial number of small entities. We note that the estimated reduction in transfers reflects our analysis of T–MSIS TAF data identifying Medicaid and CHIP spending on the procedures at issue for the affected population, and this final rule does not prohibit States from continuing to cover these procedures with State-only funds outside of the Federally-matched Medicaid program or CHIP. We also reiterate that this final rule does not prohibit providers from continuing to furnish these procedures or from receiving payment for them through other sources, nor would it prohibit Federal Medicaid or CHIP payment for other services these providers furnish, including mental health counseling and psychotherapy for gender dysphoria and procedures falling within the exceptions in the definition of sex-rejecting procedures. To the extent the commenter raises concerns regarding downstream effects on revenue from unrelated services or other compliance costs, we continue to believe that the change in revenue for the impacted healthcare industries is well below the threshold for a significant economic impact. It is unclear what is exactly meant by a ''sudden increase in patient demand'' or by the asserted ''obligation to analyze options for regulatory relief.'' We understand the commenter to be referring to the agency's certification at the proposed rule stage under § 605(b).[175] Under HHS guidance, that certification did not require preparation of an initial regulatory flexibility analysis or an analysis of significant regulatory alternatives.[176]

In addition, we identify that urban teaching hospitals provide the majority of sex-rejecting procedures, and therefore they form the smaller subset of small entities disproportionately affected by the final rule. In other words, the final rule establishes that the economic impact is borne by urban teaching hospitals. Per the RFA analysis in the final rule, we show that there is not a significant economic impact on these firms due to their large revenues.

E. Accounting Statement and Table

Consistent with OMB Circular A–4 (available at *https://www.whitehouse.gov/wp-content/uploads/2025/08/CircularA-4.pdf),* we have prepared an accounting statement in Table 13 showing the classification of the impact associated with the provisions of this final rule.

[174] ''Accounting Methods under Executive Order 14192,'' Office of Information and Regulatory Affairs, accessed July 10, 2026, *https://www.reginfo.gov/public/pdf/eo14192/Accounting_Methods_under_EO_14192.pdf.*

[175] Department of Health and Human Services, ''Guidance on Proper Consideration of Small Entities in Rulemakings,'' (May 2003): 9, *https://aspe.hhs.gov/sites/default/files/documents/dd6288d1b8db19ee8a1f37b3ce775003/guidance-proper-consideration-hhs-2003-rulemaking.pdf.*

[176] Department of Health and Human Services, ''Guidance on Proper Consideration of Small Entities in Rulemakings,'' (May 2003): 2–3, *https://aspe.hhs.gov/sites/default/files/documents/dd6288d1b8db19ee8a1f37b3ce775003/guidance-proper-consideration-hhs-2003-rulemaking.pdf.*

TABLE 13: Accounting Statement

Transfers	Estimate	Year Dollar	Discount Rate	Period Covered
Annualized Monetized ($/year)	$13.6 million	2027	7 percent	2027-2036
	$13.7 million	2027	3 percent	2027-2036
Quantitative: ● Estimated reduction in transfers from Federal Government to healthcare providers (including hospitals, physicians, and pharmacies) and to beneficiaries due to no longer covering sex-rejecting procedures for individuals under 18.				
Annualized Monetized ($/year)	$9.5 million	2027	7 percent	2027-2036
	$9.6 million	2027	3 percent	2027-2036
Quantitative: ● Estimated reduction in transfers from States to healthcare providers (including hospitals, physicians, and pharmacies) and to beneficiaries due to no longer covering sex-rejecting procedures for individuals under 18.				

Table 13 shows the annualized monetized transfer values required under OMB Circular A–4. At a discount rate of 7 percent, the annualized monetized transfers are $13.6 million to the Federal government and $9.5 million to the States, reflecting a reduction in payment for these services to healthcare providers. At a discount rate of 3 percent, the annualized monetized transfers are $13.7 million to the Federal government and $9.6 million to the States.

We received public comments on this RIA. The following is a summary of the comments we received and our responses.

Comment: Many commenters stated that the proposed rule's RIA failed to fully account for the range of costs associated with the rule, including costs to States, providers, managed care organizations, insurers, individuals, and drug manufacturers, as well as the long-term costs of individuals forgoing care or seeking procedures out of pocket. Commenters also stated that the RIA understated the potential harms of the rule, including the mental and physical health consequences for affected individuals and the professional impact on providers, while insufficiently quantifying the benefits of the procedures in question. Additionally, several commenters raised concerns about methodological flaws in the RIA, including unsupported assumptions about patient switching rates, inaccurate estimates of procedure volume, inconsistencies with the RIA of a companion rule, and a failure to account for the combined fiscal impact of both rules.

Response: We appreciate the detailed comments received regarding the RIA and have carefully considered the concerns raised. We do not agree with the characterization that the RIA is materially deficient or methodologically unsound.

The RIA was prepared using the most recently available program data and reasonable assumptions consistent with standard Federal regulatory analysis practice. As we noted in the proposed rule, we projected spending forward from 2023 using established methodology, and we acknowledged the limitations of available data, including the absence of direct empirical studies on the effects of coverage restrictions of this type. Where data were unavailable to support precise estimates, we used reasonable assumptions and disclosed them transparently. We acknowledge that some individuals may transition to private coverage or State-only funded programs, and we noted in the RIA that we could not estimate with precision the full range of downstream effects, including potential changes in utilization of other health care services. Commenters did not provide data or studies that could be used to quantify the impacts of this rule. For commenters' concerns that the RIA failed to quantify the mental and physical health benefits of the procedures in question, we note that the scientific evidence regarding the long-term benefits of sex-rejecting procedures for children with gender dysphoria is, as discussed extensively in the proposed rule, of very low quality. The HHS Review and the systematic reviews underlying it found the evidence base to be insufficient to support conclusions about the effectiveness of these interventions in improving mental health outcomes or reducing symptoms of gender dysphoria over the long term. In the absence of reliable evidence of benefit, we cannot quantify such benefits in the RIA. We continue to believe that the prohibition on Federal financial participation for these procedures is consistent with States' statutory obligations to ensure that Medicaid- and CHIP-covered services be provided in a manner consistent with the best interests of beneficiaries and that payments be consistent with quality of care, and meet the effective and efficient standard.

We also do not agree with commenters who suggested that our cost estimates were inflated by failing to account for existing restrictions. To the contrary, as noted in the proposed rule, States that had not enacted bans on these procedures as of 2023 accounted for 76 percent of relevant Medicaid spending. Our analysis focused on the expected reduction in Federal expenditures attributable to the proposed rule and reflects the scope of coverage that would actually be affected. We issued a companion proposed rule addressing hospital conditions of participation contemporaneously with the proposed rule. The potential interactions between the two rules were acknowledged in the proposed rule, and we noted that the effects attributable to this rule may be lower in magnitude if the companion rule were to be finalized first.

We believe that the use of the diagnosis codes was correct and that the data likely does not include unrelated claims. In addition, the relatively small amount of expenditures identified in our analysis for inpatient and outpatient procedures (about $2.4 million in 2023) suggests that there are not a large number of other claims included. We have clarified the approach that we used in our analysis.

We acknowledge that the impact analysis does not provide estimates of impacts on other programs. There are different ways that beneficiaries, providers, and States may react to this rule, including obtaining payment for these services from other programs or private payers, and States electing to pay for services without Federal contributions. We have added a description of these potential responses in the impact analysis.

Comment: Several commenters stated that the RIA failed to meaningfully consider reasonable alternatives to the proposed rule, such as informed consent requirements, utilization controls, centers of excellence pathways, coverage with evidence development, or approaches modeled on European regulatory frameworks. Commenters also indicated that the RIA did not fulfill certain analytical requirements, including a distributional analysis under OMB Circular A–4, an intersectional health equity analysis, and a Family Policymaking Assessment, with particular concern that the rule's costs would fall disproportionately on vulnerable populations such as rural beneficiaries, individuals with disabilities, tribal communities, and foster or justice-involved youth.

Response: We do not agree with commenters who stated that the RIA failed to meaningfully consider alternatives or to fulfill applicable analytical requirements.

For regulatory alternatives, as described in the proposed rule, we considered whether to take no action. In finalizing this rule, we concluded that permitting the use of Federal Medicaid and CHIP dollars to fund sex-rejecting procedures for children would be inconsistent with sections 1902(a)(19), 1902(a)(30)(A), and 2101(a) of the Act which require that services be provided in a manner consistent with the best interests of beneficiaries and that payments be consistent with quality of care and meet the effective and efficient standard. We acknowledge that alternative actions could have been taken such as issuing sub-regulatory guidance suggesting States refrain from offering these services based on the evidence described in the HHS Review, issuing a regulation to require utilization management in advance of the provision of these services to ensure appropriate State oversight of these services, or simply allowing continued Federal matching for these services. While these actions continue to be possible, they were not considered as alternatives as we concluded that a prohibition of Federal matching funds was warranted in the immediate term in light of the current evidence described in the HHS Review identifying significant risks associated with sex-rejecting procedures, including potentially irreversible harms, and the growing international retreat from the use of puberty blockers, cross-sex hormones, and surgeries to treat gender dysphoria in children.

Procedures that carry risks of permanent infertility, sexual dysfunction, impaired bone density, and other serious long-term effects cannot be rendered appropriate for Federal funding through administrative safeguards alone when the evidence of benefit is, as the HHS Review found, of very low quality.

For commenters' suggestions that we model our approach on certain European regulatory frameworks, we note that the international developments discussed in the proposed rule—including the systematic reviews conducted by Sweden, Finland, and the United Kingdom—actually support the conclusion that a more restrictive approach to these procedures for children is warranted. Those countries undertook rigorous independent reviews and concluded that the risks of these interventions may outweigh their benefits at the population level. While the specific policy responses in those jurisdictions vary, the underlying scientific findings are consistent with the conclusions of the HHS Review on which this rule is based.

For the analytical requirements identified by commenters, we note that we conducted the analyses required under E.O. 12866, the Regulatory Flexibility Act, section 1102(b) of the Act, and section 202 of the Unfunded Mandates Reform Act of 1995, and we certified, consistent with our findings, that the proposed rule will not have a significant economic impact on a substantial number of small entities and will not mandate significant spending costs on State, local, or Tribal governments in excess of the applicable threshold. We acknowledge commenters' concerns that the rule's costs may fall disproportionately on certain populations, including rural beneficiaries, individuals with disabilities, tribal communities, and foster or justice-involved youth. We take these concerns seriously and note that the Federal Medicaid and CHIP programs will continue to cover a broad range of services for eligible individuals in all of these populations, including mental health counseling and psychotherapy, which we believe offer meaningful and evidence-supported interventions for children diagnosed with gender dysphoria. We are committed to ensuring that these alternative services remain accessible to the children and families who rely on Medicaid and CHIP. Executive Order 14192, entitled ''Unleashing Prosperity Through Deregulation'' was issued on January 31, 2025, and requires that ''any new incremental costs associated with new regulations shall, to the extent permitted by law, be offset by the elimination of existing costs associated with at least 10 prior regulations.'' This final rule is neither a regulatory nor a deregulatory action under E.O. 14192.

Mehmet Oz, Administrator of the Centers for Medicare & Medicaid Services, approved this document on August 10, 2026.

List of Subjects

42 CFR Part 441

Grant programs—healt. Health professions, Medicaid, Reporting and recordkeeping requirements.

42 CFR Part 457

CHIP, Grant programs—health, Health professions, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, the Centers for Medicare & Medicaid Services amends 42 CFR chapter IV as set forth below:

PART 441—SERVICES: REQUIREMENTS AND LIMITS APPLICABLE TO SPECIFIC SERVICES

■ 1. The authority citation for part 441 continues to read as follows:

Authority: 42 U.S.C. 1302.

■ 2. Add subpart N to read as follows:

Subpart N—Prohibition on Federal Medicaid Funding for Sex-Rejecting Procedures Furnished to Children

Sec.

441.800 Basis and purpose.
441.801 Definitions.
441.802 General rules.

§ 441.800 Basis and purpose.

The purpose of this subpart is to implement sections 1902(a)(19) and 1902(a)(30)(A) of the Act to protect Medicaid beneficiaries and ensure Medicaid payment is consistent with quality of care by prohibiting Federal financial participation in payments by States for sex-rejecting procedures for a child under the age of 18.

(a) As relevant to this subpart, section 1902(a)(19) of the Act requires that States ensure that care and services will be provided in a manner consistent with the best interests of the recipients.

(b) As relevant to this subpart, section 1902(a)(30)(A) of the Act requires that

States' payment methods be consistent with quality of care.

§ 441.801 Definitions.

As used in this subpart—

Female means a person of the sex characterized by a reproductive system with the biological function of (at maturity, absent disruption or congenital anomaly) producing eggs (ova).

FFP means Federal financial participation.

Male means a person of the sex characterized by a reproductive system with the biological function of (at maturity, absent disruption or congenital anomaly) producing sperm.

Sex means a person's immutable biological classification as either male or female.

Sex-rejecting procedure means, except as specified in paragraph (3) of this definition, any pharmaceutical or surgical intervention that attempts to align an individual's physical appearance or body with an asserted identity that differs from the individual's sex by either of the following:

(1) Intentionally disrupting or suppressing the normal development of natural biological functions, including primary or secondary sex-based traits; or

(2) Intentionally altering an individual's physical appearance or body, including amputating, minimizing or destroying primary or secondary sex-based traits such as the sexual and reproductive organs.

(3) For purposes of this definition, the term *sex-rejecting procedure* does not include procedures undertaken—

(i) To treat an individual with a medically verifiable disorder of sexual development; or

(ii) For purposes other than attempting to align an individual's physical appearance or body with an asserted identity that differs from the individual's sex; or

(iii) To treat complications, including any infection, injury, disease, or disorder that has been caused by or exacerbated by the performance of sex-rejecting procedure(s).

§ 441.802 General rules.

(a) Except as provided in paragraph (c) of this section, a State plan must provide that the Medicaid agency will not make payment under the plan for sex-rejecting procedures for children under the age of 18.

(b) Except as provided in paragraph (c) of this section, FFP is not available in State expenditures for sex-rejecting procedures for children under the age of 18.

(c) FFP will remain available for cross-sex hormone therapy for a tapering period of up to 6 months from October 13, 2026, for beneficiaries who were receiving such therapy as of October 13, 2026.

PART 457—ALLOTMENTS AND GRANTS TO STATES

■ 3. The authority citation for part 457 continues to read as follows:

Authority: 42 U.S.C. 1302.

■ 4. Add § 457.476 to read as follows:

§ 457.476 Limitations on coverage: Sex-rejecting procedures.

(a) The purpose of this section is to ensure that CHIP is operated in an effective and efficient manner that is coordinated with other sources of health benefits coverage, including Medicaid, for children consistent with 2101(a) of the Act by prohibiting Federal financial participation in payments by States for sex-rejecting procedures for a child under the age of 19.

(b) The prohibition on Federal financial participation for payments by States for sex-rejecting procedures for children applies in the same manner described in Medicaid at § 441.802 of this chapter to a State administering a separate CHIP except that it applies to children under the age of 19 in accordance with the definition of a targeted low-income child at § 457.310. This prohibition applies to CHIP regardless of the type of health benefit coverage option described at § 457.410. For purposes of this section, the definitions applied under Medicaid at § 441.801 of this chapter apply equally to a separate CHIP.

Robert F. Kennedy, Jr.,

Secretary, Department of Health and Human Services.

[FR Doc. 2026–16508 Filed 8–11–26; 4:15 pm]

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Federal Register

Vol. 91, No. 155

Thursday, August 13, 2026

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General Information, indexes and other finding aids — **202–741–6000**

Laws — **741–6000**

Presidential Documents

Executive orders and proclamations — **741–6000**

The United States Government Manual — **741–6000**

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Electronic and on-line services (voice) — **741–6020**

Privacy Act Compilation — **741–6050**

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FEDERAL REGISTER PAGES AND DATE, AUGUST

48755–49268 3
49269–50468 4
50469–50660 5
50661–51062 6
51063–51358 7
51359–51548 10
51549–51996 11
51997–52218 12
52219–52474 13

CFR PARTS AFFECTED DURING AUGUST

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamattions:
11051 50645
11052 51975
11053 51989

Executive Orders:
14417 51059
14418 51991
14419 51993

Administrative Orders:
Notices:
Notice of August 3, 2026 50659
Presidential Determinations:
No. 2026–19 of July 30, 2026 50465
No. 2026–20 of August 3, 2026 51547
Permits:
Presidential Permit of July 30, 2026 50467

4 CFR

Proposed Rules:
28 51107

5 CFR

11 49072
230 49072
315 49072
316 49178
330 49178
351 ..... 49178, 49230
353 49178
359 49178
362 49178
430 49178
432 49072
731 49034
751 49072
752 49072
1201 51997

7 CFR

Proposed Rules:
319 50485

8 CFR

1 51924
103 ..... 51359, 51924
106 ..... 51360, 51924
214 51549
252 51549

9 CFR

Proposed Rules:
145 50488
146 50488
147 50488

10 CFR

2 51555
7 51555
10 51555
72 51999
861 51999

Proposed Rules:
2 51600
7 51600
10 51600

12 CFR

701 ..... 50661, 50664, 50666, 50669, 50672, 50674, 50677, 50680
704 50684
721 50674
741 ..... 50677, 50686, 50688
746 ..... 50677, 50680

Proposed Rules:
4 50610
5 ..... 50610, 52113
7 50610
21 50610
24 52113
25 52113
35 52113
163 50610
215 49526
217 49490
225 49526
239 49490
337 50730
345 52113
346 52113

13 CFR

124 51568

14 CFR

25 51063
27 52002
39 ..... 49269, 50691, 50693, 50696, 50698, 52219, 52221, 52223, 52231, 52236
71 ..... 48755, 48756, 50469, 51065, 51066, 51381, 51573, 51574, 52003
95 49271
97 ..... 50470, 50472
382 49272

Proposed Rules:
25 50738
39 ..... 51111, 52034, 52263, 52266, 52269
61 51398
71 ..... 48785, 49372, 50739, 51403, 51405, 51602, 51604, 52271
121 50496

15 CFR

700 50701

16 CFR

Proposed Rules:
1 49376

17 CFR

270 50707

Proposed Rules:
1 50926
37 50926
38 50926
39 50926

19 CFR

12 52005

20 CFR

220 51382
221 51358
230 51382

21 CFR

74 50475
117 52011
892 50708
1308 52013

Proposed Rules:
10 48785
56 48785
106 48785
170 51834
201 48785
251 48785
310 48785
312 48785
314 48785
329 48785
570 51834
600 48785
803 48785
862 48785
866 48785
870 48785
882 48785
892 51405
1114 48785
1308 51606
1310 48786

22 CFR

35 51386
41 48757

24 CFR

Proposed Rules:
1 51416

26 CFR

31 51391

Proposed Rules:
1 ..... 48794, 51611

28 CFR

68 51576

29 CFR

1404 49273

30 CFR

934 51584
935 51324

Proposed Rules:
75 ..... 48807, 48808
250 50998
254 50998
550 50998

31 CFR

22 48766
1010 51588

33 CFR

100 ..... 50711, 51067, 51590, 52018, 52019
151 51592
152 51592
159 51592
165 ..... 49278, 50482, 50714, 50716, 50717, 51067, 51395, 51592, 52023
334 51594

Proposed Rules:
117 ..... 51113, 51116
147 ..... 51118, 51119
165 52037
334 51633

36 CFR

1 52024
2 52024
4 52024

Proposed Rules:
1120 49377

37 CFR

202 52239

39 CFR

Proposed Rules:
111 50741
211 50741

40 CFR

52 ..... 50719, 51595, 52241, 52243, 52246, 52249
81 52249
174 51068
180 51071
271 50721
180 ..... 48772, 49279

Proposed Rules:
52 ..... 50742, 50746, 51635, 51640, 52272
81 51644

42 CFR

405 49570
412 ..... 48982, 49570
413 49570
414 48982
415 49570
418 49118
419 49570
441 52406
457 52406
495 49570
512 49570

45 CFR

170 49570
611 49283
1370 48775

Proposed Rules:
1301 51248
1302 51248
1303 51248
1304 51248
1305 51248
1356 52038

46 CFR

162 51592

47 CFR

1 51075
8 52251
73 51075

Proposed Rules:
1 ..... 48809, 51121, 51139
2 51139
15 51139
27 48809
54 48823
73 ..... 51421, 51656

49 CFR

107 ..... 49291, 49295, 49298, 51098
171 ..... 49301, 49305, 49310, 49315, 49320, 51098
172 ..... 49305, 49325, 49329, 49332, 49335, 51098
173 ..... 49305, 49310, 49315, 49332, 49335, 49340, 49345, 51098
174 49320
177 49349
180 49354

Proposed Rules:
210 48823
390 51422
391 51422
571 49385
585 49385

50 CFR

300 ..... 50726, 51104
622 50482
635 50483
648 49358
660 ..... 50728, 52261
679 ..... 50728, 51105, 51598

Proposed Rules:
217 51884

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

Last List July 16, 2026

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